



## DVD Piracy as Alternative Media: The Scandal of Piracy, and the Piracy of “Scandal” in the Philippines, 2005–2009

MARIA F. MANGAHAS

**ABSTRACT.** Some digital materials which are documentary of specific forms of social transgression comprise an apparent “market niche” for piracy. “Scandals” as unique commodities in the Philippines’s informal market for pirated disks are quite distinct from other digital entertainment, being originally candid/unstaged or “stolen”/taken without their subject’s knowledge and usually made to non-professional standards/equipment. Enterprisingly put on the market by pirate-entrepreneurs because of apparent consumer-audience interest in the content, such unique “reality” goods became conveniently available through networks of digital piracy outlets. In the context of consumption of pirated goods, the article reads “scandals” as expressive of everyday critique and resistance. The niche market for “scandals” functions as alternative media as these digital goods inherently evade government and (formal) corporate control as sources of news and entertainment. Indicators of the significance of “scandal” in the informal economy and the meaningful convergence between its piracy and consumer-audience demand are examined ethnographically: their translation into commodities through packaging, the range of sites for consumers to access “scandals,” pirate-entrepreneurs’ sales strategies and standards, and how the market behavior of these “scandals” apparently responded to the unfolding of the social scandals in real time as current events—events that themselves were influenced by the popular circulation and piracy of these commodities. Three cases that took place between 2005–2009—“Hello Garci,” the “Kat/Kho sex scandals,” and the “Maguindanao massacre” DVD—serve as diverse examples, each with their own issues of authenticity, morality, and social effects consequent to piracy and consumption.

**KEYWORDS.** digital piracy · alternative media · scandal · informal economy · popular culture

### INTRODUCTION

Looking into digital piracy in the Philippine context in the year 2008 turned up a unique category of digital commodities among those offered for sale in this informal market: pirated “scandal.” To inquire

about “scandal” from sellers of pirated disks—digital video disks (DVDs), video compact disks (VCDs), and compact disks (CDs)—in the country would typically bring forth apparently amateur sex video collections prominently labeled with names of personalities or landmark places (e.g., “Ruffa Mae Scandal,” “Cagayan de Oro Scandal,” “Metrobank Scandal”). “Scandals” contain materials relating to “shocking” acts, enterprisingly sourced from a diversity of people and contexts. As a class of innovative digital piracy, such materials, usually created for individual or private consumption, were “pirated” or transformed into commodities that could be marketed for a mass audience.

“Scandal” as a genre of content stored in various digital media formats is quite different from other digital commodities because it does not have the same intellectual property or copyright issues as with other commonly pirated digital products, e.g., corporation-owned movies, music, software, games, etc.<sup>1</sup> “Scandals,” unlike other pirated digital commodities that divert profits due to holders of intellectual property rights, are anchored on a different kind of social transgression—ranging from violation of privacy to inappropriate public exposure or circulation of information and images. The subjects of “scandals” have not authorized copies to be made, much less be profited from by others. From the point of view of the state, “scandals” may encompass other criminal acts like wiretapping, obscenity and pornography, intrusion or invasion of privacy, violence against women and children, and even sedition.<sup>2</sup> By May 2009, digital piracy of such “scandalous” commodities was formally acknowledged as a national concern and became the subject of senate hearings and filled the headlines of mainstream media.

This paper examines how a category of materials—digitized “scandals”—may exist in the piracy market. There are subgenres of “reality” goods that can be purchased from pirated disk sellers, ranging from relatively banal video clips of celebrities having sex, dancing prison inmates, catastrophic tsunami, to the exhumation of massacre victims. One cannot expect to watch such material on television or to find them in a legitimate DVD store, but may reasonably expect the sale of such goods with “actual” footages from a pirated disk peddler or stall. The same material may also be available online, either through user broadcasts on YouTube or other websites or obtained from other sharing practices, e.g., from one digital media storage device to another. Parts of them may become excerpted in news from mainstream media.

The kinds of materials that concern this article are those that purport to have been originally created *without* commerce in mind and which were then commodified.

My inquiry into the “scandal” phenomenon as a niche market, attempted in ethnographic fashion, is to gain insight into the character and scale of the pirated disk market for “scandals.”<sup>3</sup> The aim is to understand the terms of convergence between illicit piracy and (also illicit) consumer demand, beginning with inquiries on how scandals are innovatively packaged into digital commodities that were not initially intended for profit-oriented exchange; the manner in which they are marketed in the informal economy (typically as pirated disks), and how they were accessed by consumers.

The digital piracy market can be appreciated as an “alternative” source of content, with consumers becoming aware that they can conveniently access material of this sort if they turn to pirate media “channels” or sales points. In other words, and for the Philippines in particular, pirated disks could potentially be an illicit third (the other two being “mainstream media” and “new media/the Internet”), not insignificant source of current information and media content. And further, this product line of “reality” material influences, or even sets, news agenda by becoming in itself “the news” discussed in mainstream media and the Internet. This phenomenon would potentially be the case for as long as piracy remains the norm, which, I am arguing here, is the larger context from which to appreciate the phenomenon of “scandals.”

The article is organized as follows: (1) theoretical vantage points for piracy and “scandal;” (2) notes on the conduct of ethnographic inquiry; (3) findings from the investigation of scandals as niche market; focusing on three digital “scandals”—the “Hello Garci” of 2005, the “Hayden Kho/Katrina Halili scandal” of 2009, and the “Maguindanao Massacre” of November 23, 2009—and their circulation in relation to then current events and unfolding social drama. The three cases focused on showing how distinct kinds of “scandals” may emerge on the pirated disks market. They also show the variations and overlaps in where and how these pirated “scandals” were offered to the public, as well as the relational market dynamics reflecting the actions and reactions/interactions of digital pirates,<sup>4</sup> of consumer-citizens,<sup>5</sup> and of the State.<sup>6</sup> Finally, the concluding section offers a few afterthoughts.

## FRAMING PIRACY AND “SCANDAL”

### The Economic Necessity of Piracy for Developing Countries

The market for “scandals” needs to be understood within the context of piracy as the norm—piracy being a market that more efficiently meets consumer needs in the context of developing countries like the Philippines. It has been observed that while posing serious challenges to profits made on the legitimate market, piracy plays a positive, if not a necessary, role in the Third World/Global South to enable distribution of low-cost technology, information, and entertainment to millions of people who would not otherwise be able to afford it (Story et al., 2006, 76). Digital piracy facilitates the pursuit of education, enterprise, and even the running of government (see e.g., Salabang, n.d.). Potentially an important part of the national economy, the sector of piracy efficiently responds to demands; it spots particular niches, providing livelihood, services, and alternatives that are not available on the formal market.

In this regard, digital piracy bridges “digital divides.” Downloadable movies, as well as “scandals” and all manner of “viral videos” are available online.<sup>7</sup> Yet pirated disk commodities remain popular. Street piracy covers “the ‘last mile’ for delivering data into people’s homes” (Baumgärtel 2006a).

Baumgärtel (2006a) points out that “a broadband Internet connection, simply is not available to the majority of the public, therefore piracy has found its way into the public space.” The market for pirated disks, while it does cut across social classes, is generally more oriented to the needs and demands of the “masses.” By 2008, digital piracy in the Philippines is said to have changed, where the “buyer profile” for pirated disks shifted to the C and D (lower to middle) classes because the A and B (upper-middle to upper) classes were accessing more materials online (Pirates of Carriedo 2008; Gutierrez 2008). The former encompasses the so-called “*bakya*” crowd, the tabloid-reading, jeepney- and bus-riding sectors, counting pirated disk viewing as among its “distinct” tastes. Yet even consumers of legitimate products are benefited by piracy in the sense that competition between pirated and original products has driven down the prices of “originals,” making them more affordable. In itself the informal market can be seen as a test ground for public interest and consumer demand, since from the profit-oriented point of view of the pirate-entrepreneur “there is a particular popularity or price limit that has to be achieved,” which

makes the trade of a particular pirated good worth doing (Story, et al. 2006, 75).

With their packaging, titles, and the accompanying “buzz” (as topics of conversation, gossip and news), “scandals” can become parts of larger unfolding narratives and imaginings. These are products whose market value lies firstly in their claim to represent a current controversial “reality” or “truth” on actual places and actual people, i.e., claims for what these individuals are “really” like. It will be observed how “scandals” ride on issues of popular interest, particularly of a national scale. Hence “scandal” piracy, just as print media and other forms of mass media, also enables the popular “imagining of the nation” (Anderson 1991).

Arguably, pirated “scandals” are circulated and consumed in a public sphere for discussion and debate. As particular “spectacles,” they may also contain other levels of entertainment value for individual consumers and for collectors—intensified markets for “scandals” reflect heightened public interest wanting to “see for themselves.” The commoditization of “scandal” meets a consumer-audience desire to witness the “original” transgressive incident (rather than second-hand reportage), and open participation to its circulation within relevant networks or economies of sharing. To an extent, consumption is in itself a partisan action for political change. The purchase of pirated disks and participating in the circulation of “scandals” are not necessarily trivial but also highly politicized acts with cumulative consequences.

Pirated disk sales of “scandals” will be seen in the cases below to interact with other forms of media. Usually, particularly high market value for a “scandal” is contingent on mainstream media prominence. If seen from the perspective of the pirate-entrepreneur, a particular commodity’s becoming a topic of the news, and further, attaining headline notoriety for its evident “popularity” in the underground market is its own ideal form of sales advertising. Mainstream and social media are now appreciated as not separate but complementary and interlinked forms (Macnamara n.d.). This article proposes that with the flourishing of the pirated disk market, the Philippine context uniquely has three kinds of media: “mainstream,” “social,” and “pirated disk” media. Piracy capitalism, with its distinct structure and networks, is a clear alternative to corporate,<sup>8</sup> government-, and Internet citizen content provision, and is efficient and powerful in its own way<sup>9</sup> (as the cases will show). As an alternative to mainstream and social media, digital piracy also has its own distinct “agenda-setting”

potential. Some real life scandals may become more socially salient because of their piracy. When sustained, the public exposure and attention it draws may drive a real scandal toward crisis and resolution. Depending on how they plateau—the resolution of controversies or the emergence of new ones—“scandal” commodities will enjoy either a shorter or longer shelf life.

### **Profiting from “Scandal”**

Drawing from the sociology of media, another perspective that anticipates “scandal” piracy would consider scandal to be a phenomenon integral to mass media in all forms. Thompson (2000, 52) defines scandal as “an event which includes the disclosure through the media of previously hidden and morally disreputable activities, revelation of which sets in motion a sequence of further occurrences.” He ties the rise of political scandals to the “increased visibility” that mass media technology confers on persons in the public eye (Thompson 2000, 52). Historically it can be observed that as soon as printing was invented, incendiary pamphlets and gossipy “scandal sheets” emerged; “tabloid culture has been around for centuries” (Grose 2007). As the marketplace “craves infusions of shame” (Kipnis 2010, 179), scandal sells news and Philippine mass media capitalizes on them—from showbiz scandals, to electoral cheating, corruption, board exam leaks, etc. Scandalous news is routine or must be routinely generated to raise interest. Even negative publicity is seen as “capital” for showbiz careers (Reyes 2007).

Expanding on Thompson’s insight, one would expect society to become “scandal”-prone in the current era because of the democratization of access to information and communications technologies (ICTs). In our “new media age” everybody, even ordinary people, run the risk of exposure, and at the same time have the power to expose and become “pirates.” Where enough sociologically “significant others” watch and care about particular “scandals,” the gossip and social pressure can be unbearable. Many sex “scandal” subjects have committed or attempted suicide. Many “scandals” have wrested public apologies from transgressive subjects.

Television programming has evolved in the last few decades, finding profit from “the spectacle of the real” as captured by ordinary people on non-professional equipment. Reality TV has proven that material with poor production quality added value by heightening the feeling of the real and by certifying the product’s authenticity (West 2005).<sup>10</sup> “Innocence” is implied by the aesthetic of the jarring movement

of camcorders (or cellular phones/cellphones with cameras) and “objectivity” claimed by the fixed angle and gaze of hidden cameras, including the grey footage taken from closed-circuit television (CCTV) surveillance cameras. West (2005) observes that the interest that such events arouses lies in their unpredictable nature, supposedly unscripted nor staged for an audience.

Given the local popularity of digital devices, coupled with an “other-oriented” psychology, Filipinos have perhaps pioneered in exploring this function of the technology for capturing “reality” and for making “scandals.”<sup>11</sup> Digital pirates in the Philippines have discovered that drawing material about prominent personalities and events is profitable and routinely package their own innovative line-up of “reality” goods.

### **The “Media Effects” of the Piracy and Consumption of “Scandal”**

Popular enthusiasm for piracy is usually read in terms of class as culture because consuming piracy allows access to cultural capital. Piracy permits the simulacrum of middleclassness, says Tolentino (2009), and enables possession of perceived appurtenances for “feeling rich.” At the same time, illicit production and illicit consumption inherently communicate resistance to state authority. There are some states that do in fact read digital piracy in itself as subversive (even if the content is innocent of any such motives), and raids conducted on pirated digital commodities can indeed be regarded as aimed at controlling public discourse and thus as a form of censorship.<sup>12</sup> However, Baumgärtel (2006a) cautions against viewing piracy as resistance:

They are far from being the resistance movement against the international information capitalism, that some would like them to be. On the contrary, they might be the most aggressive and most developed -illegal - version of capitalism.

Without exception, pirate-entrepreneurs are simply after profit. But because they provide an alternative forum, resistance movements may turn to the “piracy channel” just as they may turn to other forms of media for propagation of ideas.

From the point of view of consumption, “resistance to authority” is potentially a subversive pleasure. This applies as well to the audience for “scandals,” even while many of these consumers may be after more prurient kinds of enjoyment (e.g., voyeuristic or morbid pleasures) or to satisfy curiosity. “Popular culture is always a culture of conflict”

according to Fiske (2011). Piracy consumption and sharing therefore explicitly speak to, using Fiske's terms, the more silent break between the "masses" and the "power bloc":

There is always an element of popular culture that lies outside social control, that escapes or opposes hegemonic forces... [It] always involves the struggle to make social meanings that are in the interests of the subordinate and that are not those preferred by the dominant ideology. The victories, however fleeting or limited, in this struggle produce popular pleasure, for popular pleasure is always social and political. (Fiske 2011, 2)

Seeing the informal market for pirated "scandals" as an expression of many individual actions implicates "consumer power" as a particular kind of agency; and popular consumption has power to destabilize society.

### **ETHNOGRAPHIC INQUIRY AS HISTORICAL SNAPSHOT**

This article is written from the perspective of the year 2009, which was when observation, interviews, and most of the online research were conducted. The data were taken from field visits, conversations with sellers and consumers (including some avid collectors of pirated disks and of "scandals") of the range of such commodities, observations of places where the pirated disk trade was going on, and the themes or topics of discussion on mainstream news and online sites (blogs, commentary, and forum threads). The research was anchored on following the "social lives" of "scandal" commodities and discerning communities of Filipinos (e.g., regional or national) or networks relevant to particular "scandals." I explored the themes in threads of online exchanges about the process of commoditization and sharing of 'scandal' itself, the packaging of "scandal," and its circulation. I followed stories of certain "scandals" through both mainstream news and online discussions. I searched material on "scandal" as both a phenomenon of popular interest and as an identified contemporary social problem. I also observed the phenomenon as a consumer and as an urban dweller and during travel around the country. Research assistants helped to collect "scandals" and some field notes.

Now that more than five years have elapsed since I entered into the research, the ethnographic project feels a historical snapshot of the period covered (2005-2009). Much has already changed in terms of the social media landscape: Facebook, Instagram and Twitter were either



in their infancy or were not around at that time and may now be more active parts of new media than the online sources (especially blogs) used here. On the other hand, although the notorious markets of pirated disks (Quiapo, Metrowalk) are no longer as blatantly in existence,<sup>13</sup> for my own everyday desires (such as the latest movies) I can quickly verify that the outlets and networks of piracy are very much alive and active because pirated disk peddlers are still conveniently located in certain sidewalks of my neighborhood, in their own zones dispersed around the metropolis (consumers know where to find them), and selling their wares as a highlight of market day in more distant markets. Depending on the “scandal” material and popular interest, I think that a story may well break at any time and disseminate quickly and widely on piracy media as one alternative form of media.

## FINDINGS

### **The Setting: “Scandals” as a Piracy Niche Market**

“I have yet to know any movie lover, resident or visitor, who hasn’t bought a pirated DVD in his or her life. Show me one, and I’ll show you a saint or a fool.” (de Quiros 2004)

It is a rare person in the Philippines who has not had the occasion to make use of pirated products. Some have observed on a pervasive and gleeful “culture of piracy” to be found in the Philippines. Baumgärtel (2006a, 2006b) points out that the products of piracy are encountered everywhere in Metro Manila. They include designer bags and clothes, where the range of fakery extends from genuine counterfeiting to puns and spoofs of the real thing. The “culture of piracy” according to Baumgärtel has dramatically transformed the city of Manila and other cityscapes in the Philippines.

If laws against participation in the illegal economy of piracy were to be strictly enforced, probably most of Philippine society would be criminalized. College students possess shelves of “xeroxiana”—ranging from photocopied journal articles to entire textbooks—sometimes bookbound to look just like and be stronger than the original (just as their professors and university libraries also do). Movie enthusiasts have been spotted searching for films in the grubby streets of Quiapo, location of the City of Manila’s traditional center or “plaza,” as well as the more “yuppie” Metrowalk near the Ortigas business district. These

places have famously been placed on the list of the world's "notorious markets" for piracy, along with the Silk Street market in Beijing, the Gorbushka and Tsaritsino markets in Russia, and the 'tri-border region' of Paraguay, Argentina and Brazil (cited in USTR 2008 Special Report, posted May 2, 2008, Pirata 101).

The informal market for digital piracy is valued in the millions of pesos, of which every raid reveals but a small part, and is likely a much bigger market than the legitimate market for pirated disks and software. As an index of scale: raids in Dumaguete City in the province of Negros Occidental in 2004 confiscated some 300,000 pirated disks valued at PHP 2.5 million (Pal 2004). Clearly, there are profits to be made.

Ostensibly, there is a global network behind the pirate trade. Piracy is "the illicit underbelly of globalization" according to Baumgärtel (2006a), "a globalization from below," where "criminal gangs and small-time crooks" are cooperating globally to enable the piracy market to happen:

It is a fascinating collaboration between American undergraduates and Chinese triads, Filipino fisherman and Malaysian criminals, disgruntled employees in disk pressing plants in Canada and Muslim traders in Quiapo. They have never met. Some of them operate exclusively online, some do not even own a computer. They might come from very different cultures they might be in very different parts of the world. Yet, all of them together are part of the long supply chain that feeds the pirate markets in the Philippines and the rest of the world, a supply chain that makes sure that the latest Superman-movie will be available in Quiapo two weeks before the film opens in the US. Their networks are flexible, increasingly non-hierarchical, speedy, highly efficient and organized beyond national boundaries. This is what I call the "United States of Piracy", a multinational, global economy, that is far from the nation states, to which they deliver their products. (Baumgärtel 2006a)

The pirate network observably produces and markets closely to its consumers/audience desires: specific kinds of pirated disks tend to find their ways to particular areas, for example Chinese films without subtitles in Chinatown; pirated software within malls; etc. In certain shopping centers, stalls may offer a great diversity of materials not available elsewhere. The digital piracy market is well-admired and appreciated by consumers interested in distinct fare that cannot be found in any video store. Art films, foreign language movies, film classics from other countries, documentaries, and old TV series from different countries come to mind, as well as "scandal."

Many have noted that movie piracy has performed an important role in providing education for cineastes (Baumgärtel 2006b) and thus raised the standards of “taste” for filmmakers.<sup>14</sup> One columnist wrote:

[T]he day the “Pirates of the Carriado” (as a T-shirt I got for Christmas puts it) realized there was a huge market out there for serious movies—indeed the day they began improving the public taste by putting out movie classics instead of movie rejects—was the day their claim to existence became more ironclad. (de Quiros 2004)

Through digital piracy and the use of subtitling software, movies from France, the UK, Germany, Lebanon, China, Taiwan, Iran, Thailand, and other places provide alternatives to a landscape overly saturated with Hollywood fare. Regularly visiting piracy stalls and browsing pirated disks is not only a very economic choice but for many audiophiles and film-lovers also a rewarding shopping experience in its own right, a real “treasure hunt” (Agena 2008). “Scandal” collectors can discourse on classic “scandals” and sometimes anticipate the release of particular sequels or of new “scandals.”<sup>15</sup>

Different types of content (e.g., European films vs. Hollywood fare vs. “scandals”), and different levels of quality may tend to be found in distinct kinds of piracy retail outlets or sales points. Distributors of pirated movies sometimes differentiate their wares from others in terms of quality or packaging as sourced from China, Taiwan, Malaysia, or local. For the local variants, the agency of pirates in response to potential audiences can be seen in some extraordinary collections put together into single commodities. Examples are “16-in-1” pirated disks of movies collected around particular actors (e.g., Johnny Depp, Angelina Jolie or Fernando Poe, Jr.) or genres (e.g., action, “bold” (soft pornographic), horror, animation). The trade-off to fitting sixteen movies in the space of one disk is quality: the movies may also be of very low-resolution, having been filmed using camcorders inside moviehouses. That such items have a market is testament to the power of the content to interest an audience and make them willing to consume even material with poor production values.

Amateur production typically characterizes “scandals.” A sex “scandal” pirated disk collection could contain very short items of highly varied quality, e.g., ten, twenty-eight, or sixty-nine tracks, and retail for the same price as a pirated film. As commodities, “sex scandals” come packaged with glossy covers featuring a main title, tracks, blurb, sometimes other information like the length of the track,

or “publisher” (e.g., “Mr. X”). The titles tend to group around specific locations—usually towns or schools—or names of celebrities. A “scandal” pirated disk can contain a very varied mix of tracks, some taken from shaky handheld video cameras, some originally downloaded from online sites, some taken by cellphone cameras. There are some filmed by hidden cameras, including CCTV. Some controversial “scandals” were even taken from within an Internet café by hacking into a private session with a webcam by another user. And many were sourced through files that were exposed to being copied by others from cellphones or laptops when these gadgets were stolen or lost or had to be repaired.

The availability of source material and the market for “scandals,” especially the sex videos, apart from fitting into the default market for pornography may also be related with the culture of Filipino masculinity.<sup>16</sup> On using technology for documenting Filipino male exploits, some might wish to trace continuity with technologies from previous generation (i.e. analog audio- and video-recording as well as photography) in the 1970s and 1980s. There were Betamax tape recordings of a certain actress and a politician having sex that were being copied and rented out informally for private viewing. Of similar interest were the uncensored “penetration” or “pene-” films (“*penikula*”) associated with a particular male actor, which were circulating in Betamax rentals in the same manner. These very same B- movies can be found being sold in pirated disk format in association with the current sex “scandals” as if they were the classics. Also sometimes included in “scandal” collections are sex scenes from Filipino movies that were edited out in order to pass the censors for public screening.

### **How Scandals Are Peddled: Sales Sites for Pirated “Scandals”**

Underground sales of pirated disks are noticeably peddled through networks of the “Muslim,” and with perceived continuity to their ethnic image as “pirates” (although seemingly roles have been reversed as Tolentino observes [2009] that the “Moro pirates” are on the receiving end of “raids” by the feared Optical Media Board). Apparently this dimension in ethnicity of the distribution network for digital piracy is distinct for the Philippines: it contrasts with Indonesia, a Muslim country, where it is instead the Chinese as an ethnicity that are associated with the business of digital piracy (Y. Narendra, pers. comm., 2009).

There are consumer “rights” for purchases of pirated disks that apply equally for “scandals.” For example the customer can verify if a

disk is a clear “DVD copy” (or reproduced from an “original” DVD), rather than filmed from a movie house where the sound is usually muffled and the view can be obscured by shadows thrown by heads and popcorn bags. Pirated disks can frequently be tested before purchase and “clear copies,” which usually come with better packaging, also command higher prices than other pirated products, e.g., PHP 50.00-100.00 (around USD 1.00-2.00) for DVD copies and PHP 25.00-30.00 (less than USD 1.00) for the films captured from inside movie houses. If the goods cannot be tested, sellers do provide guarantees and they accept return and exchange in case of bad copies. While there are no receipts issued, individual sellers can verify that the DVD was purchased from them by inscribing their personal marks on the cover. Regular consumers of pirated disks have developed their own “*suki*” or preferential exchange relationships with sellers to avail of discounts or favored treatment such as being informed when new goods or particular items that the consumer is searching for are available.

Pirate-entrepreneurs adapt different sales strategies for consumers across a range of social classes. Outside of browsing through the displayed wares of pirated disks, there are catalogues from which one can order, including an option for personal delivery. While one can find similar fare and sites for downloads online, this entails equipment, knowledge, and search time. There are some enterprising pirates who regularly browse through and make selections from Quiapo and other piracy outlets as well as from available online downloads to maintain their own personal collections and who may then reproduce and share them to others for a price. Different “scandals” may have different audiences. A “scandal” reportedly selling like hotcakes in one city will not necessarily reach similar sales in other cities.

Where and when does “scandal” make its presence felt in the market for digital piracy in the Philippines? Specific spaces in the Metro Manila cityscape illustrate a range of places made by digital piracy. Three points of retail sale for pirated disks in Metro Manila, all visited in 2009, serve as distinct outlets of digital “scandals.”

### *Quiapo, March 10, 2009*

Songs of Francis M.—the “Master Rapper of the Philippines” who had died March 6, 2009 due to leukemia—filled the air.<sup>17</sup> In front of a fast food chain, stalls were openly selling pirated audio disks, concerts, music videos and MP3s (both foreign and local). There were about three to four stalls with sound systems (each playing different songs of the said artist). Also

available are earphones (imitations of brands e.g. *Apple, Sony*), headsets and *iPod* speakers, accompanied by television remote controls, calculators, flashlights, and extension wires, among other items. As one walks through the area, stalls offer pirated computer programs (e.g. *Windows Vista* and *Microsoft Office 2007*) as well as pirated PlayStation games. Predominantly, the latest pirated foreign movies are on display, especially on bigger stalls or in a building (especially those films with awards from the recent Oscars, e.g. *Slumdog Millionaire, Milk*) in the succeeding stalls together with American TV series (*Gossip Girl*), English and Japanese cartoons, some latest Filipino “chick flicks” (*You Changed My Life in a Moment, When I Met You*) and some Filipino movies from the Metro Manila Film Festival (e.g., *Desperadas 2*).

Further down the road, in front of a fast food store, little yellow stalls display “scandals” openly. Written above these stalls is a name of a local government councilor. The pirated disks feature the faces (and bodies) of women on the cover. The labels identify the “scandals” with specific locations in the Philippines e.g., Samal Island, the town of Alaminos in Pangasinan, or with universities e.g., PUP (Polytechnic University of the Philippines) and FEU (Far Eastern University), among others. The pirated disks also include those of movie stars/starlets such as Katrina Halili, Angelica Jones, and the Viva Hot Babes. In the same category, erotic independent/“indie” films are also included (e.g., *Ang Lalaki sa Parola*). Together with these commodities but clustered separately are “regular” foreign porn movies. These feature not only heterosexual partners but homosexual and multiple sex partners (“threesome,” “foursome,” etc.). Inside one building, there is a section of stalls that sell “scandals” only; other stalls are selling mainly movies but with some “scandals” grouped separately on the edge of their display such that they are not immediately noticeable. The DVDs on sale inside buildings are said to have come “from China” while those sold in stalls on the streets are locally sourced. DVDs sold in smaller stalls are cheaper than those sold in stalls inside buildings. Prices vary: foreign movies with casing and “Blu-ray” label, twenty-five pesos; without casing, twenty pesos; DVD scandals, one hundred pesos for three copies or forty pesos each. “Real” Blu-ray copies are fifty-five pesos (fifty pesos without the case).

The vendors are females and males, aged between 27-45 years old. Almost all of them are apparently Muslims (women wearing *hijab* [headscarves]), or marked by the language they use). The salespersons/owners for stalls selling scandal DVDs are mostly women: out of the six stalls, there are only two men.

When asked about what is the most in-demand and best-selling among their scandal wares, one salesperson revealed that scandal DVDs that showcase students and gang rapes are the ones that sell the most and she believes that these are the “good” scandals since people always look for them. Mostly male students and relatively old men are the costumers of her stall. She openly discussed them as if they were just regular DVDs and recommended the said commodities, although she had never watched any of them. They do not have TV and DVD players for testing since they are not allowed to test such materials. When asked about raids, she said that they don’t have to run since they are being protected by the contact (policeman) to whom they compulsorily give lagay or a bribe, which is collected every day. The amount varies during weekdays and weekends (higher during weekends). It is noticeable among DVD scandal stalls that they sell almost the same thing. When asked where these scandals came from, she mentioned that it was from cellphones. The source of the goods is located in Quiapo as well.<sup>18</sup>

*Observations of an Itinerant Street Peddler, Commonwealth Avenue, Quezon City, 2008*

His wares of pirated disks fit into a backpack. His usual place is near a busy intersection in the afternoon. Sometimes passersby in cars hail him to approach them. Usually he sits beside a box along the sidewalk. The box is big enough for two stacks of pirated disks to stand side by side. One side has mostly movies, especially action and current films, on the other side are “scandals.” Movies and “scandals” cost the same. This method of display allows people to browse and make their choices. He said he has some customers who come often and ask for the latest scandal.

*A Commercial Zone Along a Busy EDSA Intersection, 2009*

Three large malls are within walking distance of this “crossing.” One of these malls used to be closely identified with pirated disks for sale until the management decided to prohibit this. Now they are being sold along the corridor leading up to the mall from the MRT (Metro Rail Transit) station. There are no “scandals” on display, however when one inquires, the salesgirls bring some out. Price of a “scandal” DVD was PHP 100.00 each or double that of the pirated films. Upon inquiring if there are any more available the salesgirls said that there are a lot more “scandals” in a place across the street.

Crossing the highway to this place one finds a non-airconditioned commercial area; a large warehouse-type building lit by a skylight, with

orderly stalls inside. Most of the stalls have digital merchandise for sale: games, music, software, and a lot of videos. There are a few specializing in cellphones and accessories, while some sell T-shirts and clothes. A few are essentially *sari-sari* stores; some serve food. The pirated disks are cheaper here than in the corridor to the MRT. Bunched with the “scandals” are *Bench* underwear fashion shows, gay films, indie movies, and Pinoy sex/“bold” movies. Some stalls have 16-in-1 collections of old “bomba” movies, claimed to be “uncut” (containing the sexually explicit scenes that the Movie and Television Review and Classification Board had directed to be cut from the movies for them to get a general patronage rating), or exceptional collections of just the sex scenes excerpted from Filipino feature movies (both edited and uncut).

Some “scandal” collections are identified with other nationalities (e.g., German, Japanese, Thai), and there are a number whose titles are about more specialized content (rape scandals, bestiality) with garbled blurbs in English describing the contents. They all claim to be “Blu-ray.” There are more “scandals” for sale than pirated movies in this place.

Within walking distance is another mall also selling pirated disks. This one is air-conditioned and much more highbrow; the first floor is lined with stalls that sell pearls and jewelry (also being sold by apparently Muslim vendors), and nearby is a large section of tables and stalls with pirated disks. “Scandals” are not displayed openly here, and the individual vendors approached and inquired from do not have any; movies and TV series dominate the display.

Several things can be inferred from the three sites described above: (1) that “scandals” in the digital piracy market in the Philippines are generally products that were made locally (e.g., not imported “from China”); (2) the selling points for “scandals” tend to be the more low-key areas or more mobile and temporary installations; (3) “scandal” pirated disk sellers primarily cater to the C-D-E crowd, although A-B consumers may also access these points; and (4) as the Francis M. soundtrack described above indicates, piracy in general is also (quite literally) “attuned” to current events. The section below will discuss how digitized “scandals” can be highly connected to current events, as well as how the piracy of “scandals” becomes news in itself.

### “Scandals” as Current Events: Three Cases

Within this study’s timeframe, three prominent and distinct digitized “scandal” phenomena have made their mark on the Philippine digital



scene. If compared with other “digital entertainment” material, these “scandals” overlap with quite widely different genres. The content of the first case has to do with politics, position, shame and the spectacle of the “news.” The second is about sex and quite obviously relates with the general market for “pornography.” The third is a gory spectacle that could also fall into the “horror” genre. All are “real” in content and none of them were originally produced by corporate ventures or professionals. Although they were discussed and featured prominently in the news, the full content of the images themselves became available to the public only through “piracy” (whether on the streets or online). They had unfolding social dramas and still continuing impacts on Philippine society.

### *Political “Scandal”: “Hello Garci” and “Gloriagate”*

The explosive exchange that critics of the administration say is between the President and the Comelec official is the hottest commodity among infotech freaks, who have parlayed the illegally extracted phone conversation into ring tones and pirated CD reproductions that sell for P5 on the sidewalks. (*Manila Standard*, June 16, 2005)

The “Hello Garci” recording headlined the news in June 2005.<sup>19</sup> The recording was first revealed to the public by the president’s press secretary, Ignacio Bunye, who showed the press two CDs. It was a preemptive announcement as he claimed that the opposition was going to release tapes of a wiretapped recording of President Gloria Macapagal-Arroyo calling up an official of the Commission on Elections (Commissioner Virgilio “Garci” Garcillano) purportedly to make sure of her votes to win the 2004 presidential elections.<sup>20</sup>

As the real scandal drama unfolded in the news, CDs of the recording saying “Hello Garci” and the rest of the conversation appeared for sale in the streets. Selling for only PHP 5.00, it came as a bare disk without special packaging. The CDs were being hawked on the streets at the sites of rallies and demonstrations calling for the President to resign.

One spin-off product, a cellphone ringtone mixed with the “Hello Garci” recording downloadable for free, made it to the news (*Manila Standard*, June 16, 2005). Other creative products spun off from the “Hello Garci” scandal were also being offered for download, including cartoons, rally slogans, jingles, and even sounds effects for a car horn. Users were also encouraged to “pirate” these items (Ito 2005).

Crisis after crisis ensued: street protests were held, Cabinet members resigned, impeachment complaints were filed in Congress, and the news reported coup-plotting within the military. The President appeared on TV, admitted that she had made the telephone calls, and apologized to the nation for a “lapse in judgement” in communicating with an election official during the election. She explained she was merely asking Garcillano how the count was going in Mindanao. As the controversy intensified, it became possible to buy a three-hour CD or a thirty-six-minute CD in MP3 format (also available on the Internet) of the wiretapped conversations, especially at rally sites and in student congregation points.<sup>21</sup>

Soon after, a “sequel” to the “Hello Garci” CD was presented to the public: the “X-tapes.” This CD contained alleged wiretapped conversations from the same “mother tape” of “Hello Garci.” The “X Tapes” by comparison was a finished product, sold with a cover containing a caricature of ex-president Joseph Estrada as well as a playlist of six tracks. It was revealed to the public and the press by controversial figure Ilocos ex-governor Luis “Chavit” Singson. In 2000, Singson exposed Estrada’s receipt of pay-offs from *jueteng* (a form of illegal small bet gambling), which eventually led to his impeachment. The “X Tapes” supposedly featured the voice of Estrada instructing another man to cheat in the elections and to assassinate “*pandak*” and “*tanda*,” referring to the “short” President Arroyo, and the “old” former President Fidel Ramos. It was played on the radio station owned by a rock musician who had previously produced two albums of anti-Estrada songs on CDs in 2001 during the time of Estrada’s impeachment hearings.

Suspicious listeners and audiophiles however tried to analyze the sound clips on the “X Tapes” and found them “too clean,” with the voices strangely emotionless. Online remarks turned on how the CD did not live up to the “high standards” of piracy—“It’s a shame *para sa nag-doktor nitong tracks nito . . . Kung sino ka man . . . pinahiya mo ng husto ang mga pirata*” [whoever you are, you’re an embarrassment to pirates], pronounced an online comment; “could have done a better job by getting professional advice from one of the music pirates at Makati Cinema Square” (Pabico 2005).

After the “X Tapes,” more sequels came up. New CDs were disclosed in the media and were reportedly being auctioned off to politicians or media networks for millions of pesos. However, perhaps they did not catch on with their intended audience (unlike the popular

“Hello Garci” recordings) and did not become available on the pirated disk network. Garcillano disappeared and turned up again in late 2005. In December 2006, he was cleared of perjury charges by the Department of Justice. President Arroyo managed to complete her term in office in 2010.

### *“Real Sex”: the KatKho Scandal*

Elements of the Manila Police District Station 3 first raided Barter at Arlegui St. in Quiapo, said to be the biggest distributor of pirated pornographic DVDs and CDs in Manila. Thousands of obscene videos were immediately confiscated by the police. Afterward they searched through the stores at Raon and the small streets of Quiapo. Many obscene/pornographic videos were confiscated but not the video of Katrina and Hayden. The police think it may have been hidden under a different cover . . . 35 pesos is the usual price for pirated DVDs here in Quiapo, Manila. But the controversial Katrina and Hayden sex videos can be sold from 150 up to 200 pesos. [Then the report cuts away into a police officer who said: They are more expensive because allegedly they aren't available for download from the Internet, so they raised the price here in the market.] (*24 Oras*, TV newscast, May 21, 2009)<sup>23</sup>

The term “scandal” as a very specific reference to a certain class of digitized materials became a household word in 2009 when actress Katrina Halili brought her case to the Senate claiming to stand for many other women victims of “scandal”-production and distribution—exposing the phenomenon to full view in mainstream media. As the senate hearings took place, the mass media coverage ironically served to boost the sales of “scandal.”

Until celebrity doctor Hayden Kho came along in 2009 with his own personal video collection of his sexual encounters with celebrity female partners (taken using a hidden camera), “scandal” pirated disks were merely assorted collections of up to ten or more tracks featuring diverse people and places. There are many “scandals” that document short term sexual encounters between foreigners and Filipina “call girls”—essentially “amateur sex video” collections made by the male clients (whose male bodies are visible but not their faces). Some of these videos can have interesting documentary values, for example in early tracks in a CD the handheld camera starts by first surveying a provincial town street (a red light district), or shows a subject purchasing items from a convenience store, before moving to other tracks which usually show subject/s performing sexual services in a motel room. It may

contain short question and answer segments with the subject sharing information about herself (e.g., “My name is \_\_\_\_ [full name], I am 16 years old.”). Some “scandals” may have been intentionally made by couples for their private viewing or by women taking pictures of themselves (“camwhoring”) and for whom the images were only meant for their boyfriends (or for partners overseas), but ended up in circulation because an ex-partner vengefully made them public (e.g., Dalizon 2009).

While they may document consensual sex, sometimes sex “scandals” capture real social or criminal transgressions and sometimes direct physical violence (e.g., there are cases of sex with minors or of rape). At least two cases of gang rape that took place in school or university premises were recorded on video and later turned up in pirated DVDs (Guda 2008).

Moreover, the footages tend to be of varied production quality: the lighting may be poor, the images highly pixelated, or some run in stops and starts. Many “scandals” begin and end abruptly; there is no editing to work out a linear sequence, although there are also some items that were edited and mixed, with zoom-ins that may not belong to the original scene (e.g., of female genitalia).

The issues raised by sex scandal consumers have not so much to do with production quality but with how some DVDs do not live up to the claims in their packaging and thus are considered inauthentic “scandals.” Examples include scandals named after popular movie stars or celebrities that feature look-alikes of such personalities and cases wherein a disk does not contain a particular track advertised on the cover or has fewer tracks than what was claimed on the cover. The most common inauthentic sex “scandals” are those that pretend to be “scandals.” Tracks that contain improbable narratives serve as one example (e.g., a male-female couple having sex in a living room are interrupted by a sexy woman—the man’s wife—which results in an “emotional” scene but nevertheless ends up in a threesome).

Sex scandal collections are often sold with pornography from abroad. They have set the pace and standards for local pornography marketed as “scandal.” The trend in Philippine pornography during the course of the study is “famous people having sex” (*Rogue Magazine* 2009). Sex scandals “started a trend in voyeuristic, reality-type, low budget pornography” and at present, “to create Philippine porn, one just has to satisfy a very simple formula: voyeurism” (*Rogue Magazine*, 2009).

A self-confessed avid consumer of “scandals” shared that the difference between “scandal” and pornography is the “reality” or “truthfulness” of the scandal: pornography is only a simulation of sex by paid actors, a true “scandal” shows real sex with “more feeling” (“*mas may damdamin*”). Some consumers of scandal pirated disks, as well as sellers, contend that scandals are “alright,” or even “educational” for adults to watch, “especially married couples.”

In May 2009, Senator Ramon “Bong” Revilla, Jr.’s privilege speech and the televised Senate hearings on the “Kat/Kho sex scandal” generated a wider audience for sex scandals, turning “scandal” into a household word. An inadvertent effect was to introduce “scandals” to those who would not normally be consumers of such but needed to know what the fuss was about, e.g., women curious about what they hear on the news. Mass media reported that the “Hayden Kho scandal” was being watched in offices during breaks and even screened in parties (Maglipon 2009). Profits were made by Internet cafes facilitating online searches and there were reports of entrepreneurs with computers or televisions who mounted community viewing where people paid as low as PHP 1.00 to watch, and even minors were allowed. Tabloids reported of how the pirated disks of this scandal reached other cities and provinces in a couple of days after they became available in Manila.

“If there’s anything good that has come out of this Katrina Halili-Hayden Kho video, which was enjoyed even by my staff in the Office of the Press Secretary,’ he [Gloria Macapagal-Arroyo’s press secretary, Cerge Remonde] said, eliciting chuckles, ‘it highlighted the need for the regulation of the Internet and cyberspace’” (Burgonio 2009). The above quote in fact applies just as well to the circulation of pirated disks.

After raids were conducted by the Optical Media Board in May 2009, demand was said to have pushed the price of the pirated scandal to PHP 200–350, equivalent to the price of original DVDs. It would have been hard to miss opportunities to view the video, which was shared via cellphones or sold by peddlers approaching cars stuck in traffic.

Within the year, the “Kat/Kho sex scandal” had crossed over to international markets. It was produced and repackaged for different kinds of audiences with their own contexts of digitized “scandals.” Meanwhile, legislators’ attention seemed to have been diverted from other issues, and Senate hearings were criticized for beginning to sound like showbiz talk shows. During one hearing, an ex-policeman walking

past Kho's seat poured water over the doctor's head. Halili, looking different from how she appeared in the video with her long hair cut short, cried during her testimony. Kho also cried and apologized to the public. His medical license was suspended, and two provincial governments (Halili's home province and another province Kho was set to visit as a tourist) declared him "persona non grata" or unwelcome. Kho reportedly attempted suicide when his girlfriend, celebrity cosmetic doctor Vicky Belo, ended their relationship. By February 2010, a new law was passed against "photo or video voyeurism" (Republic Act 9995), consolidating several long-pending bills in both houses of congress. The new law penalizes the said crime with up to seven years of imprisonment and/or large fines.<sup>24</sup>

### *Real "Horror": the "Maguindanao Massacre" DVD*

Ronnie Ricketts (head, Optical Media Board): They are selling it underground, "bangketa-style," peddle and run... It is a good copyso you would wonder how they were able to download this or who gave them a copy. I also wanted to watch it but I couldn't do it... The public should become aware that sensitive materials like this they should not patronize, they should not buy. They should commiserate (with the relatives of the deceased). (*Showbiz News Ngayon*, TV broadcast, January 5, 2009)<sup>25</sup>

A regular habitué of Quiapo related that there are times when pirated disks containing video footage of actual encounters between government troops and armed rebel groups can be found (Anonymous, pers. comm., 2008). Arguably, the "Maguindanao massacre" videos could be classified along with such videos under a "military operation" genre, but it is closer to the "horror" genre than its "action-packed," barilan-like cousins.

The "Maguindanao massacre" that took place in Ampatuan, Maguindanao, on November 23, 2009, refers to an incident wherein fifty-seven people in a convoy of cars, composed of relatives and supporters of a political candidate, as well as lawyers and journalists, were reportedly killed by the armed men of the incumbent governor. The Maguindanao massacre also marks the latest scandal in terms of market demand for digital piracy during the period covered in this study.

The victims, including their vehicles, were buried in a mass grave prepared beforehand with a mechanical backhoe. There was evidence of rape and of mutilation of the women, who were also shot in the genitalia. The graphic content of news photographs and news video footages was described as too "disturbing," too "gory," "grisly" or "horrible" to watch or show to the public. The president reportedly cited the images as justification

for declaring martial law in Maguindanao province on December 4, 2009 (Reyes 2009).

The “Maguindanao massacre” is a video of the exhumation of the bodies and vehicles using shovels, bare hands, and the same backhoe that had been used to dig the hole. These footages appear to have been taken as part of crime-scene documentation by the authorities. Bloated bodies as well as the vehicles of the deceased are slowly unearthed and laid side by side along the road. Only the stench of death is missing from the video experience. The DVD is divided into three tracks: “Day 1,” “Day 2,” and “Day 3.” At the end of the video, the names of each of the victims scroll down the screen like actor credits. The pirated disks circulated in Mindanao and in Manila soon after the exhumation of the bodies. In Maguindanao towns, they reportedly sold in the public market at the relatively “high” prices of PHP 70–120 because these were said to be “clear copies” taken directly from the footage of the Special Operations policemen (Tupas and Maitem 2009). Some relatives of the deceased appealed to the Optical Media Board to stop the proliferation of the disks as they can cause trauma to the children of the deceased, even though other relatives of the victims were reportedly interested to watch it. Raids were conducted to confiscate the pirated disks. The National Press Club accompanied some of the raids and admonished vendors for “making money out of the ordeal” of the slain journalists (Tupas and Maitem 2010; ABS-CBN News 2010).

### **CONCLUDING THOUGHTS: PIRACY AS ALTERNATIVE MEDIA**

Piracy culture, social values, and new media technology came together in the Philippines to provide the prerequisite context for “scandal” piracy and its popular consumption. The Philippines is not the only society with a digital piracy market where products like “scandals” are on offer as homegrown commodities. However, Filipinos apparently are at the frontier when it comes to the exploration of social and political spaces potentially opened up by the combination of ICTs and digital piracy. This may be an indicator of the innovativeness and dynamism of the piracy economy and “piracy culture” in the Philippines; of the kinds of relationships that Filipinos are developing with ICTs towards greater “citizen surveillance” of others; or of the realities of social hypocrisy and of scandal-ridden governance and scandalous social practices or events that are ripe for exposure.

Within this backdrop, pirate-entrepreneurs have also been functioning as media content providers or aggregators. Parallel to social media, street

piracy enables the circulation of either complementary or counter-narratives to what is told in mainstream media sources, through a class of materials that this article has termed “scandals.”

“Scandals” expose explicit images that would have been otherwise hidden, censored or edited, and never broadcast in their entirety by mainstream mass media, precisely due to their scandalous content. Pirated “scandals” purport to allow the audience (especially consumers from the middle to lower classes or the “masses”) to virtually “see” (or hear) the same material and judge for themselves. For example, the “Mamasapano massacre” in January 25, 2015 in Mindanao succeeds the Maguindanao Massacre in chronological order and scale. Though already beyond the study’s temporal scope, the similar “social life” of DVD piracy of the Mamasapano video (ANC/Yahoo! News Philippines 2015) nevertheless validates the insight that piracy continues to have a significant function as alternative media.

The consumption and sharing of “scandals” by Filipinos have the special effect of bringing together communities of scattered individuals, who through diverse channels—cellphones, the Internet, and digital piracy—can access the materials for commentary as well as participate in the creative process of circulation of the news. The piracy networks, as a convenient “alternative channel of obtaining content,” expanded the options for popular culture as “resistance,” and potentially includes participation in social movements and countercultures (even if to someone else’s profit).

Pirated “scandals” also undergo packaging and framing in their commodification by piracy. Their blockbuster appeal derives from the content not intended for mass consumption. The power of the piracy market for “scandal” lies in its claim to put individuals and institutions into view, albeit abruptly “onstage,” without any clothes on, literally or figuratively.

The consumer of “scandals” is virtually complicit to such crimes—in the sense that the audience/consumers become by extension virtual eavesdroppers or voyeurs, and however unintendedly, their consumption permits indecent profit-making by others, and further traumatizes subjects of the “scandals” circulating on the market. In fact the public is frequently subjected to appeals not to consume “scandals.”

Commerce in “scandals” can also sometimes be read as scandal-mongering, if not rabbleroising or subversive action. The audience accessing scandalous content through the digital piracy market are silent but active participants to an unfolding “scandal drama” during the “crisis phase” of a “social drama” as sides are taken by various actors (Turner



1985). This is why the commerce and circulation of “scandals” is a scandal as well.

Thus the commoditization of “scandals” is appreciated to have potentially strong “media effects”: with impact on public opinion, provoking action (e.g., apologies, resignations, or suicides) from transgressive parties, prodding action by agents of the state (investigative action, raids on digital piracy), and having other consequences—political and social. In the three cases, the existence of the “scandals” as pirated digital commodities on the streets became news headlines, and the efforts to control them by state authorities also became the subject of the news.

The consumers of “scandal” prove to be a particularly “active audience,” and I mean this in the metaphorical sense of individuals indecorously moving from their seats to get other views of the stage, focusing their own lights to areas away from the spotlight, pulling away at the curtains separating the front stage from back, crowding to peep through a tiny hole to the point that the wall collapses from their weight. Such alternative views are found both in the market for pirated disks and online media sources and were originally engendered by the consumption practices of users of the new technologies for camera/recording or surveillance and communication features. The all too frequent exposure of the backstage and the spectacle of the unruly audience thereby threatens the performance of social order, and will require new social theory. ❁

## ACKNOWLEDGEMENTS

“Scandal” was identified as a phenomenon for investigation in the course of a project to explore digital piracy in Indonesia and the Philippines in 2009, supported by the Southeast Asia Regional Exchange Program through the Third World Studies Center (TWSC). A grant from the International Development Research Center (Ottawa, Canada), administered through the Philippine ICT Research Network and the National College of Public Administration and Governance of the University of the Philippines Diliman, supported this case research in 2009. I thank friends, colleagues, research assistants, and former students for conversations and discussions during which they shared observations and insights, especially Eusebio Dizon, RJ Taduran, Marian Reyes, and Tuni Balisi. Fatima Gay Molina and Gale Villaflor went to Quiapo to interview pirated disk sellers and produced excellent field notes, which I have incorporated with acknowledgement in this article. Thanks must be expressed to former TWSC Director Teresa S. Encarnacion Tadem and to several people for stimulating the

development of some of the insights in this paper: Raul Pertierra, Tilman Baumgärtel, Rolando Tolentino, Roberto Verzola, Joson Lorenzana, Ana Christina Pertierra, and my research colleagues Trina Joyce Sajo, Lilawati Kurnia, Yuka Narendra, and Irsyad Ridho.

## NOTES

1. These commonly pirated digital products generally fall within the official mandate of the Optical Media Board (OMB) tasked to regulate “the mastering, manufacturing, importation and exportation of optical media products and manufacturing materials” in light of government policy “to ensure the protection and promotion of intellectual property rights” (Republic Act 9239). The OMB, however, has interpreted its mandate to also cover conducting raids on the sale of “scandals” on the streets. Moreover, the Philippines has an Intellectual Property Code, which was enacted in 1997. The country had been placed on a “Special 301” watch list since 1994 and threatened with trade sanctions by the United States if it does not address poor enforcement of intellectual property protection. See Gerona (2000) for a discussion of short-term and long-term efforts that have been taken to address piracy and improve intellectual property rights enforcement (especially for software), and a critique of the US categorization given the Philippines’s level of economic development.
2. For an overview of the regulatory laws and agencies in the Philippines, see Stewart, Lawrence, and Manvell (2012, 63–70).
3. My case study (on “Digitized ‘Scandal’ and the Culture of Piracy in the Philippines”) is part of a broader research collaboration on “reconfiguring digital piracy” that had the following general objectives: “(1) to explore the illicit consumption of digital content available in virtual and tangible piracy markets, and its networks; (2) to bring to the fore the logic, meanings, and contestations surrounding digital piracy based on the everyday life practices of its consumers; and (3) to describe various modes of digital piracy consumption.”
4. The entrepreneurs seizing opportunities for profits and the peddlers with sales strategies for “scandals” that are different from those for other pirated goods.
5. Those who purchase and share “scandals” and engage in discussions about scandal and “scandals” within groups and networks.
6. The state conducts raids on “scandal” sales in response to the public exposure and social concern over the inappropriate behavior of the subjects of these “scandals.”
7. Regarding how Filipinos make use of the Internet to access “scandals,” see Mangahas (2012). It should be noted, however, that “free” self-publishing/broadcasting on the web is on privately owned spaces that draw value from allowing them to be used as a commons; corporate access to “private” user information on social media platforms in cyberspace is a prominent issue.
8. Remembering too that online social media platforms even if “free” are corporate-controlled as well.
9. “The best distribution system” according to a director. Baumgärtel observed that the rise of piracy is in tandem with the emergence and development of technologies for digital reproduction *as well as* for global capitalism:

The kind of media piracy that we are seeing now in the Philippines was not possible even five years ago. It has as much to do with new digital technologies such as more powerful computers, affordable, fast DVD burners, speedy Internet connections and scanners. But is also to do (sic) with recent breakthroughs in distribution methods, new loading and unloading tools, better port management, satellite navigation and tracking, new packing materials, just-in-time inventory management and sophisticated encryption methods. (Baumgärtel 2006a)

10. Amy West recalls that “reality TV” in the USA took off with a scriptwriters’ strike in the 1980s, when, to fill in airtime, networks called on their own viewers and tapped their unanticipated “capture” of diverse subject matter, and especially “moments of dramatic crisis” such as “a natural disaster, a criminal act, a private perversion, a hilarious physical blunder,” wherein “the recorded moment arises out of a critical co-incident of rolling camera and spontaneous or aberrant accident” (2005, 83). She observes: “the status of caught-on-tape moments—however diverse their subject matter—is that of crisis; a dog attacks its owner, a stunt plane explodes over a crowd of spectators, a bride trips in the aisle” (84) and these “bear the aesthetic stamps of their particular circumstances of manufacture” (89).
11. “Scandal” as a search term online has more searchers from the Philippines than anywhere else in the world. This trend is consistent from year to year (Mangahas 2012).
12. A news article reports crackdowns in North Korea on “inflows of outside media” and “suspicious songs, recorded materials and impure published media,” even if the pirated materials are actually North Korean films (Young 2012).
13. Observably in comparison to five years back, reality footage is an integral part of everyday TV news broadcasts. Timed to US President Barack Obama’s visit to the Philippines in April 2014, it was announced that for having undertaken “significant legislative and regulatory reforms to protect and enforce intellectual property rights rules,” the Philippines would be removed from the US Trade Representative’s “piracy watch list” (Campos 2014).
14. Yuka Narendra (2010) makes a similar case for the rise of music piracy in Indonesia.
15. Classic scandals include the “La Salle scandal,” named after one of the country’s elite universities. Sequels of the “KatKho scandal” are videos of that video’s male “protagonist” with other celebrity partners. I met a collector who claimed to have obtained and watched one such sequel, the rare “Vicky Belo/Hayden Kho scandal,” which he stated was very well lit and “not exciting”; it does not appear to have made it to the street piracy market. “New” scandal collections are not difficult to produce. Online, there are new “scandals” uploaded to websites specializing in such content every day.
16. In another paper (Mangahas 2013), I have discussed the fascination with close “female observation” (or *boso*) as expressions of Pinoy masculinity that can now be captured through digital technology.
17. Ironically, in 2002 Francis M. had ranted in a magazine article against his album’s piracy within three days after being launched (Kaimo 2002). Within the same span of time after his death, his songs apparently enjoyed renewed pirate reproduction and surge in sales.

18. Condensed from the field notes by Fatima Gay Molina and Gale Villaflor, March 10, 2009.
19. See Arao (2005) for a time line.
20. However, days later, Bunye says that he made a mistake in identifying the female voice as belonging to the president.
21. The Department of Justice warned that it is illegal to post these MP3 files on the Internet, although then Justice Secretary Raul Gonzalez observed that it would not be practical to go after anybody who happens to have the “illegal ringtone” in his cellphone. He threatened to go after those who made the ringtone and who propagated it, particularly if evidence shows that cellphone networks might be linked to it.
22. One CD was reported on TV and newspapers to contain the video footage of an alleged break-in at a room in Batasang Pambansa where ballot boxes used in the 2004 presidential election were kept. The break-in and the seizure of election returns from thirty-eight provinces were reported to have been done by civilian employees at the House of Representatives. According to the news reports, the CD was valued at PHP 200 million and peddled to opposition leaders and a news-media organization by House security officers who were involved in the break-in. However, the price was considered to be “too high” in comparison with the “Hello Garci” recording (for which, in earlier revelations, a military intelligence agent was allegedly offered PHP 2 million by the camp of former president Joseph Estrada).
23. Original: *Unang ni-raid ng mga elemento ng Manila Police District Station 3 ang barter sa Arlegui St. sa Quiapo, ang umano’y pinakamalaking distributor ng mga pirated pornographic DVD at CD sa Maynila. Libo-libong malalaswang video ang agad nakumpiska ng mga pulis, kabilang ang sex video nina Katrina Halili at Dr. Hayden Kho. Pagkatapos, ginalugad naman nila ang mga tindahan sa Raon hanggang sa kasuluk-sulukan ng Quiapo. Maraming mga porn video ang nakumpiska doon pero wala na’yong kina Katrina at Hayden. Hinala ng pulisya na posibleng ikinubli na ito sa ibang cover . . . 35 pesos lang ang karaniwang benta ng mga pirated DVD dito sa Quiapo, Maynila. Pero ang mga kontrobersiyal na mga Katrina at Hayden sex videos katulad nito, nabebenta ng mga tindero mula 150 hanggang 200 pesos pa. Pulis: Mas mahal dahil allegedly walang mai-download sa Internet kaya minahalan din nila sa market.*
24. The law defined “Photo or video voyeurism” as “the act of taking photo or video coverage of a person or group of persons performing sexual act or any similar activity or of capturing an image of the private area of a person or persons without the latter’s consent, under circumstances in which such person/s has/have a reasonable expectation of privacy, or the act of selling, copying, reproducing, broadcasting, sharing, showing or exhibiting the photo or video coverage or recordings of such sexual act or similar activity through VCD/DVD, Internet, cellular phones and similar means or device without the written consent of the person/s involved, notwithstanding that consent to record or take photo or video coverage of same was given by such person/s” (RA 9995).
25. Original: *Underground’yong benta. Ang style nila rito parang bangketa style, ilalako tapos itatakbo nila . . . Maganda’yong kopya e, so mag-iisip ka e kung papa’no na-download or kung sino’ng nagbigay ng kopya. Gusto ko ring ipanood kaya lang’di ko kaya e . . . Dapat’yong public maging aware rin sana sila na mga ganitong bagay na maselan’wag na nilang i-patronize, ’wag na nilang bilhin. Dapat makiramay nga sila e.*

## REFERENCES

- 24 Oras. 2009. "Pirated Copies of Hayden Kho and Katrina Halili in Quiapo Raided by Police." May 21. Video posted on YouTube by Roan Angels, Mar 25, 2013. <https://www.youtube.com/watch?v=VeIh83wOV0w>.
- ABS-CBN News. 2010. "Maguindanao Massacre DVDs in Quiapo Seized." January 4. <http://www.abs-cbnnews.com/nation/metro-manila/01/04/10/maguindanao-massacre-dvds-quiapo-seized>. Also in *Pirata 101: Or Things You Should Be Aware of If You Are an Avid Fan of MCS, Greenhills, Good Earth, and Quiapo Goods*.
- Agena, Trina Joyce Sajo. 2008. "'Best Version': Performing Middle-Classness through the Consumption of Pirated DVDs." Paper presented in "Performing Copyright: The Politics of Creative Practice and the Poetics of Technology." EASA Conference 2008: Experiencing Diversity and Mutuality. August 28.
- ANC/Yahoo! News Philippines. 2015. "Mamasapano Carnage Videos Being Sold in DVD Format." Reports by Roxanne Arevalo (ABS-CBN News) and Lore Mae L. Andong (ABS-CBN News Central Mindanao). February 14. <https://anc.yahoo.com/news/mamasapano-carnage-videos-being-sold-in-dvd-format-042539042.html>.
- Anderson, Benedict. 1991. *Imagined Communities*. London: Verzo.
- Andrada, Michael Francis C. 2005. "Tsunami 2005: Ang 'Tsunami' Bilang Intertexto sa Karanasang Kultural, Historikal at Pulitikal ng Pilipinas." *Pakwang Pangimay Sanaysay* (blog). August 5. Accessed May 5, 2011. <http://pangimay-rebyu.blogspot.com/>.
- Arao, Danilo Araña. 2005. "Tracking 'Glorigate' Scandal: The First Two Weeks." *Bulatlat*, vol. 5, no. 20 (June 26–July 2). Accessed May 9, 2011. <http://www.bulatlat.com/news/5-20/5-20-glorigate.htm>.
- Baumgärtel, Tilman. 2006a. "The Culture of Piracy in the Philippines." Asia Culture Forum.
- . 2006b. "The United States of Piracy." Keynote speech for Asian Edition: A Conference on Media Piracy and Intellectual Property in the Philippines. November 24. <http://www.asian-edition.org>.
- Burgonio, TJ. 2009. "Arroyo Offended by Sex Video Scandal." *Philippine Daily Inquirer*, May 22. <http://newsinfo.inquirer.net/breakingnews/nation/view/20090522-206575/Arroyo-offended-by-sex-video-scandal>.
- Campos, Othel V. 2014. "PH Removed from Piracy Watch." *Manila Standard*, April 30. <http://manilastandardtoday.com/2014/04/30/ph-removed-from-piracy-watch/#.U2BhOhiYUbl.facebook>.
- Dalizon, Alfred. 2009. "Cop Does a Hayden Kho." *Tonight*, July 26, p. 2.
- de Quiros, Conrado. 2004. "Isle of Tortuga." There's the Rub. *Philippine Daily Inquirer*, September 8, A14.
- Fiske, John. 2011. *Reading the Popular*. 2nd ed. London: Routledge.
- Gerona, Grace P. 2000. "The Battle Against Software Piracy: Software Copyright Protection; The Philippines." *Pacific Rim Law & Policy Journal* 9 (3): 651–80.
- Grose, Jessica. 2007. "Scandal Sheets' Long History of Dishing Dirt." SFGATE, September 4. <http://www.sfgate.com/news/article/Scandal-sheets-long-history-of-dishing-dirt-2541768.php>.
- Guda, Kenneth Roland A. 2008. "Bulnerable sa Kampus." *Barangay RP* (blog), July 17. Accessed May 5, 2011. <http://barangayrp.wordpress.com/category/youth/page/2/>.
- Gutierrez, Angelo. 2008. "Quiapo's Illegal DVD Trade Is Dying." *Pirata 101: Or Things You Should Be Aware of If You are an Avid Fan of MCS, Greenhills, Good Earth, and*

- Quiapo Goods* (blog), May 12. Accessed May 7, 2011. <http://pirata101.blogspot.com/search?updated-max=2008-06-28T04%3A45%3A00-07%3A00&max-results=7>.
- Ito, Lisa. 2005. "Art for Oust's Sake." *Bulatlat*, vol. 5, no. 24, July 24–30. Accessed September 26, 2008. [www.bulatlat.com/news/5-24/5-24-art\\_printer.html](http://www.bulatlat.com/news/5-24/5-24-art_printer.html).
- Kaimo, Gerry. 2002. "Penchant for Piracy." *The Investigative Reporting Magazine: Special Report*, vol. 8, no. 4, December 2002. <http://pcij.org/imag/SpecialReport/piracy.html>.
- Khan, Rafael E. c2014. "The Unwanted Gaze: Right to Privacy in Philippine Law." Siguion Reyna, Montecillo and Ongsiako. <http://srmo-law.com/srmo-in-the-news-2/>.
- Kipnis, Laura. 2010. *How to Become a Scandal: Adventures in Bad Behavior*. New York: Metropolitan Books, Henry Holt and Co.
- Macnamara, Jim. n.d. *Which Media Set the News Agenda: Mass Media Or/and Social Media?* An independent research report sponsored by iSentia. [http://www.isentia.com/assets/blog/special/isentia\\_whitepaper\\_layout\\_international\\_d1.pdf](http://www.isentia.com/assets/blog/special/isentia_whitepaper_layout_international_d1.pdf).
- Maglipon, Jo-ann Q. 2009. "Sex Videos Diminish Us All." Jo-Ann Chats. *Philippine Entertainment Portal*, May 20. Accessed June 2. <http://blogs.pep.ph/jo-ann/?p=22>.
- Mangahas, Maria. 2012. "'Scandal' in Filipino Pop-Cyberculture." In *Cybercultures: Cultures in Cyberspace Communities*, edited by Sabine Baumann, 183–211. Oxford: Inter-Disciplinary Press.
- . 2013. "Images in Motion: Filipina Bodies, and the Secrets of Philippine Society." Unpublished paper presented at the UPCMC Research Brownbag Series. February 26.
- Narendra, Yuka. 2010. "Jakarta Tales from the Phonographic Oceans: The Story of 'Yess Records,' 1977-1988, Bandung, Indonesia." Paper presented at the "Open Knowledge, Free Culture: A Conference on the Sharing of Knowledge," Royal University of Phnom Penh, January.
- Pabico, Alecks. 2005. "An Insult to Pirates." *The Daily PCIJ* (blog), July 15. Accessed May 18, 2011. <http://www.pcij.org/blog/?p=250>.
- Pal, Alex V. 2004. "OMB: Our Mission Is Only to Confiscate." *Inquirer News Service*, September 7. Accessed May 7, 2011. <http://www.voy.com/49927/2/3221.html>.
- Pirates of Carriedo. 2008. "Re: 'Quiapo's Illegal DVD Trade Is Dying,'" *Pirata 101* (blog), May 12.
- Republic Act 9239. 2003. Republic Act No. 9239: Optical Media Act of 2003. <http://www.ipophil.gov.ph/images%5Cipenforcement%5CRA9239-OpticalMediaAct.pdf>.
- Republic Act 9995. 2009. Republic Act No. 9995: Anti-Photo and Video Voyeurism Act of 2009. <http://www1.umn.edu/humanrts/research/Philippines/RA%209995%20-%20Anti%20Photo%20and%20Video%20Voyeurism%20Act.pdf>.
- Reyes, Leo. 2009. "Gory Photos of Victims of Mindanao Massacre Not Fit for Viewing." *Digital Journal*, December 8. Accessed March 27, 2011. <http://www.digitaljournal.com/article/283394>.
- Reyes, Marian. 2007. "Chismax to the Max: The Celebrity Gossip Economy." *AghamTao* 16:37–49.
- Rogue Magazine*. 2009. "The Porn Supremacy." February 16. Accessed September 18, 2009. [http://rogue.ph/columns/entry/the\\_porn\\_supremacy/](http://rogue.ph/columns/entry/the_porn_supremacy/).
- Salabang, AR. n.d. "Piracy: Makabubuti sa Bayan?" Accessed May 2, 2011. [http://matanglawin02.tripod.com/isyu06/pitik\\_piracy.htm](http://matanglawin02.tripod.com/isyu06/pitik_piracy.htm).

- SNN. 2009. "Optical Media Board Raid on Maguindanao Massacre DVD." *SNN/Showbiz News Ngayon*, January 5. Video uploaded on YouTube by Ronnie Ricketts, January 8, 2010. <https://www.youtube.com/watch?v=05AUXIIQwOE>.
- Stewart, Andrew, Adrian Lawrence, and Allison Manvell, eds. 2012. *Guide to Media and Content Regulation in Asia Pacific*. Baker & McKenzie International. [http://www.commsalliance.com.au/\\_\\_data/assets/pdf\\_file/0016/42136/Guide-to-Media-and-Content-Regulation-in-Asia-Pacific.pdf](http://www.commsalliance.com.au/__data/assets/pdf_file/0016/42136/Guide-to-Media-and-Content-Regulation-in-Asia-Pacific.pdf).
- Story, Alan, Colin Darch, and Deborah Halbert, eds. 2006. *Copy/South Dossier: Issues in the Economics, Politics, and Ideology of Copyright in the Global South*. The Copy/South Research Group. Also downloadable online: <http://www.copysouth.org>.
- Thompson, John B. 2000. *Political Scandal: Power and Visibility in the Media Age*. Cambridge: Polity Press.
- Tolentino, Rolando. 2009. "Piracy Regulation and the Filipino's Historical Response to Globalization." *Social Science Diliman* 5 (1-2): 1-25.
- Tupas, Jeffrey M., and Jeoffrey Maitem. 2009. "Bootleg DVDs of Maguindanao Massacre on Sale." *Philippine Daily Inquirer*, December 28. Accessed May 6, 2011. <http://pirata101.blogspot.com/2009/12/bootleg-dvds-of-maguindanao-massacre-on.html>.
- . 2010. "Now Showing: 'Maguindanao 11/23/09.'" *Philippine Daily Inquirer*, January 3, A14.
- Turner, Victor. 1985. "Experience and Performance: Towards a New Processual Anthropology." In *On the Edge of the Bush: Anthropology as Experience*, edited by Edith L. B. Turner, 205-26. Tucson, AZ: The University of Arizona Press.
- West, Amy. 2005. "Caught on Tape: A Legacy of Low-Tech Reality." In *The Spectacle of the Real*, edited by Geoff King. Bristol, UK; Portland, OR, USA: Intellect Books. Accessed May 5, 2011. <http://www.lust-for-life.org/Lust-For-Life/TheSpectacleOfTheRealFromHollywoodToRealityTVAndBeyond/TheSpectacleOfTheRealFromHollywoodToRealityTVAndBeyond.pdf>
- Young, Lee Seok. 2012. "More Pressure on Illicit Media." *Daily NK*, February 13. <http://www.dailynk.com/english/read.php?catId=nk01500&num=8799>.

---

MARIA F. MANGAHAS is associate professor at the Department of Anthropology, College of Social Sciences and Philosophy, University of the Philippines Diliman. Send correspondence to the author at [maria.mangahas@gmail.com](mailto:maria.mangahas@gmail.com).