



DRESSED TO THE HILT: Anti-riot police, the state's loyal and unquestioning CPR attendants, prime up for confrontation with street militants.

Calibrated Preemptive Response PREEMPTING DEMOCRACY

■ By Bernardo D. Larin

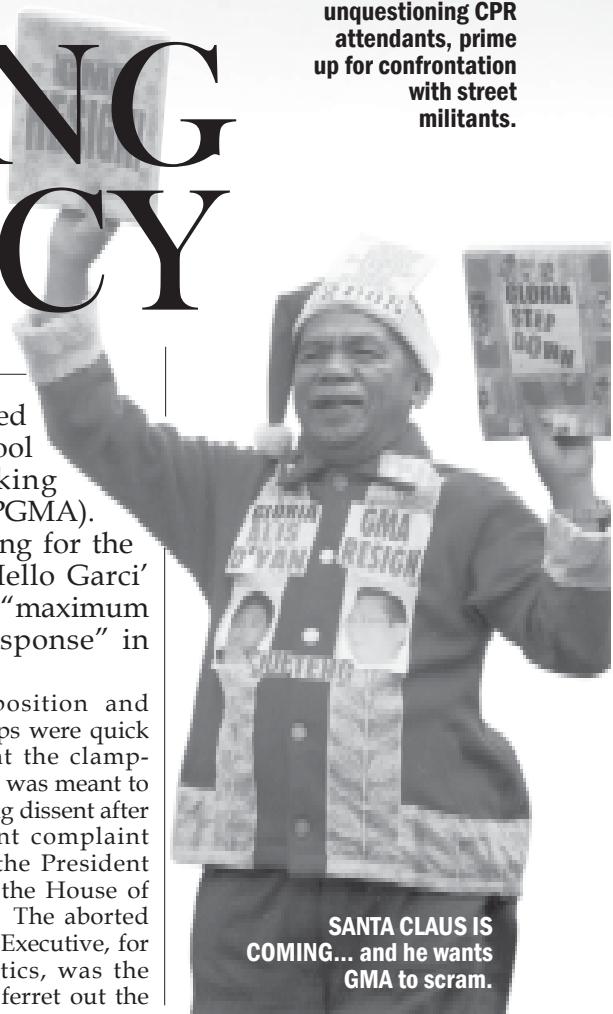


HELLO, GARCI; GOODBYE, GLORIA. President Arroyo's failure to put a convincing closure to the scandal over the wiretapped conversation that hinted at massive cheating in the 2004 presidential elections have only energized the calls for her resignation.

IT ALL started with the phrase "I am tired of chasing the bully around the school yard," coming from the tough-talking President Gloria Macapagal Arroyo (PGMA). Then came the crackdown on rallies calling for the President's ouster in the wake of the 'Hello Garci' scandal as police authorities shifted from "maximum tolerance" to "calibrated preemptive response" in dealing with street protesters.

Citing the rights of the "silent majority" affected by these rallies, particularly commuters, pedestrians, and business establishments and the harmful impact of these on investors' confidence, PGMA through BP 880 ordered the police to strictly enforce the "no permit, no rally policy" and forcibly disperse non-complying groups.

But the opposition and progressive groups were quick to point out that the clampdown on protests was meant to stifle the mounting dissent after the impeachment complaint lodged against the President was quashed in the House of Representatives. The aborted trial of the Chief Executive, for many of her critics, was the proper venue to ferret out the



truth behind the wiretapped conversation between the President and former COMELEC official Virgilio Garcillano, which hinted at massive cheatings in last year's polls.

The "no permit, no rally" policy, among other instruments of repression, critics claim, snatched away from the opposition, from the militants, and from the Filipino people the only remaining option to force the President to shed light on the Garci tapes and admit if she really betrayed the electoral will of the people.

Human rights groups including the Commission on Human Rights (CHR) also condemned the CPR and the "no permit, no rally" rule as violative of the right to freedom of speech, expression, and the right of the people to peaceably assemble and present their grievances as spelled out in Sec. 4 of the Bill of Rights under the 1987 Constitution.

After the joust of arguments, the battle lines were drawn.

Once again, Mendiola took the centerstage as activists risked lives and limbs to reclaim the symbolic bridge turned into fortress by lawmen determined to keep the "intruders" away.

The last days of September and half of October saw the almost daily clashes of truncheons, shields, water cannons, and handcuffs of the police versus rocks, flagpoles, and sheer guts of the militants. Foremost of these skirmishes was the hosing down of the running priest, Fr. Robert Reyes, and prominent anti-GMA politicians such as former Vice-President Teofisto Guingona, Sen. Jamby Madrigal, and Oscar Orbos when they tried to hold a religious procession near Malacañang after their prayer rally in Plaza Miranda on October 14.

BP 880, "No Permit, No Rally"

After the first violent dispersal since the CPR imposition, the police defended their actions by saying that they were just implementing the law on demonstrations apparently referring to BP 880 titled "An Act Ensuring The Free Exercise By The People Of Their Right Peaceably To Assemble And Petition The Government For



MOST UNPOPULAR: the calibrated preemptive response has galvanized more protest actions from a public impatient for the truth behind the wiretapped conversations.

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Other Purposes."

One, it is quite out of place or some might say inappropriate that the government is still using a law crafted during the dark years of martial rule as the basis of its approach in dealing with protest activities.

Second, it is all the more infuriating for police officials to harp on this Marcosian legislation without even fully understanding it and much less orienting their personnel in the field on how to enforce this law.

According to BP 880, an application for permit to hold an assembly filed at least five (5) working days before the scheduled activity, if not acted upon by the receiving local officials within two (2) working days, is considered granted. But there were documented cases wherein the police violently dispersed mobilizations even if the organizers produced duly received requests for permit but were not acted upon by local officials.

The public also witnessed graphically on TV and newspapers the use of unnecessary force and excesses of the police such as manhandling of activists, raining of blows on protesters who were already on their knees, use of water cannons, and sexual harassment of female demonstrators.

Of course, the police would claim that the "unruly" protesters have their share of blame in the ruckus that ensued; they even attempted to file counter-complaint of human rights violations against the dissenters before the CHR, which complaints were promptly dismissed.

But the key question is, who instigated this series of violence in the streets by suddenly clamping down on public assemblies? Who shifted the policy from "maximum tolerance" to strictly "no permit, no rally," even if previous gatherings were not proven to be disruptive and violent?

Also during these rallies, authorities indiscriminately arrested participants. This is another violation of BP 880. The law specifically states that only the leaders and organizers of an assembly without a permit would be held liable for such act.

Furthermore, the protesters lamented that whenever they tried to apply for a permit for a planned mobilization, they were given the usual runaround by local authorities especially those loyal to PGMA.

Preempting What?

It should be noted that CPR came crashing down on protesters while the "silent majority," despite their frustration and rage over the obvious plot to hide the truth from them, have not yet decided to forcibly settle the issue in the arena of the streets.

Some political analysts even said that it was not possible for the post-impeachment situation to lead to a full-blown ala-EDSA scenario because of "people power fatigue." The people were tired of revolting only to end up putting the same bunch of 'trapos' in Malacañang. Another key factor that works in GMA's favor was the perceived lack of alternative: VP Noli de Castro was seen as a

lameduck politician and ill-fitted for the job.

Left alone, the protests could have died down. But the President and her boys were too much in a hurry to bury the Hello Garci tapes literally and figuratively.

However, CPR backfired. It turned out that the intended fire extinguisher only served to further inflame the already seething anger of the opposition and the militants and to win popular sympathy for the dissenters.

Due to its crassness and barbarity, CPR also widened the spectrum of sectors critical of the administration.

Test of Legitimacy

PGMA of all people should not forget that she mainly owes her ascent to power to the parliament of the streets in 2001. And now her government is labelling it as "disruptive" and anarchic, and discrediting it by using the usual scaring-away-the-investors rhetorics.

Whether we – especially the powers that be – like it or not, whether bad or good for our image as a country, street actions have been established as a final test of legitimacy during political standoffs when legal avenues have already been exhausted.

No particular sector was responsible for this, neither the politicians nor the militants; we all did through EDSA I and II.

So, what do we make of a leader who is afraid to face the music?

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