

# The Philippines Forgiving or Forgetting?

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As other countries struggle to prosecute the torturers and collaborators of their authoritarian regimes, the Philippines deals with the issue by electing them to office. This essay tries to explain why this happens by searching for parallels between the nation's handling of the World War II collaboration issue and the crimes of the Marcos regime.

**I**N SOUTH AFRICA THERE HAS BEEN AN OFFICIAL TRUTH COMMISSION, which has brought to light the crimes not only of the defenders of apartheid but also of Winnie Mandela, the wife of its greatest opponent and national hero. In Brazil, even while the military was still in power, a team of lawyers supported by the Protestant and Catholic churches secretly photocopied more than a million pages of military records of interrogations, torture and murder of suspects. When boiled down to readable length and secretly printed, the report entitled *Brazil: Nunca Mais (Brazil: Never Again)* hit the newstands like a bombshell. The military had declared an amnesty which made prosecution impossible, yet the national shock and the shame did something to assure that such things would not happen again (Wink 1997).

In Guatemala, after a 30-year civil war that left 100,000 dead or disappeared, the Catholic Bishops' Conference sponsored a project to 'recover the historic memory'. Eight hundred 'reconciliation animators' were trained, and they recorded some 6,000 detailed accounts of massacres by both government forces and the guerillas, in which an estimated 30,000 people had died. The final four-volume report focused on 60 'emblematic cases' that gave a general picture of what had happened, and an analysis of the roots of the violence and indications of

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who was responsible. This provided a counterweight to a toothless 'truth commission' set up as part of the peace agreement. Tragically, it did not end the violence; on 26 April 1998, two days after he submitted the final report entitled *Guatemala: Never Again*, Bishop Juan Gerardi, who headed the project, was brutally beaten to death with a paving block in his own garage (Jeffrey 1998).

In Chile, it has been possible to prosecute and convict some notorious violators of human rights despite the military's declaration of an amnesty. Moreover, Chile's General Augusto Pinochet is now in England fighting against extradition to Spain and prosecution for violations of human rights committed during his reign in Chile; if the prosecution succeeds, it will be a landmark event, serving as a warning to others with blood on their hands that they are safe nowhere in the world. Yet international action is not enough; each affected nation must somehow face up to its past before it can put that past behind it and move with confidence into the future.

In the Philippines following the fall of President Marcos in 1986, the answer to the question 'what does one do with the accomplices and cronies' might be 'one elects them to office.' Former President Fidel Ramos was Chief of the Philippine Constabulary, one of the most

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notorious elements in the Philippine military, under Marcos. Senator Juan Ponce Enrile was Minister of Defense under Marcos. Marcos' widow and their son and daughter have been elected to the House of Representatives; the son is now governor of his province. Jose de Venecia, former Speaker of the House of

Representatives and a leading presidential candidate in 1998, is reported to have profited mightily, at the expense of the people, from loans obtained through the influence of Marcos. And of course the policemen and soldiers who carried out the torture and salvaging are still among us, some surely still in uniform. It is a disturbing thought.

The reply that 'one elects them to office' obviously raises more questions than it answers. There is a need for a careful historical, social and cultural analysis, which I have attempted to do in a monograph

recently published with the assistance of the Foundation for Worldwide People Power. Here I shall point only to some of what seem to me to be key elements in an explanation.

#### ELITE SOLIDARITY AND COLLABORATION

IN the year 1900, following the Spanish-American War and the American occupation of the Philippines, William Howard Taft arrived in Manila as the head of the US Government's Philippine Commission which was to decide the future of these islands. The story is told that he was met by a delegation of prominent Filipinos, *ilustrados*, who pressed for immediate independence. Their argument was that for a people to be self-governing all that was required was a minority capable of ruling and a majority willing to be ruled, both of which the Philippines had. Whether or not the story is historically accurate, it does reflect the elitist mentality of the cosmopolitan and educated Filipino upper class of the time, and perhaps of today as well.

The Philippines has long been a society of unequals, starting with the pre-Spanish *datu* and their followers, continuing through the Spanish period when the power of the *datu* was reinforced by the colonial administration, and the arrival of the Americans who chose to ally themselves with the *ilustrados*, thus putting social stability over social reform and social justice (Stanley 1984). Even the early introduction of elections and the party system only served to strengthen the hold of elite, landed families who used quasi-feudal methods to control their 'followers' while they themselves controlled the political machinery.

With independence in 1946 came the issue of how to deal with those who had 'collaborated' with the Japanese occupying forces. The issue was complicated. Some had worked with the Japanese out of opportunism, some out of nationalism, and some in order to prevent greater suffering among the people. These would have to be sorted out if justice were to be done. Nevertheless, a start was made, with the outstanding patriot and lawyer Lorenzo Tañada in charge of prosecution. Even before his appointment, however, powerful forces were at work that would ultimately frustrate his efforts. First there was the questionable exoneration of Manuel Roxas, who had been a member of the puppet government, by no less than General Douglas MacArthur

himself. Second was the decision of Sergio Osmeña, Commonwealth president in 1945, to reconvene the Philippine Congress that had been elected in November of 1941 for a term of four years. This was done under pressure from the Manuel Roxas faction, many of whose members were accused of collaboration. Congress convened and elected Roxas Senate President and Chairman of the Commission on Appointments (Golay 1997).

Thus a struggle ensued between Osmeña and Congress over the composition of the People's Court which was to deal with collaboration cases. The law that was finally legislated guaranteed that few of the accused would actually be tried and punished: the cases of more than 5,600 accused were to be processed within six months by only 25 special prosecutors (Golay 1997).

At the same time, however, bills were being introduced in Congress calling for amnesty for collaborators. Tañada complained repeatedly of obstacles put in the way of his work, and eventually resigned when he discovered that some of Roxas' key advisors were involved in the preparations for the defense of alleged leading collaborators (Shalom 1986).

The effort to prosecute collaborators was finally aborted in 1948 by the amnesty proclamation signed by President Roxas. Of more than 5,000 cases filed before the People's Court, only 156 resulted in convictions;

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of 17 prominent individuals tried, only one was convicted (Golay 1997). This could well have created the impression that there was no real difference between patriots and traitors, or that it was not worth the effort to sort them out.

It is true that the new government had other pressing issues to confront, among them reconstruction (physical and moral, as well as economic), war damage payments expected from the United States, and rising social unrest which was escalating into the Hukbalahap rebellion. It was easy to argue that unity, not division, was required. Thus it is possible to see this 'resolution' of the collaboration issue as a repetition of the choice of stability over justice made at the

beginning of the American regime. It can also be viewed as an example of elite solidarity and the power of elite families. In any case, it made possible the return of the pre-war elite to public life and anticipated similar developments after the fall of President Marcos.

FAILURE TO CLEAN UP AFTER MARCOS

FORTY years after the collaboration debate, another president, Corazon Aquino, faced the daunting task of restoring stability to the nation: a new Constitution had to be written and voted upon, thousands of Marcos-appointed officials dealt with, assets stolen by the Marcos family traced and taken over, international confidence restored, and decisions made on the massive foreign debt left by Marcos. She was obliged to do all these in the face of continuing resistance from Marcos loyalists and disgruntled elements of the military, from the revolutionary Left which felt that 'their' revolution had been preempted, and from the Muslim rebels.

Moreover, she lacked a solid political party to back her up; the loose coalition that had supported her candidacy quickly dissolved and she did not make an effort to build a party of her own. As time went on, elements of the military staged five coup attempts against her regime, partly in protest against the 'favoritism' that she was accused of showing to the NPA in her effort to bring their rebellion to an end. To placate the military, she dismissed certain 'leftist' cabinet ministers; she also dismissed her Minister of National Defense, the durable Juan Ponce Enrile, on suspicion of supporting the coup attempts. Thus, stability and the survival of the regime once again took priority over justice.

In fact, the most noteworthy achievement of the Aquino presidency was survival, and a peaceful and orderly transition to her successor, Fidel V Ramos, in 1992. Hers was a political revolution against a corrupt and at times brutal dictatorship. It was not a social revolution. Nor did it attempt a thoroughgoing political housecleaning. Although many Marcos appointees were removed from office, the new Constitution did not limit their participation in elec-

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toral politics. In the congressional elections of 1987, many members of the elite families who still retained their landholdings and political bases were elected—enough of them to weaken drastically the agrarian reform program that had been one of Corazon Aquino's main campaign promises. A study of the members of the House of Representatives commented that:

When the Eighth Congress was convened in 1987, it became clear that political families were clever survivors. It also became clear that the new regime needed the participation and support of these families if it wanted to maintain both stability and control. (Gutierrez 1994)

Some of Marcos' enterprises were taken over but the relatively futile search for his 'hidden wealth' still goes on. There are strong suspicions as well as accusations that the search itself has been less than serious and transparent. The case for compensation for the victims of human rights abuses under the regime was pursued in the American courts, not the Philippine courts, and the administrations of Presidents Ramos and Estrada have seemed intent on blocking access by the victims to the compensation. Sadly also, these cases have emphasized financial compensation, not punishment of the perpetrators. At most only a few low-ranking soldiers have been punished. The person responsible for the murder of Aquino's own husband has not been publicly identified, much less prosecuted.

The most notorious Marcos supporters fled the country with him. Not one of those who remained was imprisoned and many have reentered public life. Others have regained the tremendous wealth that they accumulated under the regime and are once again kingpins in the national economy. The Marcos family itself has not only retained its wealth and its political power in the Ilocos region and Leyte, but also appears to be in the process of a general restoration. One of the early proposals of President Estrada was to bury the body of the former president in the *Libingan ng Bayani* which is reserved for national heroes, and the 70<sup>th</sup> birthday party of Imelda was reminiscent of her most extravagant and tasteless 'bashes' of 20 years ago.

WHAT TO MAKE OF IT ALL?

THE parallels between the nation's handling of the collaboration issue and of the Marcos issue are obvious. In both cases there was a weak government beset by immense problems and powerful social forces that necessitated a focus on unity, a tainted elite which quickly reestablished its political power and showed no interest in revealing the skeletons in its members' closets, a leader who was himself compromised and yet rose to being president of the nation, a body tasked to investigate and/or prosecute that accomplished little or nothing.

It is easy to see here the role of elite solidarity, as Frank Golay pointed out in reference to Sergio Osmeña's attitude to the collaboration issue. Osmeña was surely in no way tainted with collaboration, but he

...had little stomach for the task he had inherited. He was a member of the elite that had been challenged, and he shared the conviction of other members that only they should govern. The coherence of the elite was not surprising, for their mandate to rule had been repeatedly renewed by the Filipino people. The issue of collaboration... presented an opportunity for the emergence of new men capable of shaking up the traditional structure of political power... but no leadership—American or Filipino—emerged to seize this opportunity. (Golay 1997)

While agreeing wholeheartedly with the main point of Golay's observation, I would add two comments of my own. First, the elite of the post-Marcos era is not entirely a social elite whose members trace their ancestry back to the *ilustrados* and land-owning families of 1896. Some are 'new men' and women with middle-class backgrounds in business or the professions, and even the media. What distinguishes the elite of today as a group is not family lineage or their social graces or their control of the English or Spanish languages, but power and wealth. And having power and wealth, they are no more anxious to shake up the system than were the *ilustrados* of 1900.

A second point worth noting in the quotation from Golay is the fact that the elite's 'mandate to rule had been repeatedly renewed by the Filipino people.' Having known Golay, I am sure that he wrote those lines with a deep sadness in his heart, but they are true. I myself was here in 1946 and I recall little public concern to pursue the collabora-

tion issue. In post-EDSA Philippines public opinion surveys from June of 1986 onward reveal little desire to punish the Marcos family for their crimes against the nation and against individuals. The Ateneo Social Weather Station survey of June 1986 has 69% of Filipinos agreeing that Marcos was a 'brave president'. Only 4% wanted him to come back to suffer punishment for his crimes. There was no mention in these surveys of the victims of the regime's human rights violations; only the 'hidden wealth' appears to have been considered an issue. Thus the common people as well as the elite seemed ready in 1986 to close the door on Marcos' crimes, much as they had closed it on the collaboration issue 40 years earlier.

Some may see this as the Christian virtue of forgiveness, but here I must disagree. As individuals and as communities we are all enjoined to forgive our enemies, even to 70 times seven times, and to bear no bitterness in our hearts. But this applies in the first place to those who acknowledge their offenses and ask pardon, not to those who arrogantly deny that they have done any wrong.

Moreover, punishment for crime is *not* a matter of revenge, nor even of justice for the victim. In penalizing crime, the community rises up to reaffirm one of its values when this value has been seriously violated. The great sociologist Emile Durkheim suggested this a hundred years

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ago with his theory of a 'common conscience'—what we could call today a common set of cultural values that gives unity and coherence to a community. When that common conscience is grossly violated, the community rises up and protests by punishing the violator. Punishment thereby becomes almost a ritual

act, as suggested by the practice in the British courts whereby a judge before passing sentence would don his wig and robe to indicate that he is acting in the name of the community. Not to react as a community would be to reduce a community's values to a matter of personal preference. And if this goes too far, there is grave danger that the community will no longer know what it stands for, what it permits and does not permit, and will dissolve.



My example here is Pope John Paul II going to the Rebbedia Prison in Rome to embrace and forgive Ali Agca who had shot and nearly killed him. The Pope wanted to make the point that forgiveness is the only way to peace in a world torn asunder by ethno-religious hatred, but *he never asked that Ali Agca be released from prison*. Ali Agca had most seriously violated the values of the community, and the community had the right and duty to reaffirm those values by keeping him in prison.

My concern then is that we in the Philippines are in a state of denial with regard to the crimes of the Marcos regime. And that the willingness to forget these massive crimes against the nation and against communities and against individuals reflects the weakness of the 'common conscience', a weak sense of the nation and of the common good. Unless the nation rises up to vindicate and reaffirm those values, it may be condemned to wander forever in the wilderness of valueless power plays among the elite.

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Other nations, as we said at the beginning, have gone to great lengths in their efforts to face up to their past. Even where legal punishment of the wrongdoers was not possible, they acted in the belief that a sober recording of the facts, even gruesome memorials such as the torture chambers at Tuol Sleng in Cambodia converted into a museum displaying the skulls of Pol Pot's victims for future generations to see, will somehow—beyond the shock and the shame—be a reaffirmation of values violated and an assurance that this will never happen again.

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