

TRANSCENDING OUR DEMOCRATIC MEDIOCRITY

BY: CHIEF JUSTICE REYNATO S. PUNO (RET.)

DELIVERED DURING THE BOOK
LAUNCH: DEMOCRATIC DEFICITS
IN THE PHILIPPINES:
WHAT IS TO BE DONE?
AUTHORED BY
DR. CLARITA R. CARLOS, ET AL.
ON SEPTEMBER 10, 2010

AT BULWAGANG RIZAL, RECTO
HALL, FACULTY CENTER,
UNIVERSITY OF THE PHILIPPINES,
DILIMAN CAMPUS, QUEZON CITY

Transcending our Democratic Mediocrity

By: Chief Justice Reynato S. Puno (ret.)

Delivered during the book launch:

Democratic Deficits in the Philippines:

What is to be done?

authored by Dr. Clarita R. Carlos, et al.

on September 10, 2010

at Bulwagang Rizal, Recto Hall, Faculty Center,
University of the Philippines, Diliman Campus,
Quezon City

I wish to congratulate Dr. Clarita R. Carlos, et al., for writing this book dealing with our democratic deficits. As a thesis on our democratic deficiencies, the book cannot come at a more appropriate time. A snapshot of its content will readily reveal its comprehensiveness. It discussed the frailties of our democratic institutions and their flabby foundations – our political parties, political dynasties, rule of law, the Local Government Units, the Armed Forces of the Philippines and the Philippine National Police, and the cancer of corruption eating their vitals. It also exposed the emptiness of our declamations as champions of the poor as it unfurls data after unassailable data of the multiplication of the roofless, the shirtless and the shoeless in our society. It also underscored in scarlet the gathering threat of our environmental collapse due to exploita-



tion of our finite resources, uncircumscribed by greed. To round up the number of our democratic deficits, the book also made a no-holds bar dissertation of our population, insurgency and food security problems. To be sure, wading through the book is not a journey to the unknown, for these deficits have along ceased to be mystical even to the less clairvoyant of our countrymen. Even then, the book is invaluable for it gives us an updated diagnosis of these deficits on the basis of the convergence of experts' opinions, both local and international. More importantly, it offers us the prescriptions to diminish, at the very least, these democratic deficits – prescriptions that come from a variety of sources including the pulpits and the pavements of our streets.

The launching of the book is also timely. We have suffered the lashes and backlashes of these democratic deficits for so long time, it is a wonder whether our threshold of tolerance has no limits at all. Be that as it may be, the last hostage crisis showcased the full range of all these democratic deficits before an incredulous world and hopefully, our embarrassment will not merely end in self-flagellation.

Let us pause and look at some of the different dimen-



sions of this hostage crisis. First, it exposed as a deficit the unreliability of our rule of law. Here we see a disgruntled police officer complaining against how our legal authorities handled the complaints against him. He felt so frustrated. He resorted to the extreme use of force to call attention to his legal conundrum. He expressed particular disgust that he has been dismissed from office yet his motion for reconsideration appears to have been unresolved by our authorities. Second, it exposed the deficits of our local government, especially its police force that demonstrated to the world how not to handle a crisis situation. The darkness of the hour became pitch black when they all went to intellectual eclipse during its critical moment. And third, we saw exposed the deficits of our national government. Among others, we saw their failure to discern the nuances between a local and national crisis; the inertia of action on the part of some cabinet and sub-cabinet officials; the non-implementation of some orders of no less than our President to use the Special Action Force (SAF) instead of the Special Weapons and Tactics (SWAT). And fourth, it exposed the deficit of the media when covering crisis stories to regulate itself to tame its scoop mentality when lives may be lost due to indiscretion.



The hostage crisis brings back Plato's criticism that democracy is the poorest form of governance. Plato's school expressed reservations about the efficacy of democracy which it denigrated as the "rule of everybody and hence, nobody and as the abdication of the responsibility to place government in the hands of the best".¹ The crisis also reinforces the thesis that the origin and heart of democracy is essentially violent and that democracies stand in clear and present danger of repudiation unless they can manage the use of violence to a civilized level.² Indeed, in all modern constitutional compacts and covenants, the sovereign people conceded to the government very few monopolies of power. One of them is the monopoly of violence and the right to deploy it with immunity against anybody so long as it is reasonably exercised. The right and reasonable use of violence by a government whether in aggression or defense is a good measure of its democratic maturity or mediocrity. Perhaps, a Hong Kong taxi driver expressed it best when he said that the worst fear of a tourist is to go to a place where the government is endowed with power, yet exhibits powerlessness in protecting visitors.

The book of Prof. Carlos is another clarion call for us

1 Ross Violent Democracy, p. 4.

2 Ibid, p. 7.



to transcend our democratic mediocrity. There is no room to disagree with Prof. Carlos for there can be no dissent against truth. Of the many reasons for our democratic deficits, I like to stress the failure of our electoral system to excise the virus of the politics of patronage that has infected our so called elections since we exercised our right of suffrage one hundred years ago under the cryptic eye of the Americans. This vicious politics of patronage has allowed few oligarchs and bosses to rule us from colonial times to post colonial times and their rule has brought us nothing but a facade of democracy, its mirage but not its miracle. I wish we have more time to deliberate on these tangled thoughts but let me conclude with the following studies of what sends our democracy in and out of the ICU.³

Democracy (in the Philippines) seems very fragile because it is not (yet) firmly institutionalized. That is, since 1986, successive elected governments have – like their authoritarian predecessors – ruled primarily for the benefits of a small civilian and military elite. Democracy after 1986, failed to lead to the development of a healthy party structure in the country’s political system. Instead, it remained characterized by

3 Hayness, *Developing World*, pp. 100-104.



the importance of populism and clan politics, factors which had been central to political competition since the colonial period. This had four main interrelated political characteristics: **(1.)** clan alliances and “bossism” (that is control by powerful individuals, especially in the rural areas) dominated the political scene penetrating the state and the bureaucracy so that they did not function as impersonal public authorities; **(2.)** attempted political decentralization was ineffective because power remained in the hands of local “bosses”; **(3.)** government was beholden to the support of important political patrons; and **(4.)** the judicial system was corrupted by the ability of powerful individuals and groups to influence outcomes. These led to sharp inequalities of treatment between rich and poor. In sum, the country’s structural political characteristics made it highly unlikely that democratization from below would be characterized by fundamental political reforms.

This is our unending tragedy. Admittedly, we have not slain this dragon of oligarchic control when we wrote our Constitution in 1935 for our writing hands were guided by our American colonial ruler. Admittedly, we failed to bury to the grave this dragon of oligarchic when we revised our Constitution in 1973 for our



hands were manacled by martial rule. But in 1987, we had our best chance to break away from the control of the oligarchs for the people themselves have regained our government through a peaceful revolt. Unfortunately, we blew it when our constitutional commissioners gave the power and responsibility to Congress to dismantle these dynasties. But just inserting one phrase in then 1987 Constitution, the phrase “as may be provided by law”, we lost the opportunity to finish the reign of dynasties and the rule of oligarchs in our country. Inserting that phrase “as may be provided by law” is like choosing a goat to be our gardener, for Congress, which is infested by dynasties, will never disturb these dynasties. There is only one legal way to evict that goat: to have a constitutional change where people, free from elitist interest, can rewrite the Constitution of our future. If the people continue to be meek in evicting this goat, they will always be the scapegoat in our tragedies.

Today, we see the growing number of so called “democratic states”. In 1914, with the disintegration of the Ottoman and Austro-Hungarian empires, there were only 55 recognized states. The number of states jumped to 59 in 1919; to 69 in 1950 and to 90 in 1960. After the crumbling of the Soviet Union which brought



an end to Cold War, the number of States exponentially grew. With East Timor's independence in 2002, the total number of states is now 192.⁴ Freedom House, however, rates most of the new democracies as only "partly free".⁵ "When States Fail" is the first book⁶ that examines the context and taxonomy of how and why states fail from the lens of gifted scholars coming mostly from Harvard University. As early as 2004, these scholars have warned that the Philippines, as a state, is already facing what they call the "incubus of failure" due to its many democratic deficits.

4 Rotberg, *When States Fail*, p. 2.

5 Haynes, *op. cit.* pp. 1-5.

6 Edited by Robert Rotberg.



ABOUT THE AUTHOR

Chief Justice Reynato S. Puno is the 22nd Chief Justice of the Philippines. He is also the Chairperson of the Supreme Court First Division and ex officio Chairperson of both the Presidential Electoral Tribunal and the Judicial and Bar Council. His appointment as Chief Magistrate on December



CHIEF JUSTICE REYNATO S. PUNO

7, 2006 was a moment that many had anticipated from the time he was sworn in on June 28, 1993 as the 131st member of the Supreme Court, then the youngest Justice at 53. Prior to his promotion to the High Court, he was, among others, appointed to the Court of Appeals at the age of 40, the youngest appointee after the law fixed the age of appointment at 40.

Chief Justice Puno obtained his Bachelor of Science in Jurisprudence and Bachelor of Laws degrees from the University of the Philippines in 1962. He pursued his postgraduate studies in the United States, all on full scholarship. He obtained his Master of Comparative Laws at the Southern Methodist University, Texas, with high distinction as class valedictorian in 1967; his Master of Laws at the University of California, Berkeley in 1968; and finished all the academic requirements for the degree of Doctor of Juridical Science at the University of Illinois, Champaign in 1969. He became the first Filipino recipient of the Distinguished Global Alumnus Award given by the Dedman School of Law, Southern Methodist University, Texas, on March 31, 2005, and has been conferred honorary doctorate degrees by nine local universities, as well as by the Hannam University, South Korea.

Among many honors, he was the recipient of The People's Magistrate Award by the Philippine Constitution Association and the Benigno S. Aquino, Jr. Award for Nationalism by the Federation of Catholic Schools Alumni Association in 2009. He was recognized as Most Outstanding Alumnus during the University of the Philippines' centennial year in 2008.



Konrad
Adenauer
Stiftung



Technical
Assistance Center for
the Development of
Rural and Urban Poor



**Centrist
democratic
Movement**

KONRAD-ADENAUER-STIFTUNG
5/F Cambridge Center Bldg.
108 Tordesillas cor. Gallardo Sts.
Salcedo Village, Makati City, M.M.
1227 Philippines

Tel +63 2 894 3737 | 894 3427
894 3796 | 893 6198
Fax +63 2 893 6199
info.manila@kas.de
www.kas.de/philippines