

Stability and Change: The Civil Service in the Philippines

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The civil service system was marked by different features at various periods in Philippine history. During the Spanish colonial period, public office exhibited generally negative characteristics. The American period saw the development of a non-political civil service based on merit. However, this positive legacy was eroded by the war and its aftermath. Despite attempts by successive postwar administrations to restore administrative efficiency through the enactment of anti-graft measures and the implementation of organizational reforms, problems of graft and corruption continued to plague the bureaucracy. The martial law period initially held out the promise of thorough reforms in the bureaucracy, but corruption and other negative characteristics remained.

The civil service system in the Philippines as we know it today is a creation of the American regime in the country. It is generally considered to be one of the beneficent legacies from that colonial experience and its image as clean and prestigious during the American period continues to persist to the present day. Its more checkered history during the days of the independent republic is something that Filipinos accept or deplore and explain, but does not seem to diminish the commitment to the original philosophy and principles that were adopted early in the century.

A history of the civil service in the country, however, would be more complete if we included in our account a review of its antecedents. Historically, our experience with the modern civil service is less than a century old; preceding this experience was more than three centuries of Spanish rule. Such an experience with another colonial bureaucracy, despite its seeming lack of influence in the formal institutions of our present civil service, left what are perhaps durable vestiges in such areas as the relationship between government and the people, the tradition of centralism, and some of our political practices.¹

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Spanish Colonial Period

Contemporary judgment on the Spanish civil service in the Philippines invariably points to its extremely negative characteristics. There is an element of unfairness in such a verdict especially where modern standards of rationality and development-orientedness are used as yardsticks in making the judgment. However, such impressions are not different from contemporaneous accounts by critics of the colonial government, including ecclesiastics and lay persons, who often denounced the abuses of the regime in no uncertain terms.² It seems more fruitful for our account to examine why such tendencies towards corruption existed. We can look at the broad political and social context that gave rise to and nurtured such propensities.

There was, first of all, Spain's own colonial objectives. Their outstanding characteristic was the high idealism of the Spanish regime which found apt and numerous expressions in the various legislative enactments that filled more than three centuries of domination. Whatever the details of the *cedulas*, *ordenanzas*, *leyes* (one of whose characteristics was the attention they gave to the most trivial details, for example, of the bureaucrat's life), the high-mindedness and the noble aims of converting the *indios* and protecting their welfare always shone through.

The positive aims, however, were counterbalanced by the practical objective of increasing the royal estate through tributes, monopolies, fees and fines. A huge body of laws and a plethora of institutions were built up through the centuries to uphold the economic aims of the colonial enterprise, which nevertheless was not realized, the colonies being consistently losing propositions. This, however, is a matter we cannot go into.

Given the contradictory nature of the colonial objectives, the bureaucrat had much room for discretions. In fact, there were two legal formulas that he could invoke to deal with the contradiction. One was "*no se haga novedad*," which strictly commanded high colonial officials not to make any innovation on royal prescriptions. The other was "*obedezco pero no cumpla*" or "I obey but do not enforce." This latter formula was based on the theory that the prince could not will any wrong if he knew the local situation. High officials, invoking the injunction, could set aside or postpone the execution of a law.

Contradictory colonial objectives were thus resolved in terms of compromises between idealism and expediency. Conflicts were often resolved in favor of the latter, a tendency that can be explained in terms of other factors.

There was, first of all, the philosophy regarding public office of the Spanish regime. Such philosophy derived from the theory that the colonies were the king's personal kingdoms, and therefore he could dispose of anything in it through any means that he desired. Accordingly, a public office was regarded as a grant or favor (*merced*) from the king. Claimants for such favor were plentiful and they included those who participated in the conquest and pacification of the colonies, including their descendants who expected, and asked for, such grants.

There were two conventional ways of disposing public offices: by appointment and by purchase. Belonging to the first group were positions that had judicial functions. The highest colonial positions of viceroy, governor-general, members of the Audiencia and provincial executives were supposed to be filled by appointment. In practice though, many of them were acquired by purchase.

Criticisms against the system of sale singled out two things: the incompetence of the officeholders and their rapacity. The first one resulted from the fact that, although one of the requirements for a bidder was that to be qualified for the position, in practice an office was generally awarded to the highest bidder. The necessity for raising revenue, which after all was the original purpose of the practice, almost always prevailed over other considerations.

The rapacity of the officeholders which even contemporaneous observers never failed to denounce with vehemence was due to the basic fact that an office was bought at the financial sacrifice of the buyer. As a general practice, buyers borrowed the money they used, and they therefore, regarded it as an investment, to be recovered quickly, and if possible, at a profit. There actually emerged in colonial times a busy market in offices, with bureaucrats buying offices, selling them at a profit, and buying more lucrative ones, and so on.

Actually, the temptation to yield to corruption was present no matter how an office was acquired. Most offices, especially those at the lower levels paid very little to their occupants and the latter were in fact expected to augment their earnings by resorting to extra-legal means. It seems that the whole philosophy underlying public office, as well as the practices designed to implement such a philosophy, made corruption not only a natural consequence but also raised the level of tolerance for it.

Aside from the nature of Spanish colonial objectives and the philosophy underlying public office, there were other factors peculiar to the colonial situation which further aggravated the weaknesses of the bureau-

crazy. One of these was the fact that, being a colonial bureaucracy, the Spanish regime in the Philippines was a subordinate government.³ As such, the colonial government was dependent in all things upon the home government. This setup was conducive to the emergence of continuing administrative problems. On the one hand, the distance of the colony, aggravated of course at the time by the slow means of transportation, made constant supervision and control a practical impossibility. Hence, colonial officials were given ample grants of power and discretion.

On the other hand, the same factor of distance raised the possibility of separation or secession by the colony. Thus, suitable practices were devised to counteract the possibility. Among these were: the practice of conferring colonial positions only upon persons of approved ancestry, religion and connections; Spanish reliance upon the church as a check upon the secular regime; constant transfers of important officials after brief terms in office; and the requirement that bureaucrats should write reports to the king about the private lives and official conduct of their colleagues.⁴

There were two specific devices which were utilized to emphasize the subordinate position of the colonies and to constitute checks on the behavior of colonial bureaucrats. One of these was the institution of the *visitador-general*, who was an official sent out by the Council of the Indies in Spain and was vested with investigatory, judicial and executory powers. He had authority to conduct a *visita* or investigation of the highest officials in the colonies. The latter were answerable for the state of government, justice, finance, defense, religion, and the condition of the Indios in their jurisdictions. Punishment against errant officials included removal, suspension and fines.

The other device was the *residencia*, which required bureaucrats to give, at the end of their terms, an account of their conduct while in office. At the end of an official's term, his superiors, colleagues, as well as private persons, filed charges against him. There was even an open invitation to the natives to seek redress for their grievances. In practice, the *residencia* was an ordeal, with the proceedings varying in duration from a few months to several years. Compounding the severity of the proceedings was the requirement that the salary of the judge who conducted the investigation (designated as *juez de residencia*) was to be paid out of the estate of the guilty. Completing the *residencia* was a prerequisite to departing from the islands; a satisfactory verdict was also a requirement to assuming a new office.

However, just like most Spanish institutions, the *residencia* was ~~investigated~~ ^{investigated} by such factors as powerful connections in Spain where unfavorable

verdicts could be reversed. The institution was further ^{attenuated} ~~alternated~~ by the concern for the security of the small Spanish community in the colony which could be harmed by severe proceedings. So that in the end, the theoretically important institution lost its power to check official abuses, and by the end of the eighteenth century it had practically passed into oblivion.⁵

Another characteristic of the Spanish regime that contributed to its weakness was its highly centralized organization. The centralization was, first of all, on a formal institutional level, personalized in the powerful position of the Governor-General.

The centralization of the regime was also in a physical sense. This meant, basically, the concentration of the Spanish population in Manila. The reasons for this were, of course, of a practical nature: administrative convenience reinforced the need for concentration. Furthermore, in the case of the small Spanish population in the country, social reasons, or the desire for contact with people of the same race and social standing strengthened the physical concentration. Until the early nineteenth century, the existence of the galleon trade, which constituted the economic lifeline of the Spanish colony in the Philippines, exacerbated even further the need for concentration in the capital city.

Physical concentration, however, did not by any means signify cohesion or cooperation. As a matter of fact, relationships among the Spanish community in Manila was characterized largely by conflict. One reason for this was that the king himself, as we noted earlier, required bureaucrats to write him about the official conduct as well as the private lives of their colleagues. The clergy, perhaps in conformity with their calling, took upon themselves the duty of checking the official excesses and personal lapses of the bureaucrats. This conjures up in the minds of the modern reader a situation where reports, mostly of a negative nature, kept flowing into Spain, informing the king about the actions of this bureaucrat, this priest or that individual. The conflicts among the Spaniards became more manifest during the visits of the visitador-general or during the conduct of a residencia when all the jealousy, rivalry and intrigue found official outlet.

Finally, abetting even further the negativism of the regime was the colonial situation itself. In theory, the Indios were immature children whose welfare was to be looked after by the colonizers; they were to be converted to Christianity, settled in towns, and made to pay all sorts of exactions which the law provided should be done with the least harm to the natives. Another implication of the theory was that the natives could never affect the intentions and actions of the superior; they were to be the passive recipients of the colonizers' explicitly noble intentions.

Thus, in accordance with the theory that the subject people were morally and politically inferior, officeholding for Filipinos was confined to the lowest levels of government: the town and the village. There is a consensus among scholars of Philippine history that it was one of the master strokes of colonial policy to mobilize the local pre-Spanish nobility to occupy the leadership positions in the *pueblos* and the *barrios*. In the first place, the necessity for it was there, considering that there were relatively few Spaniards in the Philippines, the distance of the colony being an effective disincentive to Spaniards. The policy and the practice also made it so much easier for the Spaniards to impose exactions since the agents acting for the regime were not only Filipinos themselves but were leaders of pre-Spanish society whom the masses were accustomed to obeying. It also benefited the native nobility in the sense that their customary positions in society were thus reinforced and therefore they did not lose their status and prestige. At least that was the intention of the policy.

The lowest level of Filipino participation in the colonial bureaucracy was the position of *cabeza de barangay*. The *cabeza*, or headman, was thus the direct link between the people and the colonial regime. He was a member of the native *principalia* from whose ranks were drawn the Filipino bureaucrats. The *cabeza's* main responsibility was to look after the peace and order of his *barangay*, to see to the enforcement of the *polos y servicios* and to collect the tributes of the inhabitants of his jurisdiction. In this capacity as tribute-collector, he was an agent of the *Royal Hacienda* which required him to post a bond, in the form of goods or property, which were confiscated in case he failed to remit his collections within the allotted time.⁶

As compensation for his responsibilities, the *cabeza* was entitled to one and one-half per cent of his tribute collection. He, together with his wife and his eldest son, were exempted from the tribute and the *polos y servicios*. He was also addressed as *Don* and given preferential treatment during ceremonies by being made to sit beside the *gobernadorcillo*. At least in law, the *cabeza* was supposed to be treated with respect by the parish priest and was not to be subjected to corporal punishment or to manual services.⁷ Such legal protection, however, was invariably violated in practice.

The *gobernadorcillo*, who was the head of the *pueblo*, or town, was both an executive and a judicial officer. In cases involving small sums and in petty criminal cases, his judicial authority was final. In cases of bigger importance, he was supposed to make the preliminary investigation and forwarded the case to the *alcalde mayor* or provincial governor.

As town executive, his duties were extensive. He was the agent of the Royal Hacienda on the town level, and as such he was in charge of the collection of all manner of taxes. He also had fairly paternalistic duties in relation to the townspeople. He was to see to it that they did not live in idleness, that they cultivated the soil, raised gardens, bred livestock, and that they also attended religious services. This latter function was important if he was to maintain good relations with the parish priest.

The reward for the gobernadorcillo's services included a "salary" of two pesos a month, a share of one and one-half per cent of the tribute collection, the title of Don which he invariably retained throughout his life, and a place of importance during religious and civil ceremonies.

The modern reader, however, would find such compensations not commensurate with the burdens that the gobernadorcillo had to bear. For aside from the legal penalties for failures and infractions of the law, he had to endure demeaning treatment by the alcalde mayor and the parish priest. He became, invariably, the willing tool of the former in his abuses and corruption, and he was treated like an immature ward by the latter, who administered even corporal punishment to the gobernadorcillo, exalted as his position sounded.

His monetary compensation was also severely inadequate for the demands, which were official, made on him. For example, he was supposed to remit his collections to the treasury at his own expense. He was also expected to take care of all the expenses in the pueblo. He had to provide the maintenance for the town jail and the daily sustenance of the prisoners. He was also expected to provide for office supplies. He was also responsible for the construction of public works, even if the labor was supposed to be provided for free.⁸

The consequences of such impositions on the bureaucratic behavior of the gobernadorcillo are of course predictable. Various ways — many of them illegal — were thus resorted to in order to help defray the expenses for which the central government had neglected to provide. This fact indicates that several characteristics of corruption of the Spanish regime seeped down to the lowest levels, in this case assuming added significance since the perpetrators were themselves Filipinos.

Finally, it remains to note that given the already negligible role that Filipinos performed in the colonial government, this participation was further diminished and rendered practically meaningless in the face of the vast powers of the parish priest. To the modern reader the array of duties and powers of the parish priest looks incredible: He was inspector of the primary schools; president of the health board and board of charities; president

of the board of urban taxation; president of the board of statistics. He certified to the correctness of *cedulas*, to the civil status of persons, to the character of individuals. He had to be present in elections for municipal offices; he censored municipal budgets before they were sent to the provincial governor; he was counsellor to the municipal council, examiner of scholars in the public schools; he was the censor of the plays, comedies, and dramas presented in various *fiestas*; he was a member of the provincial board.⁹

The American Regime

The American occupation of the Philippines is regarded as a significant phase in the evolution of modern colonial policy and administration. Unlike the Spanish venture which was characterized by its religious impulse, and the British experience which was distinguished by its economic character, the American expansion was undertaken in the absence of a constant purpose which may be said to constitute the colonial objective.

This does not mean that there were no explicit purposes expressed: business interests, church groups, military strategists, and other interest groups expounded on their own respective purposes. However, the absence of a national consensus about the expansion of the United States, as well as the fortunate timing that U.S. policy was being formulated during a presidential election year (1900), explains largely why the colonial policy of the U.S. in the Philippines, tended to be constructive instead of being blatantly selfish and exploitative. The fact also that the U.S. was a relative newcomer in the colonial venture explains why there were no established traditions or policies to guide her actions. Instead, the policies that she adopted tended to be empirical, realistic, and flexible. In fact, there was considerable experimentation in the approaches to policy-making and practice.¹⁰

Politically speaking, the contrast with the unlamented Spanish regime was glaring. The separation of church and state, the completely secular character of the latter, the political participation of Filipinos in all levels of government were a world apart from the Spanish system where the power of the priests, the minimal participation of natives in government gave the Filipinos practically no experience in running their own affairs.

The political institutions set up in the Philippines were in accordance with the democratic and republican character of political institutions in the United States, although given the colonial situation, the setup provided for considerable American control. The highest governmental authority was the Philippine Commission, which was composed entirely of Americans until 1901 when three Filipinos were appointed to it. The Commission exercised exclusive legislative powers until 1907 when an all-Filipino lower house was

ected, with the Commission remaining as the upper house.¹¹ An American Governor General was the chief executive and he was also chairman of the Philippine Commission.

The administration of the colony was placed in the hands of a non-political civil service. Fewer institutions have had as auspicious a beginning as the civil service introduced by the American regime in the Philippines. It represented, in fact, a favorable confluence of Filipino aspirations and American intentions. By the time the civil service system was introduced into the Philippines, it was essentially a "finished product," where efficiency, economy and merit were not the only dominant values, but where the controversies surrounding the passage of the Pendleton Act of 1883 had added the concept of political neutrality.¹² All of these values were incorporated into the Civil Service Act which was one of the first pieces of legislation (Act No. 5) passed by the Philippine Commission and which, appropriately enough was entitled "An Act for the Establishment and Maintenance of an Efficient and Honest Civil Service in the Philippines." It was enacted on September 19, 1900. The purpose of the act was declared in Section 4 thereof to be "the establishment and maintenance of an efficient and honest civil service in all the executive branches of the Philippine Islands, central, departmental and provincial, and of the city of Manila, by appointments and promotions according to merit and by competitive examinations where the same are practicable."

The legislative intentions of the United States were strictly reinforced by the implementors of the legislation. In addition to the Governor General and the Philippine Commission, the men actually in charge of setting up the civil service were zealous advocates of civil service reform. They were fond of making comparisons between the civil service of the Philippines with that of the United States and found the former superior in two respects: it was free from the spoils system that continued to afflict the American system, and it had a much broader coverage, being applied to all positions in the civil administration, insular and provincial, as well as the municipal government of Manila.¹³

The major characteristics of the civil service system established in the Philippines bear some examination if only because of their historic significance. The system was, first of all, broad in coverage and centralized in organization. It placed under one system the classified employees of all divisions and organs of insular, provincial and municipal governments. The Civil Service Board, (later the Bureau of Civil Service) which had administrative control of the system, was an independent office under the immediate supervision and control of the Governor General. It had substantial powers. It exercised supervision and control over examinations. Competitive

examinations were required for original entrance into the civil service, as well as for promotions. As in the U.S. civil service, the examinations were designed primarily to determine the fitness of the applicant for the position he was to occupy. Most of the examinations were competitive, but non-competitive tests were also administered in special cases, as when there were no applicants for certain positions.

The Civil Service Act prohibited any inquiry into the political or religious views and affiliations of examinees and employees, whether for appointment or promotion. Moreover, direct or indirect solicitation, collection or receipt of political contributions by or from employees were strictly prohibited.

Persons appointed contrary to the Civil Service Act were not entitled to receive salary, and the appointing officers involved were personally responsible for compensating them.

Competent and qualified employees, if available within the service, were to be promoted to the positions of chief or assistant chief of bureau.

On the whole, civil servants enjoyed security of tenure, attractive hours of work, generous leave privileges, and a prestigious career.

But there were flies in the ointment. As a matter of policy as well as of practice, Americans were paid higher salaries than Filipinos occupying the same positions. In defending the practice, the Civil Service Board in 1901 noted that it cost very much more for Americans than for Filipinos to live in the Philippines "even where members of both races require practically the same necessities of life."¹⁴ Because of this, it had been difficult to retain many of the Americans in the service where "by reason of their experience, ability and their knowledge of the English language, they are absolutely needed."

As a matter of fact, more Americans were occupying the higher positions in the civil service, while the lower ones were filled almost exclusively by Filipinos. This situation graphically illustrates the Republican policy of "a government of Americans, assisted by Filipinos."¹⁵ The Americans were thus placed in the role of tutors, "to teach techniques and the substance of expertise to subordinate Filipino bureaucrats." In other words, as a matter of administrative policy, the American regime adhered to a doctrine of British derivation, that "the direction of the actual administration of the subordinate government be entrusted to a permanent corps of expert and professional administrators for the United States."¹⁶

Nevertheless, such a policy turned out to be a failure, and no corps

of permanent American bureaucrats could be maintained in the colonial civil service. There were several explanations for this. There was, first of all, the uncertainty about the tenure of the United States in the Philippines. Although Republican intentions implied an extended stay in the Philippines, they were not sufficient to reassure American civil servants. The Philippines also did not prove attractive enough to them. As the Governor General said in 1907: "Many of those who in the beginning were so minded [to stay in the Philippines] due to ill health of themselves or their families, or the longing to return to friends and relatives, changed front and preferred to return to their homeland, there to enjoy life at half the salary in the environment to which they were accustomed."¹⁷ There were also attractive opportunities in the United States brought about by increasing prosperity and the demand of the U.S. government for employees to serve in the Panama Canal zone. Even in the Philippines, the Governor General complained "the service is constantly drained of its employees by private concerns and private enterprises."¹⁸

The most important reason for the Filipinization of the civil service was the policy of Filipinization itself pursued by the Republican administration. This had been written into the Civil Service Law itself. The policy also seems to have been strictly adhered to in practice. Fortunately, the recruitment of competent Filipinos did not pose any difficulties. The widespread public school system that was established in the country graduated a continually increasing stream. Many of these graduates turned to the civil service which, because of the benefits that it gave and the prestige that it carried, was the most attractive form of employment available.

Filipino participation in the civil service was going to increase even further after 1913 when political conditions would usher the Democrats into power, who would thereafter pursue a policy that would hasten even further the tendencies towards Filipinization. Governor General Francis Burton Harrison (1913-1921) implemented the Democratic policy of rapid Filipinization by resorting to the following specific measures: forced resignations, reduction in pay of the higher positions, the abolition of certain positions and "the creation of conditions that were intolerable to many senior Americans in the service."¹⁹ These means were very effective: by 1919 Americans constituted only six per cent of the total bureaucratic force of 12803.²⁰ Within a relatively short period, therefore, Filipinization had resulted in what has been referred to as "a bureaucracy of Filipinos, assisted by Americans."

The rapid tempo with which the policy was pursued could be expected to result in what the sociologists would refer to as dysfunctions. But let us

hear it from a contemporaneous verdict, this one coming from Leonard Wood, who was to succeed Harrison, but who in 1921 was sent to the Philippines on an investigating mission: "We find that many Filipinos have shown marked capacity for government service and that the young generation is full of promise; that the civil service laws have in the main been honestly administered, but there is a marked deterioration due to the injection of politics."²¹ Wood himself as Governor (1921-1927) had dramatic opportunity to test the quality of the Filipinized civil service when in 1923 his difficulties with Filipino leaders came to a head with the resignation of the entire cabinet and the Council of State. Wood simply instructed the permanent undersecretaries to take over from the departmental secretaries and the rank-and-file to carry on the work of administration. Then he sent a confident cable to Washington, which said in part: "Conditions as to government operations normal. The undersecretaries have automatically taken the place of the secretaries who resigned and are functioning harmoniously and efficiently."²²

By the end of the Wood administration, therefore, the Philippine civil service might be said to have come of age. The Filipino civil servants had proved themselves, and the institution itself had survived. In fact, the law and regulations that were in force by 1913 remained untouched, except for minor modifications that strengthened rather than weakened the service. In 1916, the civil service law was embodied in the new Administrative Code. The Bureau of Civil Service continued under the control of an American director until 1920 when a Filipino of more than 10 years of service in the government, Mr. Jose Gil, was appointed head of the office.

However, despite all the changes that had occurred and the proof that Filipinos had given that they were capable of running their government, the situation up to 1935 was still a colonial one, with the Filipinos still ultimately accountable to the colonial rulers. The Commonwealth period would give the Filipinos greater control over their own affairs.

How did the Commonwealth government fare in the conduct of its civil service? There was skeptical expectation that the institution would start manifesting characteristics contrary to the principles of merit and political neutrality. The record of the Commonwealth, however, shows that it strengthened, rather than weakened, the civil service system in the country.

First of all, there was the decision to guarantee the independence and permanence of the civil service system by writing into the Constitution itself a provision on the Civil Service. This was not even part of the mandatory provisions of the Tydings-McDuffie Law, which provided for the

setting up of the Commonwealth government. The constitutional provision was followed up by specific pieces of legislation that further strengthened the civil service. One of these, passed in 1936, elevated the Bureau of Civil Service from a second-class to a first-class bureau. The office of the Director of Civil Service was changed to Commissioner of Civil Service, with the rank of Undersecretary of Department. By strengthening the agency in charge of the civil service of the country, Quezon thereby gave further notice of his commitment to the principles of an advanced civil service system.

Act No. 177, also enforced in 1936, was an epochal piece of legislation. It extended the civil service to all branches and subdivisions of the government and applied the principle of competitive examination to all positions. Thus, thousands of municipal employees were brought into the civil service. The law empowered the Commissioner of Civil Service to discipline subordinate officers or employees by removal, suspension, reduction in rank, and in pay. This authority was formerly vested in the heads of departments. The law, however, reiterated the accepted principle that no officer or employee of the civil service shall be removed or suspended except for cause as provided by law. Commenting on Act No. 177, Joseph Ralston Hayden said that it was "a civil service reformer's dream come true. . . It writes into the law of the land virtually every safeguard of the merit system that Philippine directors of the civil service had been advocating for years."^{2 3}

There were two other important initiatives undertaken during the Commonwealth period which have proven their worth. One of these was the creation of the Government Service Insurance System (GSIS) in November 1936. Prior to the organization of the GSIS, there was no retirement law worthy of the name. The other was the setting up of a Government Survey Board to assess the government's administrative and organizational resources. The board discovered serious faults in the recruitment and position-classification systems. A legislative enactment that resulted from its findings provided for a fairly advanced position-classification system and salary adjustments effective in 1940. The Second World War, of course, interrupted any further implementation of this and other Commonwealth programs and would usher in many problems which the new republic had to cope with.

The Independent Republic

On July 4, 1946, in accordance with the provisions of the Tydings-McDuffie Law, the Philippines was granted its independence by the United States. The new status of the country by itself placed increased responsibilities on its political and administrative system. The tasks were made even heavier and more difficult by the problems brought about by the Second

World War: the economic prostration and severe physical destruction of the country, as well as the political amorality manifested in the vastly increased incidence of graft and corruption. The political and administrative system of the new republic, therefore, was put to a severe test, and its beginnings were not promising.

The emergence of a two-party system immediately after independence was itself a significant development that was to affect the civil service. Henceforth, the bureaucracy became vulnerable to partisan politics. Before independence, the Nacionalista party was the only political party in existence, whose actions were anyway circumscribed by the American presence as well as by the "discipline of the independence campaign." There emerged two opposing parties and therefore partisan interests found accommodation, for example, in the spoils system. In the late 1940s, the security of tenure of civil servants was respected by politicians, but there were vacancies in the newly-created Department of Foreign Affairs and temporary positions in the Department of Public Works and Communications, which became the outlet of the spoils system.²⁴

In 1950, the Philippine government concerned over the general state of the country, requested the United States government to send a mission to survey Philippine conditions and "to recommend measures that will enable the Philippines to become and to remain self-supporting."²⁵ Known as the Bell mission, the survey group rendered a dismal report on the condition of the country. In accordance with its diagnosis of the Philippine situation, the mission's recommendations focused on solutions to the economic and financial problems of the country. However, it had important things to say and to recommend about the public administration of the new republic.

It noted, first of all, that although the government inherited a "reasonably well-organized administration and a well-trained civil service,"²⁶ the war and the disorders that it caused had made it difficult to restore administrative efficiency. It also made the observation that the civil service system, "although designed to be based on merit, does not function in this way." It made a general recommendation that "a special effort must now be made to improve the public administration in order to give the people confidence in the government. It is particularly important at this time because the economic development program will of necessity place even greater responsibility on public administration. The success of the development program may depend more on the efficiency and honesty of the public service than on any other single factor."

The Philippine government was receptive to the findings and recommendations of the Bell mission and for the rest of the decade of the 1950s,

many initiatives were undertaken which were outright responses to the recommendations of the mission.

One of the earliest initiatives, in fact, was the establishment in the country of the first school of public administration. Established in 1952 in the University of the Philippines under a joint contract between the State University and the University of Michigan, the Institute of Public Administration carried on a four-fold program which included an academic curriculum, in-service training, research, and consultation services.

The biggest effort undertaken in pursuance of the Bell mission's recommendations was the organization of the Government Survey and Reorganization Committee (GSRC) in 1954. The GSRC was given a broad mandate to (1) promote the better execution of the laws, and the more effective management of the government and the expeditious administration of public business; and, (2) to increase the efficiency of the operations of the government to the fullest extent possible.²⁷

The GSRC made studies and proposed organizational reforms in such areas as the following: agriculture and natural resources, commerce and industry, economic planning, education and culture, health, labor, public works and communications, revenue system and statistics and allied research. It gave the highest priority to the reorganization of the National Economic Council; thereby underscoring the interdependence between the planning organization and national development. Among the GSRC plans which were implemented and had far-reaching consequences for the civil service were on: (1) position classification (2) the standard pay plan and (3) the creation of the Wage and Position Classification Office (WAPCO).

How did the civil service system perform as far as the provisions of the basic laws on the system were concerned? By the 1950s, the legal bases of the civil service were still the original Civil Service Act of 1900, the Civil Service Rules and Regulations of 1909, and Commonwealth Act No. 177 of 1936. In 1954, the President of the Philippines created a Committee in the Civil Service to look into the civil service independently of the GSRC. The Committee's judgment on the civil service, more specifically in public personnel administration, is worth quoting: "Judged by modern standards . . . personnel management is deficient and the Bureau of Civil Service . . . has been unable to function with the effectiveness and efficiency expected of a central personnel agency. The symptoms of this ailment of the government are very evident. There is delay in the recruitment, examination and placement of employees; there is over-centralization of authority in the Bureau of Civil Service; there is loose and inadequate discipline of civil service employees; and, there is no program for positive personnel manage-

ment. There are thousands of temporary employees in the competitive service, and the government has failed to provide the necessary means to ensure a progressive merit system offering career opportunities sufficiently attractive to persons of high caliber."²⁸

The Civil Service Act of 1959 (R.A. No. 2260) sought to remedy the defects of the civil service system by (1) amending, repealing or improving existing provisions in the Civil Service Law and in other legislation which tended to defeat the merit system and (2) making new provisions for carrying out more effectively and economically the needs and requirements of the public service.²⁹ More specific provisions of the Act (1) changed the Bureau of Civil Service into a Civil Service Commission; (2) created a full-time Civil Service Board to act as appellate body in administrative cases decided by the Civil Service Commissioner; (3) provided for the creation of personnel offices and personnel officer positions in various branches of the government; (4) authorized agencies to have appropriate training staff and to establish their own in-service training programs in accordance with standards laid down by the Commission; (5) provided an improved performance rating system as well as an improved promotion system; (6) considered immorality and improper solicitation of contributions from subordinates and schoolchildren as grounds for disciplinary action. We can see from this incomplete list of provisions that the new law not only directed its thrust at the basic weaknesses of the civil service but also upheld progressive principles of personnel administration.

The question on how the new law would fare in actual practice is partly answered by sporadic studies documenting bureaucratic performance. One of these³⁰ presents in some detail an apparently widespread practice of Congress and the Office of the President dividing equally through rather elaborate procedures, all new positions created in the budget of 1959, the year, interestingly enough when the Civil Service Act was passed. The so-called "50-50 Plan," which gained wide publicity and notoriety, illustrated very well how political and cultural factors had come to vitiate the workings of a progressive civil service system.

Violations of civil service rules and regulations, such as the "50-50 Plan" demonstrates, do not, however, cover the full range of graft and corruption that came to characterize the 1950s and the 1960s. The pervasiveness of the phenomenon which seemed to have emerged in full flower after the Second World War, is well documented in the free and colorful press of the time. It can be described as permeating all levels of society. At the lower levels we had the petty fixers who hung around government offices offering to "fix" an application or another for a fee, or employees who collected reimbursements for spurious per diem claims, or policemen who practiced extortion on helpless citizens. On the middle level were

officials who profited from fake vouchers, padded payrolls, salary kick-backs, overstocking of government supplies, or protection of illegal Chinese immigrants. On the high levels were candidates for positions who filed dishonest declarations of election campaign expenses, political big-shots who peddled influence, party leaders who misused public funds for partisan purposes. Then there was an elite group of grafters and corrupt officials whose profits from corrupt transactions with the government ran into millions of pesos, but whose powerful connections rendered them virtually untouchable by the law.

There were certainly enough laws in the books that could be thrown at the grafters. Congress was quite responsive to the upsurge of graft and corruption after independence.³¹ The first such law was the Forfeiture Law of 1955 which authorized the state to forfeit in its favor any property found to have been unlawfully acquired during the incumbency of the employee "which was manifestly out of proportion to his salary and other income." In 1960, the Anti-Graft and Corrupt Practices Act was passed after rough sailing in Congress. It was considered a more comprehensive and potent piece of legislation. The law listed eleven acts of public officials as constituting corrupt acts, aside from those already prohibited by existing laws. Apart from this law, there were still others which were subsequently enacted.

In addition to anti-graft laws, a plethora of anti-graft agencies were also created in the exercise of the President's power to probe into anomalous activities of public officials. These executive agencies were not only charged with the task of implementing the anti-graft laws, but were also responsible for related functions such as promoting administrative efficiency, introducing reforms in government operations and attending to public complaints. The study we referred to³² lists no less than nine such agencies created from 1950 to 1970. If they share one characteristic at all, it is their short duration, most of them not even as long as the administration that established them. In several, also, they were ineffective and their poor record has been diagnosed as due to the following factors: (1) organizational instability; (2) frequent changes in leadership; (3) political pressures in employee recruitment; (4) public apathy; and (5) strained relationships among the judicial, the legislative branches, and other government agencies.

The Martial Law Regime

As the country entered the decade of the 1970s, it appeared that the problems of the Republic were to continue unsolved, until the declaration of martial law in 1972 promised the most extensive and wrenching effort at reform ever attempted in the history of the Philippine republic. In conso-

nance with the character of the authoritarian regime, it was possible to undertake a quick succession of measures designed "to save the Republic and to transform Philippine society." President Marcos declared the whole country a land reform area, disbanded private armies, rounded up members of crime syndicates, increased tax collections and cleaned up the streets. He also decreed the reorganization of the government and the summary dismissal of employees with records of graft, corruption and inefficiency.

The Integrated Reorganization Plan (IRP), which was the result of a two-year effort of the Reorganization Commission, had remained unacted upon since 1969 because of Congressional opposition to many of its provisions. The Commission had been bound by the "package" approach to reorganization, which stipulated that Congress either had to accept or reject *in toto* the plan as submitted by the President. Presidential Decree No. 1 activated the Reorganization Plan, and thereby set in motion the most extensive reorganization scheme ever undertaken by the Philippine government. Here are some of the several features of the IRP:³³

- (1) It decentralized the national government to the extent necessary for improved administration by (a) reducing the number of agencies directly under the supervision of the Office of the President and (b) establishing eleven uniform regional districts;
- (2) It standardized the organization and common operational activities of departments. Staff services were standardized into four: planning, finance and management, administrative, and technical services;
- (3) It facilitated the preparation and execution of national development programs by merging the National Economic Council and the Presidential Economic Staff into a single planning entity, which became the National Economic and Development Authority;
- (4) It generated savings through such methods as the abolition, transfer of functions and mergers of agencies.

Apart from the IRP itself, a succession of presidential decrees and letters of instruction give an idea of the importance given to the civil service. For example, P.D. No. 6 provided for summary discipline and removal of civil servants, which led to the "purges" of 1973 and 1975. P.D. No. 868 placed under civil service laws and rules government-owned and controlled corporations and repealed all provisions of charters, laws and decrees which had exempted certain agencies. P.D. No. 807 (the Civil Service Decree of the Philippines) provided new, more facilitation policies, together with Letter of Instructions Nos. 316, 317, 318, 319 and 320, all issued on September 23, 1975.

The IRP itself proposed structural changes and innovations to strengthen the merit system. Noteworthy among these are: the conversion of the single-headed Civil Service Commission to a three-man Commission; the decentralization of personnel functions to line departments, bureaus and regional offices; the provision of more effective policies on personnel selection, promotion, discipline and training; and the formation of a Career Executive Service (CES).

Reinforcing the innovative thrusts of the IRP, as well as of the numerous presidential issuances that followed in its wake, was the three-year "Civil Service Development Plan" issued in 1975. Called "an integrated approach in the government," it stresses the supportive role of the personnel system in program administration.³⁴ It has identified five priority areas: career and personnel development, performance evaluation, administrative discipline, recruitment and examination, and review of policies. The Plan supplies a detailed work program with specific targets.

To realize career and personnel development under the aforementioned plan, the CSC instituted a large-scale training program for middle-level managers. Such a program, popularly known as JET (for Junior Executive Training), aims to promote managerial effectiveness, professionalism, dedication to the public service, and awareness of the central role of the civil service in national development.³⁵ The perceived success of the JET program has inspired the design and implementation of a follow-up program, with an equally clearer acronym, STREAM, for Supervisory Training for Effective Administrative Management.

In the area of evaluation, the CSC initiated the organization of Performance Evaluation Committees (PEC) which in 1976 undertook an extensive assessment of the entire civil service. Such an evaluation has since elicited reservation regarding the validity of the findings as a basis for action.³⁶ However, it was the first such attempt to evaluate the whole civil service, and perhaps the value of the effort lies only there, and as an object lesson in conducting future performance evaluation.

It might be observed at this point that practically all the policies and initiatives undertaken under the IRP, the Development Plan and other legal issuances have upheld a positive approach. The facilitative structures, procedures and personnel policies attest to this. However, we must also note that the most dramatic episode undertaken during the period of martial law was the famous purge of 1973 when about 1,500 civil servants were summarily dismissed. On the third anniversary of martial law, another large group of government personnel were again "purged," and the list included cabinet members.

The purges received considerable criticism, for indeed, many errors seemed to have been committed in drawing up the list. For example, among those who were dismissed were people who had already died, had resigned, or had been transferred from their offices. Such cases caused considerable embarrassment to the government. Indeed, the conduct of the purge stunted its own objective. Instead, it resulted in considerable backlash and created an atmosphere of insecurity and fear among civil servants. What the purges seem to have demonstrated was that an authoritarian government can indeed have recourse to extra-ordinary means to cleanse the ranks of the civil service. But, despite all the efforts at improvement and reform throughout the decades of the 1950s and the 1960s, it continued to exhibit serious problems and weaknesses.

In spite of all the efforts to maintain an efficient and honest governmental machinery, corruption remained a major problem. In fact, a few government agencies came to be identified with corruption. Three well-documented case studies demonstrate this. Of the Bureau of Internal Revenue the writer traced the presence of corrupt practices to: (1) a pervading administrative culture that tends to tolerate corruption and create opportunities for corrupt activities; (2) weaknesses in the administrative machinery that give ample opportunity for manipulation of financial documents and records as well as for collusion between the bureaucrat and the client.³⁷

In the Board of Transportation, corruption took the form of the following: (1) facilitation or delay in the processing of or taking of action on the papers; (2) circumventing specified steps or processes; (3) giving of approval even if the paper or equipment assessed fails to conform to the standard; and (4) engaging in business with the client while in the performance of his duties by the bureaucrat.³⁸ In another office concerned with supply management, the writer discussed anomalies which included ghost deliveries, insufficient deliveries, purchases made in excess of the quantity required, and the selling of government supplies to dealers, only to be bought back by the officer.³⁹

A distinctive response to the problem of graft and corruption in the martial law regime has been the activation of the Constitutional provision regarding the creation of the position of *Tanodbayan* (Ombudsman) and a special court, the *Sandiganbayan*. Both are independent of the President and are assured of organizational stability by the Constitutional provisions, which makes them different from previous anti-graft agencies. However, they require that actions for suits be initiated by citizens, which is a source of weakness, since public indifference and even cynicism will not encourage such bold actions. Both have been in operation for more than five years

and have established a fairly impressive record of the number of cases they have handled, as well as in the number of convictions. The public's impression, however, is that only lower-ranking civil servants have been found guilty and meted out severe penalties. A big-time grafter still has to be convicted to convince a doubting public that the government is really serious about solving the problem of graft and corruption.

In the preceding discussion, our juxtaposition of positive laws and actions on the one hand and negative bureaucratic behavior on the other is not only symbolic, but practically descriptive, of the state of the civil service system. The situation reveals a basic conflict between the standards that we hold in theory and our ability to maintain them in practice. The standards of bureaucratic behavior that we have written into our laws are very high, and historically our norms have been getting stricter, with more prescribed behavior entering into the books. Our capacity to obey the laws and to punish the offenders does not seem to have undergone any palpable improvement over more than three decades of the independent republic. In fact, as we entered the 1980's, there was no noticeable diminution of graft and corruption; the cynics would even say that it has only increased, if only because there are more public resources now which can be diverted into private coffers.

It seems that for some indefinite time into the future, our period of comfortable and uncomfortable accommodations between our conflicting values will continue. At least, for now we can claim that we have been exerting much effort to put the house in order, and that our standards of public behavior are high and clear and that we shall continue to try to uphold them.

Endnotes

¹See, for example, the interpretation of Onofre D. Corpuz in *The Philippines* (Englewood Cliffs, New Jersey: Prentice-Hall, 1965) pp. 87-92. Also Edwin Stene and Associates, *Public Administration in the Philippines* (Manila: U.P. Institute of Public Administration, 1955) pp. 49-53.

²See Onofre D. Corpuz, *The Bureaucracy in the Philippines* (U.P. Institute of Public Administration, 1957) and Eliodoro Robles, *The Philippines in the Nineteenth Century* (Quezon City: Malaya Books, Inc., 1969)

³Corpuz, *Bureaucracy*, p. 34.

⁴*Ibid.*

⁵Nicolas Zafra, "The Residencia in the Colonial Administration System in the Philippines," *Philippine Historical Bulletin* (March 1963) pp. 14-33.

⁶Robles, *op. cit.*, pp. 70-71.

⁷*Ibid.*

⁸Fedor Jagor, *Travels in the Philippines* (Berlin: 1873) pp. 189-190.

⁹"Testimony Taken by the Philippine Commission Relating to Religious Orders," *Senate Document 190* (Washington: Government Printing Office, 1901) pp. 63-71.

¹⁰Bonifacio Salamanca, *The Filipino Reaction to American Rule* (Hamden, Conn: The Shoe-string Press, 1968), pp. 26-51 for a discussion of the birth of American policy towards the Philippines.

¹¹Corpuz, *op. cit.*, pp. 161-162.

¹²Paul van Riper, *History of the U.S. Civil Service* (Evanstone, Illinois: Row, Peterson and Co., 1958) pp. 96-100.

¹³Joseph R. Hayden, *The Philippines: A Study in National Development* (New York: MacMillan & Co., 1955), p. 88.

¹⁴*Report of the Director of the Civil Service, 1901, II, p. 290.*

¹⁵Corpuz, *op. cit.*, p. 176.

¹⁶*Ibid.*, pp. 174-175.

¹⁷*Report of the Philippine Commission, 1907, I, pp. 80-81.*

¹⁸*Ibid.*, p. 80.

¹⁹Hayden, *op. cit.*, p. 96.

²⁰Corpuz, *op. cit.*, p. 201.

²¹*Senate Document No. 325, 67th Congress, 2nd series, p. 45.*

²²*Annual Report of the Governor General, 1923, p. 37.*

²³Hayden, *op. cit.*, p. 110.

²⁴Corpuz, *op. cit.*, p. 225.

²⁵*U.S. Economic Survey Mission's Report* (Manila: Philippine Book Co., 1950), p. 1.

²⁶*Ibid.*, p. 115.

²⁷Republic Act No. 997, June 9, 1954, Sec. 2(a).

²⁸*Bell Mission Report.*

²⁹*Civil Service Act of 1959.*

³⁰Gregorio Francisco, Jr. and Raul P. de Guzman, "The 50-50 Agreement," in R.P. de Guzman (ed.), *Patterns in Decision-Making* (Manila: U.P. College of Public Administration, 1963) pp. 105-134.

³¹Ma. Concepcion Alfiler, "Administrative Measures Against Bureaucratic Corruption: The Philippine Experience," *Philippine Journal of Public Administration*, Vol. XXIII, Nos. 3 and 4 (July-October 1979), pp. 321-349.

³²*Ibid.*

³³*Integrated Reorganization Plan* (Manila: Commission on Reorganization, March 1972).

³⁴Albina Dans, "The Philippine Civil Service: Structure and Policies," *Philippine Journal of Public Administration*, Volume XXVI, Nos. 3 and 4 (July-October 1977) p. 291.

³⁵Ligaya Jorge, "The JET: Program for Education and Training at Middle Managerial Level," in *ibid.*, pp. 421-423.

³⁶Ledivina V. Cariffo, "Personnel Policies and Bureaucratic Behavior under Martial Law," *ibid.*, p. 310.

³⁷Leonor M. Briones, "Negative Bureaucratic Behavior and Development: The Case of the Bureau of Internal Revenue," *Philippine Journal of Public Administration*, (Volume XXIII, Nos. 3 and 4 (July-October 1979), pp. 255-278.

³⁸Victoria A. Bautista, "Negative Bureaucratic Behavior in the Regulation of the Taxicab Businesses: The Case of the Board of Transportation," in *ibid.*, pp. 296-320.

³⁹Raul P. de Guzman, Rizalino Viñeza and Josie H. de Leon, "Bureaucratic Behavior and Development: A Case Study of Supply Management in a Philippine Government Agency," in *ibid.*, pp. 279-295.