

# Learning from the Lessons of the Past

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Power is in those who you believe it to be.

On July 10, 2012, the Ombudsman charged former President Gloria Macapagal Arroyo and various PCSO officers with plunder. It stemmed from alleged disbursements of the Confidential and Intelligence Fund (CIF) for anomalous reasons. The prosecution endeavored to show evidence that GMA signed off on the requests for additional Confidential and Intelligence Funds of the Philippine Charity Sweepstakes Office which allegedly had no detailed specific project proposals and specifications accompanying the request for additional CIF. The prosecution showed that an approximate amount of P365,997,915.00 was disbursed in favor of the aforementioned CIF in excess of the amount approved for its budget<sup>1</sup>.

In the end, the Court ruled that the prosecution had failed to establish the fact that there was conspiracy to commit plunder as there was no main plunderer assailed as required by Republic Act No. 7080, and that there was no sufficient showing that the accused had personally benefitted from the alleged misappropriated funds, nor that they had amassed, acquired, or accumulated such amount.

To begin with, we are not here to assail the conclusions reached by the Supreme Court. What is of more interest is the political background and national implications that this case had, in relation to the political climate at the time and regarding the masses' perceived view of politicians as a whole.

The merits of the arguments of the prosecution seemed feeble. They endeavored to pin the act of plunder seemingly through GMA's mere act of approval in the disbursement of additional CFI funds. They provided no concrete evidence that the same was used in an illicit and improper manner, nor did they have any proof whatsoever that the accused had accumulated or amassed the amount disbursed in their favor or personal benefit. From the foregoing, it cannot be helped but to conclude that this case should have been delayed for the collection of further evidence, or it should not have been filed at all due to the bereft of evidence. Yet still, the Office of the Ombudsman deemed it was enough to file an information and warrant a conviction.

It was very apparent at the beginning of former President Benigno Aquino's administration that they seemed all too eager to blame a lot of the shortcomings and troubles that our country had by the apparent failures of the previous administration. In fact, he was frequently accused of looking at the past with a vengeful spirit, blaming previous regimes for the present woes of the country. Considering the way that GMA's case developed, a question then arises; was this case filed with real intent to prosecute GMA, or merely to defame her name and further reinforce the idea that her administration had been severely lacking?

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<sup>1</sup> [G.R. No. 220598. July 19, 2016.] GLORIA MACAPAGAL-ARROYO, petitioner, vs. PEOPLE OF THE PHILIPPINES AND THE SANDIGANBAYAN (First Division), respondents ; [G.R. No. 220953. July 19, 2016.] BENIGNO B. AGUAS, petitioner, vs. SANDIGANBAYAN (First Division), respondent.

It can be stated that such a case would surely have cast shadows of doubt on the former President's integrity and credibility. The courts require evidence to establish guilt beyond reasonable doubt to convict a person of any crime, however the courts ruled that the prosecution failed to establish such quantum of evidence. Yet the same lacking evidence seemed to have not been enough to plant suspicion in a layman's head regarding the integrity of the accused public official as evidenced by the fact that GMA still managed to win her bid for reelection in the 2013 elections.<sup>2</sup> She won via landslide despite the controversy generated by the ongoing Sandiganbayan case regarding her plunder at the time of the elections.

How is it that a person whose integrity had been seemingly compromised by a serious allegation of plunder, still manage to win for reelection in the House of Representatives? This is not even an isolated case. The Philippines' political history is teeming with elected officials who had controversial backgrounds. One glaring example is that of Former President Erap Estrada. He was convicted of plunder in connection to allegations of being a jueteng lord and other acts of misappropriation amounting to an amount in excess of P700 million pesos. He was eventually granted an executive pardon by GMA despite his conviction.<sup>3</sup> He ran for the presidential election in 2010 and came in second besting other well-known bets who had no criminal record. Erap may have easily won the presidential election had former Cory Aquino's death not given Noynoy Aquino an unprecedented and unexpected advantage. Despite the defeat, Erap ran for Mayor of Manila in 2013 and won.<sup>4</sup> He was reelected again in 2016. He easily trumped other political stalwarts who have been entrenched in Manila for the longest time.

How is it possible that a person convicted of a crime in relation to the abuse of his powers as the head of the executive department, is merely pardoned as if he had done nothing at all? How is it even fathomable that he comes so close to once again winning the highest position in the land which he was stripped of by reason of his abuses? How is it comprehensible that he can run for Mayor in a city he barely lived in and dethrone political kings who have ruled it for decades? Once more, a question comes to mind; was Erap's pardon truly justified or was it a masterful planned move for GMA in anticipation that she may one day need such a pardon? By setting a precedent, GMA had paved the way for herself and future presidents to escape imprisonment and even a way for a comeback.

Remember the once famous whistleblower, Jun Lozada? He who was the star witness with regard to the graft case against former President and now Representative Arroyo, former first gentleman Mike Arroyo, and former Comelec chairman Benjamin Abalos Sr. Lozada has testified that the NBN-ZTE deal had been an anomalous one, that apparently, the opposing bidder had been bribed to back off of the deal, and that ZTE had doubled its proposal to \$329 million instead of the \$262 million evaluation which Lozada made himself as a technical adviser of the National Economic and Development Authority.

This case had fallen out of the limelight after its initial scandal had worn off, people had just forgotten about it. In August 23, 2016, Jun Lozada had been convicted of one count of graft for causing undue injury to the government over an anomalous land deal as President and CEO of the Philippine Forest Corporation which is a government owned and controlled

<sup>2</sup> Retrieved from, [www.gmanetwork.com/news/story/190811/news/regions/arroyo-wins-congress-seat-in-pampanga](http://www.gmanetwork.com/news/story/190811/news/regions/arroyo-wins-congress-seat-in-pampanga)

<sup>3</sup> Retrieved from, [www.gov.ph/2007/10/25/pardon-granting-executive-clemency-to-joseph-ejercito-estrada-october-25-2007/](http://www.gov.ph/2007/10/25/pardon-granting-executive-clemency-to-joseph-ejercito-estrada-october-25-2007/)

<sup>4</sup> Retrieved from, [www.philstar.com/nation/2016/05/10/1581823/erap-wins-manila-mayoral-race-aneu](http://www.philstar.com/nation/2016/05/10/1581823/erap-wins-manila-mayoral-race-aneu)

corporation. He was charged with graft for having awarded a lease contract to his brother, Jose Orlando Lozada, without the proper application process being undergone. They were sentenced to six to 10 years imprisonment.

One might ask; what happened to the graft case against former president Arroyo and her co-accused? On September 16, 2016, the case had been dismissed based on a demurred to evidence which was filed by all three. They were charged for allegedly authorizing the national broadband project which would have interconnected all government agencies on a common server nationwide, while knowing of all the irregularities involved in the deal between the government and the Chinese ZTE Corporation which specializes in telecommunications.

The person who attempted to shed light on all these anomalous transactions ended up being the one convicted for an unrelated crime, while those who were implicated were able to get away scot-free.

The petition for the late dictator Ferdinand Marcos to be buried in the Libingan ng mga Bayani created public uproar. The Edsa Revolution is part of the elementary and high schools' curriculum as it plays an important part of Philippine History and yet there still seems to be wide support for the burial. Bong Bong Marcos nearly won the hotly contested Vice Presidency in the 2016 elections. Accusations against his family did little to diminish the strength of his campaign. Looking forward into the future, he may still one day win the most powerful seat in the country. The Marcoses are back in power and it seems that they're here to stay, just a mere thirty years after the strongman was exiled to Hawaii. In fact, only very recently had the late dictator Ferdinand Marcos been buried in the Libingan ng mga Bayani, during the interim of the period to file a motion for reconsideration with the original Supreme Court ruling; a very controversial topic.

There are a multitude of people on social media and in real life that believe that Filipinos put too much of an emphasis on the past, that those who were not yet born in that era should not meddle with what happened during those times, they question why should we care so much since it would have no effect on our present progression and status as a country.

I tell them this; the People Power Revolution is a source of pride and high point in history for the Filipino people. It was a time when we, as a people, voluntarily decided that enough is enough; we will no longer be oppressed. We shall no longer live in fear. We shall no longer tolerate the corruption of our officials. We shall no longer choose to live under this iron fisted rule. Our forefathers fought for our freedom, to rule over ourselves with pride and for the well-being of the nation as a whole and not merely of the chosen elite. There are plenty of those who benefited at the time of the dictatorship, and even more who suffered injustices. Is the well-being of some sufficient to justify the suffering of others? Can we as a people consciously tell each other that whatever happens to the less fortunate is fine, as long as I'm doing well enough for myself? This is the epitome of our crab mentality; to push down others as long as we ourselves benefit.

The sins and transgressions of the past are important to remember, how else do we learn our lessons? How else do we prevent the past from repeating itself? We as a people are taken advantage of by greedy people who are in power yet we repeatedly elect them in various positions throughout the government.

The stories of Erap, GMA and Marcos all display the Filipinos' propensity for voting their officials. Do the majority vote due to popularity or charisma? Do Filipinos easily forgive and forget? Why do we settle with those who have committed grave abuses against us and expect them to change when we do not hold them accountable? The power is still in the people. Politicians can only be as corrupt, greedy, and evil as their constituents will allow them to. Are the Filipino people capable of learning from the past to avoid mistakes in the future? Can we as a nation progress into a better state when we keep forgiving those who have done us wrong? These are questions that beg to be answered honestly as it tells us who we are as a people.

How do we go about changing a country's voting pattern? The election of Rodrigo Duterte and Donald Trump seem to signify a change from the traditional politicians. Have the people had enough of the past and crave for drastic change to the point that they turn a blind eye to time honored moral values that must be demanded from each and every candidate? This is a global trend indeed that seems to have started in 2016.