

Ferdinand Marcos: Exile, Fugitive or Prisoner?

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THIRTY MONTHS HAVE PASSED SINCE the flight of the dictator to Hawaii. Yet he continues to be a thorn on the side of the Cory Aquino government. Today Filipinos are debating whether he should be allowed to return to the country he ruled for 20 years, even as the government alternates between letting the courts decide the legal grounds for denying or giving him travel documents, and invoking its political prerogative to keep him out of the country for as long as necessary.

At the center of this controversy is the question of Marcos's status. Is he an exile banished to a foreign country by his own government? A fugitive who left his country to avoid the wrath of his own people? Or a prisoner being forcibly detained by a foreign power?

It is a fact that Marcos was fetched from the Malacanang palace by helicopters sent by the US embassy in Manila on the night of February 25, 1986. Together with his immediate family and some close confidantes, he then passed the night in Clark Air Force Base. The following morning they were taken by a US Air Force plane to Hawaii.

Marcos loyalist supporters claim that their president had been taken against his will by agents of the US government. Marcos himself had been quoted as saying that all the while he thought he was being brought to Ilocos Norte, his home province, thus implying that the American authorities had somehow deceived him. In any event, he has not protested his "captivity" to his American captors.

In Hawaii, he seems to be free to move around. But he cannot leave US territory without the consent of the US government. And the US government has said that it is simply honoring the request of the Aquino government to keep him there until the latter decides what to do with him. That seems to make the former dictator, more or less, a forced exile.

Yet, the Aquino government has never acknowledged that it has exiled or banished Marcos to the US, though by its own actions, it appears to be operating under this premise. For example, the Solicitor General of the Cory government recently stated that the government aims to keep Marcos out of the country until he has filed all the necessary cases against him. The issue, he said, is political, not legal.

While saying that Marcos is to be kept out of

the country for now because he is still capable of causing trouble, the Aquino government intends at the same time to prosecute him before Philippine courts. This implies that, in time he will be "brought back", whether he likes it or not, to answer for his crimes against the Filipino nation. This makes him, therefore, not just an exile "to be allowed to come home" in the spirit of national reconciliation, forgiveness or whatever, but a fugitive to be arrested and extradited.

Is Marcos then a US prisoner, an exile, or a fugitive? The Aquino government has not made up its mind. In characteristic fashion, it is probably waiting for the situation to resolve itself. Perhaps through the merciful final act of *lupus erythematosus* (Marcos's reputed illness)?

In the meanwhile the old fox in Hawaii is having fun exploiting the contradictions arising from the incoherence of the Aquino position. When the Solicitor General moved to perpetuate the testimony of a dying Marcos crony against his former boss, the fallen dictator promptly invoked his right to be present at the proceedings. *Due process*, two words which the present government constantly invokes to explain its inefficiency and slowness, seems to require that Marcos be allowed to return to witness and challenge the perpetuation of a crony testimony, which may be used against him later. Through a sister in Manila, Marcos demanded that the Sandiganbayan compel the issuance of travel documents to him so that he could be present at the proceedings. It was at this point that the Aquino government, through the Solicitor General, moved to strike out the Marcos petition from the records of the courts, invoking, this time, its political prerogative to keep Marcos out of the country.

This raises the questions whether it is at all possible for the Aquino government to deal with Marcos other than as a *political* issue. After all it was a political act of the Filipino people that drove Marcos out of the country. It was also a political act of the people that installed Mrs. Aquino to the presidency. It seems so incongruous today for the government of the February Revolution to start being legalistic with Marcos. But then it was the Aquino government, through its own action and inaction, that subsequently nullified the revolutionary character of its own beginnings.