

Erap and the Presidency

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Without the monarchy and/or the religious council found in other political systems, the post of Philippine president requires playing both the symbolic and substantial roles of leadership. To the Filipino people, the president is the person who unites, inspires and sets the line of march for the country. In dealings with other states, s/he is the epitome of national sovereignty.

Alongside this menu of responsibilities is a cauldron of powers. The Philippine President is truly the most influential person in the country. The president enacts as well as enforces laws. S/he appoints people to thousands of government posts. S/he commands the armed forces, and is boss of the Cabinet and the various line agencies under their authority. Local government officials, elected in their own right, defer to him/her as chief executive.

In the hands of the inept and thieving Joseph "Erap" Estrada, the potential of the Presidency to create significant change and enhance national well-being became once again limitless possibilities for self-enrichment and national shame. Rather than a center of leadership, the presidency became the hotbed of influence-peddling. From illegal numbers game to stock market trading, from textbook production to banking services, the political power that emanated from the center assumed gross dimensions.

Two-and-a-half years of criminal temerity and brusqueness under Erap highlighted to us again the dangers emanating from the Office of the President. Despite the checks put on the position after our bout with Marcos, how was it possible for Erap to make witting and unwitting accomplices of bank owners and professionals in his scheme to hide illegally accumulated wealth? How did he manage to manipulate windfalls for himself and his friend at the stock market, and ensure the front man is exculpated from any crime? How was it possible for illegal gambling, with him as the godfather to whom monthly takes from the pot were delivered regularly?

Too much powers, real and imagined, have been concentrated in the presidency. The televised testimonies of witnesses in the impeachment trial against Erap tell it all. To cite the most illustrative cases:

- Star witness Equitable-PCI Bank vice-president Clarissa Ocampo when asked if she feared for her life after testifying she was one foot away from the ex-President when he signed bank documents with the name Jose Velarde replied: "Of course, this is the government, this is Malacañang."

- In the opposite vein, asked if she was not afraid knowing that what they were engaged in illegal activity – collecting *jueteng* money and delivering these to the President and his kin – Emma Lim's response: No, because they had the backing of the president.

- Asked to identify the smugglers former finance secretary Edgardo Espiritu said he often saw hanging out in the palace, the witness's pained face and the image of his wife crying in fear set off a long debate among the senator-judges that ended in the injunction to the witness not to answer the question so as not to further endanger his security.

How was the president likewise able to maintain the support of the rest of government, including the legislature and the bureaucracy up to the 11th hour? The common perception is that millions of pesos have passed hands between the President and his supporters in the Senate – notably the 11 senator-judges who voted against the opening of the envelope with the bank records of Jose Velarde. Cabinet and Lower House loyalists, on the other hand, have been promised slots in the President's coalition of parties, guaranteeing they would have the machinery and resources to run in the May 2001 election.

Other than outright bribery and mutually beneficial electoral deals with political allies, there is another informal power all past presidents have wielded to their political and economic advantage: willing or withholding the release of government money. No matter if releasing money to their lawful recipient is what agencies like the Department of Budget and Management is mandated to do. Dangling this power and with the connivance of erstwhile friends Ilocos Sur governor Chavit Singson, for instance, Erap clinched a whopping 65 percent-kickback of the P200 million tobacco excise tax share owed the government of Ilocos Sur.

Another variation of this influence is the case of Noynoy Aquino, who as House Representative chose to abstain in the House vote to decide whether to allow whistle-blower Chavit Singson to testify, shortly after the scandal was exposed in October 2000. The vote against testifying won by a single count, making an affirmative vote from Noynoy (as could be expected from a son of Ninoy) most crucial in changing the outcome. Asked why he abstained, he came out with this ignominious yet so typical reply: Erap has given a lot to his district, he could not afford to vote in favor of a motion that would harm his newfound patron.

True, the Philippine state is "weakly insulated" from various lobby groups of big business, the landed oligarchy, cronies and other commercial and financial interests. But the fact is that sabotage has been possible because it emanates from within. Left in the hands of the unscrupulous making it to the top post of the land — thanks in part to popular elections and the democratic tenet that anybody can become president — the state is in constant danger from the most internal threat there can be, the person holding the post.

Overwhelming presidential influence manifests what John Sidel and Eva-Lotta Hedman described in their newly released collection of essays (*Philippine Politics and Society in the Twentieth Century* [London and New York: Routledge, 2000]), as our overdeveloped executive branch. Our president, ever since we've had one, enjoyed too much economic and political prerogatives and overflowed with the propensity for relative autonomy in taking part in the plundering of the state.

Is it wise to give so much leverage to one person by the name of President? By putting our fate in the hands of one individual, isn't the country in perpetual risk of perdition?

Certainly, the 1987 Constitution has already cut back on some of the dangers of presidential powers. By requiring Senate consent on any international treaty and agreement, former President Aquino could not, like her predecessors, merely sign away the renewal of the US bases' lease in the country. It is now extremely difficult to declare martial law. In the absence of a threat that is popularly perceived as such, a President must muster hegemony over the military, Congress and the judiciary to wrangle emergency powers.

But in the day to day functioning of governance, especially in commerce and finance, the President can surreptitiously assert even more prerogatives. For instance, Estrada allegedly ordered that loans

above P50 million from government financial institutions have his prior approval. This overseer function he demanded, instead of a control mechanism, became occasion for extracting favors. It worked well for friends like Dante Tan whose BW Resources easily availed of P600 million from the PNB despite the company's poor credit rating.

From the testimony of former Securities and Exchange Commission (SEC) Commissioner Perfecto Yasay, we get the same picture of a president throwing his weight around. Yasay alleged that Erap gave orders to absolve Dante Tan from charges of stock manipulation, and anointed another friend Jaime Dichaves with supervisory powers over the Commission not found in any statute. Through mere phone calls from the President, SEC's independence was muffled, and its quasi-judicial power mooted.

The presidential system, despite the term limits, has not worked well in our kind of political economy. Because the state continues to be a key instrument for private capital accumulation, who has control of the reins of state has shaped the course of capital accumulation. The Chief Executive has the power to determine who gets the largesse through regulatory, appointive and persuasive powers emanating solely from his official person. No checks and balances appear to have effectively stopped this practice. In this kind of fixed-term presidential system, where no reconfiguration can take place within the prescribed period (except for some possible realignment during the mid-term elections for the Lower House, the 12 seats in the Senate and local government officials; however, the ruling party, precisely because it has the resources and the machinery of the state at its disposal, is somewhat expected to ensure victory for the incumbent president's allies), the importance of being president has become extremely high.

In fact, the six-year term limit imposed by the 1987 Constitution could explain why Estrada thieved and "rent-sought" so much in so short a time (the unopened second envelope alone was supposed to expose a P3.2 billion Jose Velarde account). It's as if Erap took to heart the adage that one should "make the most of it" since the good times won't last forever.

Now we know Erap did not get away with *it*. He was forced to leave Malacañang through a combination of a failed impeachment proceeding and people power. This tells us that in extremely critical moments, the system is sorted out not from within the institutions of the state, but from the sheer force of a power outside it: the force of civil society. In other words, people power had to be summoned to correct what the state institutions – the Senate, the Executive – could no longer do for them. ●