

Violence and Deception: Survival Tools of the Embattled GMA Government

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SURVIVAL is the goal, and heightening political repression and sowing fear are the means employed.

This aptly describes the situation of the Gloria Macapagal-Arroyo government which has been struggling to “normalize” conditions and to keep itself in power in the aftermath of the “Garci tapes” exposé. The embattled GMA administration is resorting to all means at its disposal not only to perpetuate its illegitimate rule but also to continue implementing socio-economic policies and programs which have consistently undermined the people’s rights and welfare.

Being a strong adherent and practitioner of the neo-liberal philosophy, the GMA government has taken a path that has caused insurmountable difficulties and sufferings to the impoverished sections of the population. This is evident by the mounting mass poverty, unemployment and under-employment in the labor force, deterioration in the quality of life of the people, and the escalating atmosphere of desperation and frustration among the populace. Within

our midst is an economic crisis that is fast advancing and which has been fuelled by the political crisis faced by a government whose very existence is now being questioned and is under attack. For the GMA administration, the means employed to address its predicament is to resort to naked brutality and shameless deception.

Heightened Repression

The GMA government’s answer to the growing mass discontent and protest over its



Instead of quelling dissent, PGMA’s calibrated preemptive response (CPR) only fuelled more protest actions. (Top) Militants press against a phalanx of battle-ready anti-riot police. (Right) DRENCHED, BUT STILL DEFIANT: Senator Jamby Madrigal, former Executive Secretary Oscar Orbos, Bayan Muna Party-List Representative Satur Ocampo, former Vice President Teofisto Guingona, and ‘running priest’ Fr. Robert Reyes test GMA’s CPR.

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THE POPULAR CALL OF THE DAY: oust an illegitimate president.

illegitimate assumption into the presidency and the unabated implementation of anti-people and pro-globalization policies and programs has been the highly criticized “calibrated preemptive response” and the “no permit, no rally” policy. This has been followed by the issuance of a series of proclamations and executive orders which blatantly violate the people’s human rights and civil liberties, notably the freedom of expression and peaceful assembly, the right to petition the government for redress of grievances and the right to information.

On the pretext of upholding the rule of law and protecting the “welfare of the greater majority”, the GMA government has toughened its stance in the midst of the escalating political crisis by prohibiting the people from exercising their rights and civil liberties. While recognizing the welfare and interests of commuters, pedestrians and businessmen, the government has outrightly ignored the legitimate rights of the people to free expression and assembly and to petition the government, by banning peaceful protest actions and gatherings. Violence, illegal arrest and detention, threats and lies have been the government’s principal weapons to defend itself against the continuing expressions of people’s vigilance and dissent.

The “no permit, no rally” policy clearly violates the people’s rights to free expression and peaceful assembly since local chief executives, in practice, have been given the authority and power to either allow or disallow the exercise of

these rights through the issuance or denial of a permit to hold a rally, demonstration and/or other forms of mass protest actions in public places. Justifying that the “no permit, no rally” policy is in accordance with Batas Pambansa 880, a Marcosian decree issued in 1985, the current implementation of the said law contradicts the intent and spirit of the law itself.

Contrary to what is stipulated in BP 880, the GMA regime, in addition to its “calibrated preemptive response” (CPR) policy, has outrightly denied the people’s right to exercise their rights to free expression, to peaceful assembly and to petition the government for redress of grievances by violating important provisions of the said law. This has been shown in the following actions/measures of law enforcement agencies in the recent past:

1. Denied granting of permits in the holding of a public assembly even if there is obviously no “clear and present danger to public order, public safety, public convenience, public morals or public health” involved in the applications [violation of Section 6(a)];
2. Disallowed the holding of public assemblies even if the application requirements were complied with by the applicant(s) and have not been acted upon by the office of the mayor or the official acting in his/her behalf, two (2) working days after the filing of the said application [violation of Sect. 6(b)];



WHEN THE PEOPLE’S BASIC RIGHTS AND FREEDOMS (OF ASSEMBLY, OF SPEECH) ARE TRAMPLED: The streets become vibrant battlegrounds for democratic space.

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3. Failed to inform the applicant regarding the mayor’s assessment of the presence of “imminent and grave danger of a substantive evil warranting the denial or modification of the permit” in the holding of the public assembly; moreso, hearing the side or justification of the applicant in the holding of the public assembly [violation of Sect. 6(c)];
4. Mobilized members of law enforcement agencies, who were in plainclothes or were not wearing complete uniforms and nameplates, to deal with demonstrators/rallyists [violation of Sec. 10(a)];
5. Non-observance of the policy of “maximum tolerance” with the violent dispersals and manhandling of demonstrators/

rallyists, even before they assemble themselves for their protest actions [violation of Sec. 10(a)];

6. The reckless use of water cannons as a means of dispersing or breaking up peaceful public assemblies [violation of Sec. 10(c)]; and
7. Indiscriminate arrest and detention of leaders and/or participants, even without provocation or violation of any law/statute/ordinance, during public assemblies [violation of Sec. 11(d)];

Meanwhile, EO 464, the policy prohibiting administration and military officials from attending congressional hearings without prior clearance and go-signal of the President, is another measure that further constricts the people’s right to information.



While invoking the constitutional guarantee of separation of powers between the executive, legislative and judicial branches of government, and the rule of executive privilege, the GMA administration has used EO 464 to deny the public vital information on the conduct of government affairs and decisions which the people have

the right to know. It is being used as a tool to keep away from the people and GMA's critics the numerous scandalous and objectionable decisions and agreements made by the President and administration officials, by using the protection of public interest and/or security of the state as pretext. Moreover, while EO 464

recognizes the "rights of public officials appearing in legislative inquiries in aid of legislation", it ignores the right to information of the people; while it safeguards the interests of public officials in congressional inquiries/hearings, it ignores the people's interests and welfare.

EO 464 outrightly violates the 1987 Philippine Constitution. As pointed out in the position paper of the Free Legal Assistance Group (FLAG), "Sec. 22, Art. VI of the 1987 Constitution simply refers to heads of departments" (meaning members of the Cabinet) as requiring the President's consent when appearing before both Houses of Congress. All other public officials do not have to get the President's approval as stipulated in EO 464.

A government that has lost its legitimacy and that no longer enjoys the trust and confidence of the people cannot but rule except through the use of force and deception.

Contrary to the principles of transparency and accountability, the GMA government has ruled and pursued its plans and priorities through the use of deceit, threats and bribery like the reported P8B pork barrel allocated for LGU officials in the 2006 national budget and the offering of juicy government positions to its loyal allies and supporters. The vindictive moves taken by the administration following the exposé made by Brig. Gen. Francisco Gudani and Col. Alexander F. Balutan on the massive cheating committed during the 2004 presidential elections involving Commissioner Virgilio Garcilano, top military officials and the First Gentleman, and the exposé on the Venable contract, are clear proofs of the high-handedness of the GMA government which will go to the extent of even violating the Philippine Constitution and infringing on the people's rights.

Despite denials that martial law or emergency rule will not be declared by the chief executive, there is really no need for such formal announcement to take place. What the nation is experiencing today, primarily the pervasiveness of an atmosphere of repression and violence, are signs of a *de facto* martial rule. A government that has lost its legitimacy and that no longer enjoys the trust and confidence of the people cannot but rule except through the use of force and deception.

Concomitant with the political crisis is a sharpening of the economic crisis which permeates into the very core of most Filipino households. As a consequence of its adherence to the terms and conditions of multilateral financial institutions, specifically the IMF-WB, and the World Trade Organization (WTO), the GMA administration has pursued programs and policies which have increased the deprivations, insecurities and people's vulnerabilities to hunger, ignorance, disease, disabilities and death, and powerlessness.

Like the GMA government, survival has been the foremost concern and preoccupation of every Filipino household. But unlike the GMA government, the Filipino household has no expedient power and resources at its means - not even the right to peacefully petition for relief and redress from a government that has not only ignored but is even hell-bent on abrogating the citizen's most basic rights and welfare.

The World Bank has noted that the gap between the rich and the poor in the Philippines has widened, posing a big obstacle to the country's growth and development (Dumlao, Sept. 5, 2005, p. A1). According to the report, inequality has effectively excluded the poorest of the poor "from social and economic development of the country." In concrete terms, the widening gap has been demonstrated in the following realities (Dumlao, Sept. 5, 2005, p. A4; PhilRights, Jan-June 2005, pp. 14, 29; Newsbreak, October 10, 2005, p. 24; PDI Research, October 19, 2005, p. A1):

- Nearly half of the 84 million Filipinos live on

- less than \$2 (P112) a day;
- One out of every 3 Filipinos between the ages 6 and 24 years has never been to school or has dropped out of school;
- 18% of Filipino children are not enrolled in primary school, 40% are not enrolled in secondary school and 66% have no means to enroll at the collegiate level;
- One in 10 Filipinos between the ages 10-64 years cannot read or write;
- 2 in 10 Filipinos are functionally illiterate, i.e., they lack numerical skills and do not know how to add, subtract, multiply or divide;
- The Philippines remains among the lowest spenders in education with only \$150 allotment for each pupil per year compared to Thailand's \$950 per child per year and Singapore's \$1,582;
- 34% of Filipinos live below the poverty threshold, the highest in Southeast Asia;
- In a March 2005 survey of the Social Weather Station (SWS), 13.4% of the respondents or 2.1 million Filipino families expressed experiencing hunger - the highest hunger incidence in 20 years;
- Unemployment rate as of January 2005 was placed at 11.3% by the Bureau of Labor & Employment Statistics (BLES), with many of the unemployed and underemployed ending up in the informal sector (which now accounts for more than 50% of the total work force of the country);
- 4.3 million families or 26.5 million Filipinos are living below the poverty line.

The unparalleled increases in the prices of fuel, electricity, water and transportation have caused multiple burdens on the people especially in a situation where the wages and salaries of workers and fixed-income earners are not keeping pace with the increases of basic goods and services. Table 1 shows the increases in transportation fares, utilities and basic commodities between 2003 and 2005.

Except for softdrinks and brown sugar, all other essential

Table 1: Changes in the prices of fuel, transportation fares, utilities & basic commodities (2003-2005)

Petroleum prices	2003	Price change	
		10/2005	EVAT
Diesel (per liter)	P 15.61	P 32.95 - 33.83	111% - 116%
Unleaded (per liter)	20.07	36.05 - 39.08	79% - 94%
LPG (11-kg cylinder)	273.00	464.00 - 499.37	69% - 82%
Transportation fares	2004	2005	Price change (%)
Jeepney	P 5.50	P 7.50	36%
Non-aircon bus	6.00	8.00	33%
Utilities			
Electricity, generation charge for 190 kwh	P 631.05	P 937.92	49%
Water, basic charge for 30 cu. m **average household consumption	158.56	212.58	34%
Basic food commodities, peso per kg	2004	2005	Price change (%)
Red onion	P 40.00	P 65.00	63%
Tomato	40.00	50.00	25%
Ordinary rice	20.00	22.00	10%
Brown sugar	22.00	24.00	9%
Soft drinks (1.5 L)	30.00	32.00	7%
Fast-food	2004	2005	Price change (%)
Chicken, 1 pc.	P 48.00	P 55.00	15%
Burger, w/o cheese	18.00	20.00	11%
Burger. w/ cheese	33.00	35.20	7%

Source: PDI Staff & PDI Bureaus, Sept. 12, 2005, A12; PDI, Nov. 1, 2005, A7)



items and services have increased by at least 10%. As shown in Table 1, the price of diesel, the fuel used by public utility jeepneys, has more than doubled, increasing by as much as 116% in a span of 2 ½ years (2003 to 2005) and after the implementation of the expanded value added tax (E-VAT), effective November 1, 2005. Meanwhile, the generation charge for 190 kwh of electricity increased by 49%, while the basic charge for 30 cu. m of water, the average household

consumption, increased by 34%, from 2004 to 2005. In fact, even fast-food items have not escaped price increases (PDI Staff & PDI Bureaus, Sept. 12, 2005, A12). Furthermore, with the implementation of the E-VAT Law, more increases in the prices of diesel and gasoline, LPG, transportation fares, electricity, highway toll fees, hospitalization, doctor's and laboratory fees will surely be experienced by the population.

The violation of the people's economic, social and cultural

rights has been further escalated by the implementation of economic policies and programs which have only benefited and served big business and the advanced capitalist members of the WTO. The implementation of trade liberalization and agricultural deregulation measures by the GMA government, resulting in the smuggling and dumping of imported agricultural products like fruits and vegetables, has greatly weakened the country's agricultural sector (Tañada, October 10, 2005, p. 23). Through the years, the government had failed to extend the necessary support to local industries and agriculture like credit facilities and infrastructure, and have left them on their own to compete



in an uneven playing field (Tañada, October 10, 2005, p. 23). Thus, it is no surprise that many Filipinos have experienced hunger and have felt poorer during the recent past.

In a situation where the people have to deal with a government committed to the implementation of neo-liberal policies that result in the erosion of livelihoods and incomes, freeze in wages, reduction in government budget for basic social services, and destruction of the environment, the people have no recourse but to fight and assert their rights in the name of survival. Given the knee-jerk reflex of the Arroyo administration, it will surely retaliate against the peoples' actions with greater state violence and repression. Thus, a vicious cycle of violence and human rights violations is what our people will witness and experience in the weeks and months to come under a government that they no longer recognize but is struggling to hold on to power.

The Challenge and Call of the Times

The signs of the times point to the urgent need to thwart the continuing repression perpetrated by the GMA government to keep itself in power and pursue its anti-people goals. It is the duty of every Filipino committed to the defense of human rights to take immediate action against the "calibrated preemptive response", "no permit, no rally" policy, EO 464 and all other measures taken by the GMA regime to quell all forms of dissent and protest

against its illegitimate rule and oppressive activities. We are duty-bound to resist and defy a regime that no longer enjoys the people's trust and confidence.

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Alamin ang invong mga KARAPATAN

- **Ayon sa Batas Pambansa 880, pwedeng magsagawa ng rally o iba pang pampublikong pagtitipon kahit walang permit sa mga sumusunod:**
 - a. sa mga 'freedom parks' na idineklara ng ordinansa o batas;
 - b. sa mga pribadong lugar na may pagsang-ayon ng may-ari;
 - k. sa mga pampublikong eskwelahan o pang-edukasyunal na institusyon ngunit kailangang sundin ang mga alituntunin nito.
- **Paano ang proseso ng pagkuha ng permit para makapagsagawa ng rally o public assembly sa ilalim pa rin ng BP 880?**
 - a. Ang aplikasyon ay nasa porma ng **sulat** na naglalaman ng mga pangalan ng mga pinuno at nag-organisa ng rally; layunin ng pagtitipon; ang petsa, oras at tagal ng aktibidad; ang posibleng dami ng taong kasali; at ang mga sasakyan at sound system na gagamitin.
 - b. Kailangang mai-file ang aplikasyon sa opisina ng lokal na pamahalaan na nakakasakop sa lugar na pagdarausan, nang hindi bababa sa limang 'working days' bago ang aktwal na pagtitipon.
 - c. Pagkatanggap ng aplikasyon, kailangang aksyunan ito ng mga lokal na opisyal at tumugon sa pamamagitan din ng sulat sa loob ng dalawang 'working days.' **Kapag hindi ito nagawa, ituturing na pinapayagan ang nasabing pagtitipon.**
 - d. Ang isang aplikasyon ay pwede lamang baguhin o ibasura kapag may malinaw at kapani-paniwalang basehan na ang pagtitipon ay magdudulot ng 'clear and present danger' sa kaligtasan, kaayusan, moralidad, at kalusugan ng publiko.
 - e. Kapag nagdesisyon ang 'mayor' na baguhin o huwag payagan ang isang rally, kailangang mapaalaman agad ang mga nag-organisa nito. Maaari ring kwestyunin o i-protesta ng mga nag-organisa ang ganitong desisyon sa angkop na korte.
- **Anu-ano ang mga tungkulin ng mga pinuno at organisador ng rally?**
 - a. Ipaalam sa mga kalahok ang kanilang mga tungkulin sa ilalim ng permit.
 - b. Tiyaking maayos ang kanilang hanay upang hindi mapasukan ng mga indibwal o grupong ang intensyon ay magsimula ng gulo.
 - c. Makipag-ugnayan sa mga awtoridad upang maayos na maisagawa ang pagtitipon.
 - d. Disiplinahin ang mga kasali sa rally upang hindi gumawa ng mga bagay na labag sa karapatan ng mga hindi kasali sa pagtitipon.
 - *Kapag may mga grupong nag-rally nang walang permit, ang pwede lamang hulihin ng mga pulis ay ang mga pinuno at organisador, at hindi pwedeng hulihin ang mga ordinaryong kalahok sa nasabing pagtitipon.*