

Legitimacy and the Political Elite in the Philippines

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Legitimacy is vitally important and indispensable to the political elite because without it, their government will be vulnerable to political turmoil or revolution; conducive to *coup d'état* or rebellion, or at least promotive of a feeling of alienation on the part of the people. Since the political elite will not want to have a *coup d'état* against themselves, fan the flames of political turmoil, rebellion, or revolution in their domain, or promote the alienation of the people — any one of these spells disaster to themselves or at least instability of their rule — the political elite will strive to develop the legitimacy of their government.

The political elite of various political systems, however, do not have the same problem of legitimacy.¹ The problem of legitimacy may be caused by the lack of charisma of the political elite. In other cases, they are new men in traditional societies who have replaced traditional leaders. In a few states, where the laws are highly institutionalized, the political elite have violated the legal and rational rules of the regime. In several Third World new nations, the political elite came to power by means of *coup d'état* or revolution. Some went beyond their normal terms of office after a proclamation of martial law, a state of siege, or a state of national emergency, thus disrupting or changing the normal activities of political life.

This paper attempts to shed light on the problem of legitimacy of the political elite in the Philippines. In analyzing this question, the first section of the paper shall describe the principal characteristics of the political elite before and after the proclamation of martial law on September 21, 1972; and the second section will focus on the legitimacy problem. The paper is an exploratory one which even makes some recommendations for the martial law administration.

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The elective political elite of the Philippines before the proclamation of martial law in 1972 were composed of the President and the members of the Congress.

The presidents who served the Philippines from 1935 to 1972 were Manuel Quezon, Sergio Osmeña, Jose Laurel, Manuel Roxas, Elpidio Quirino, Ramon Magsaysay, Carlos Garcia, Diosdado Macapagal, and Ferdinand Marcos. All the presidents, except for Magsaysay, were lawyers, most of whom were educated in the best universities of the country – the University of the Philippines, the state university; and the University of Santo Tomas, the oldest university in Asia. The U.S.T. – recruited presidents are Quezon, Osmeña, and Macapagal; and the U.P. – educated presidents are Laurel, Roxas, Quirino, and Marcos. Except for Marcos and Magsaysay who became presidents in their 40s, all presidents were recruited to the presidency in their 50s or 60s. All had served in the national legislature: seven in the Senate, and two in the House of Representatives. In brief, the Presidents were highly educated; tended to be professionals, especially as lawyers; had served in Congress, especially in the Senate; and were usually in their 50s or 60s.²

The legislators who served in the Congress of the Philippines from 1946 to 1972 showed patterns of occupational recruitment similar to those of the presidents. Using the data on the lawmakers who served from 1946 to 1963, on which subject a detailed study had been made,³ we find that the legislators tended to be professionals, (lawyers especially). Among the representatives, 69.3 per cent were lawyers; and among the Senators, the lawyers constituted 72.7 per cent. However, the age and the school distributions did not tend to concentrate in any one bracket, such as the University of the Philippines and the University of Santo Tomas, or the age brackets of the 50s and 60s. Instead, they came from various public and private colleges or universities and were of varying ages.

Analyzing only the backgrounds of the 1963 legislators made up of 24 Senators and 104 Representatives, we find that the legislators tended to be in their 40s (32.81 per cent) and 50s (42.96 per cent). As far as occupational background is concerned, 71.87 per cent were lawyers and 22.65 per cent were professors. 21.09 per cent were businessmen. (The percentages total more than 100 per cent due to

multiple occupations.) Like the presidents, they were recruited from UP (39.06 per cent) and UST (22.65 per cent). The rest were from various colleges or universities.⁴

From one general point of view, considering the Philippine political elite before the proclamation of martial law in 1972 -- the Presidents and the legislators -- the data presented apparently show that they constituted a homogeneous group, for they were all highly educated and were recruited from the middle or upper classes. Furthermore, they came from elite universities, such as U.P. and U.S.T., and most of them took up an elite or middle-class career (law).

However, it is incorrect to conclude that the political elite were cohesive or monolithic, acting as one body supporting a set of governmental policies. Actually, the political elite were fragmented, weakly organized, and poorly disciplined.

One cause of the fragmentation of the political elite was the principle of separation of powers and checks and balances which was provided in the 1935 Constitution, the fundamental law in the Philippines until 1972. This principle separated the President from the legislators in terms of constitutional powers, popular base of election, and place of official action. The legislators themselves were fragmented in two major ways: first, the legislators were divided into two autonomous jealous chambers -- the House of Representatives and the Senate; and second, each chamber was fragmented into autonomous committees. These fragmentations were further aggravated by the desire for power and status of the political elite. The result was the dispersive, kaleidoscopic, and rough-and-tumble politics of the pre-martial law days.

What were the roles of the elective political elite before the proclamation of Martial Law in 1972?

The role of the president as prescribed by the Constitution was to serve as the Chief Executive, as well as Commander-in-Chief of the armed forces, chief administrator, major participant in the formulation of national domestic policies, minor participant in the administration of justice, and foreign policy chief.⁵ The President's powers are checked and balanced by an independent judiciary and an autonomous Congress, both co-equal in principle with the President.

Philippine Presidents, however, never followed the prescription of the Constitution of separation of coordinate or co-equal powers of the three branches of the government. The first President of the

Commonwealth, Manuel Quezon, dominated the legislative branch which was then, during the first half of the Commonwealth era, a unicameral body called the National Assembly. Quezon chose its Speaker; and in pushing through his legislative program, Quezon installed himself in the legislature to insure the passage of his proposed bills. Ninety five per cent of the bills he proposed were enacted by the National Assembly. Quezon, in other words, was not a President of the Philippines but a national *Pangulo*.⁶

When Quezon transformed the role of the Chief Executive from President to *Pangulo*, he was living up to the cultural value of organic hierarchy regnant among Filipinos, Christians or Muslims. This is an indigenous value dating back to pre-Spanish times which prescribes that the family, the society, and the polity must operate like a body, with head, eyes, ears, arms, legs, fingers, and toes. Its law is the logic of interdependence, symbiosis, and cooperation. In the body, the head, of course, is superior and paramount, it being the seat of intelligence and wisdom. All other parts of the body are subordinate to the head in varying degrees, depending upon their position and relation to the body. Thus, a family, a society or a polity must have a head, and the other members of these units must subordinate themselves to the head. The value of organic hierarchy is clinched by the folk saying: "*Ang sakit ng kalingkingan, damdam ng buong katawan.*" (*The pain suffered by the little finger is suffered by the whole body.*)⁷

In accordance with this cultural value, the pre-Spanish *barangay* had a head, usually called *dato*, *pangulo*, *puno*, and the like. The *dato* or *pangulo* served as lawmaker, executive, judge, military leader, patron, adviser, censor, and teacher. The freemen of the *barangay*, the *timawa*, served him in his feasts, wars, and other enterprises. The servile people, the *alipin*, worked in his house or in the fields. The *barangay* thus operated as a body.

All of Quezon's successors in the Presidency followed his practice, with varying degrees of success, depending upon their personalities, resources, resourcefulness, and other variables. Whatever success or failure they met, one fact was clear: the President continued to be a national *Pangulo*.

Presidents as *Pangulos*, therefore, did not only exercise the powers vested in them by the Constitution but also played the role of party chief. They also transformed the role of major participant in the formulation of domestic policies into chief formulator of national policies. Moreover, they acted as national patrons. As such,

they released funds to finance pork barrel projects like schools, roads, and bridges; and granted honors through appointments of various officials who desired them not only for the emoluments of the office but also for status.

With regard to the legislators, their roles varied in accordance with their positions, political resources, personalities, and other variables. The four major roles of legislators were those of lawmaker, patron, fiscalizer, and articulator of interest groups.⁸

The role of lawmaker, entailing the introduction of bills or resolutions, participation in deliberations and voting in the committees or the floor of Congress on bills and resolutions and the like, was prescribed by the Constitution. However, while this was the prescribed role, it was not always the one played by legislators. The role usually played, not always voluntarily, by most legislators was that of patron, which entailed attendance to requests by constituents for various desiderata — a position in the civil service or a job at some private agency; a license or contract; a schoolhouse or a feeder road; a bridge or a highway; free medical or legal service; a contribution for a funeral or a baptismal party; basketball uniform or a trophy; and the like.

Other significant patterns of lawmaker and patron roles in Congress were: (1) Representatives tended to be more of patrons than lawmakers; (2) Senators tended to play more of the lawmaker role than the patron role; (3) legislators playing the lawmaker role tended to be national leaders; and (4) legislators playing the patron role tended to be provincial leaders.

What about the role of fiscalizer?

The word *fiscalizer*, meaning one who criticizes, castigates, or impugns the integrity, purposes, or activity of a public official or agency or a private individual or group in the name of public interest, justice, liberty, and other great public principles in a militant manner, is a Filipino invention. The words *fiscalize* and *fiscalization* are related to *fiscalizer*. All these words are derived from *fiscal*, a government prosecuting official in the Philippines involved in the administration of justice. The role of fiscalizer, as applied to legislators, therefore entails the militant criticism, castigation, or impeachment of the work, purpose, or integrity of a public agency or official, or a private individual or group in the name of public interest. It was also institutionalized in the rules of the House of Representatives, as well as of the Senate, providing for the "privileged

speech." In Congress it was the first order of the day for one hour immediately before ordinary legislative business was transacted.

The role of articulator of interest groups entails the representation, promotion, or defense of an interest or the interests of various groups.

The patterns regarding the fiscalizer and articulator-of-interest group roles in the Congress of the Philippines were as follows: (1) the role of fiscalizer was very popular among Senators and Representatives; (2) more Senators than Representatives, however, were included to play the role of fiscalizer; (3) the legislators who played the role of articulator of interest groups were not easily known; (4) when the legislators were known to have played the role of articulator of interest groups through an exposé by the mass media or some other source, the exposed legislators became objects of fiscalization.

With this variety of roles of the Philippine political elite, it is clear that, if the fragmentations of the elite are brought to bear on the exercise of these various roles, the result would be the intensification of the tumbling behavior of the rough-and-tumble politics of the Philippines. This was indeed the case in Philippine politics; and it was most obvious in the early 1970's just before the proclamation of martial law, whether it was the politics of the 1971 Constitutional Convention, the continuous Malacañang-Congress political skirmishes, the local elections of 1971, or the politics of the national budget in 1972. In the crossfire or the tug-of-war between or among the political elites, public policies were mangled, reforms aborted, budgets delayed, feelings of frustrations and cynicism aroused, and social unrest enkindled.

In contrast to the large, dispersive political elite of the pre-martial law era, the political elite of the martial law regime are a small and cohesive group. Composed of President Ferdinand E. Marcos, 21 Cabinet members, and six officials with Cabinet rank, the group is small enough to be brought under the effective span of control of the President. Even if factions emerge within the group, these can be easily identified and ultimately led to follow presidential directives. In any case, there is no serious factionalism that may lead to weakness or indecision of the body. This is so because, in the last analysis, all the Cabinet officials were appointed and are subject to removal by the President; they all believe in the goals and objectives of the President, for they have cooperated with him in formulating the policies of the government and the strategies to implement them; they have no solid political base, which was the

principal source of power of the well-known oligarchs of the pre-martial law political system; and the incentives of working devotedly and faithfully with the President involve the fear of losing not only honor, life, and fortune in case of failure but also the joy and pride of assisting at the birth of a new society.

Aside from the size and degree of dispersion or cohesion, in what other ways does the martial law political elite contrast with the pre-martial law leaders? And in what ways are both political elites similar?

In contrast to the pre-martial law political elite, which were dominated by lawyers, the martial law political elite are not dominated by lawyers. The lawyers still constitute the largest single group, 37.03 per cent, but the military, the natural and social scientists, plus business administrators, constitute 40.73 per cent. The remainder is distributed among various occupational roles, including public relations men and journalists (7.40 per cent). Dichotomizing these officials into technocrats and nontechnocrats, about one-third are technocrats.⁹

Using school recruitment as the criterion, the political elite of the martial law regime were also recruited from U.P. and U.S.T. U.P., however, accounts for 66.66 per cent of Cabinet officials. The age recruitment pattern appears also to be quite similar for both political elites, i.e., they tend to be 40 years old or over.

As regards the role of the martial law political elite, the most important point to be brought out is that in the martial law administration the ancient value of organic hierarchy has surfaced with a vengeance. Accordingly, the President is national *Pangulo par excellence*; and the Cabinet officials are the eyes, ears and arms of the president, and recommenders and implementors of policies. The President, as national *Pangulo*, is chief legislator, chief executive, chief administrator, commander-in-chief of the armed forces, martial law chief, martial law judge, national patron, and national integrator of the society, the economy, and the polity. He is also the chief exponent of the ideology of the New Society.

II

Having described and analyzed the principal characteristics of the political elite in the Philippines, the central problem may now be raised. Put in the form of a thesis, the legitimacy of the political elite is developed if the procedural and substantive norms of the polity are not violated by the political elite.¹⁰

The procedural norms of legitimacy of the political elite before the proclamation of martial law in the Philippines called for the political elite's election every two or four years. These procedural norms had been institutionalized in the country for more than three generations. The political elite were elected by the voters in competitive elections, led by vigorous nationally organized political parties. While some election years, such as 1949 and 1971, had been marred by violence and fraud, on the whole, the elections were relatively honest, free, and orderly.

In any case, people generally looked forward to the elections. Their reasons for their eager anticipation varied in accordance with the group to which they belonged. For the political elite, the elections afforded the opportunity to serve the nation or their constituents, to vindicate their public records, or to prove their power and prestige. For the counter elite, they offered the means "to throw the rascals out," as the popular phrase picturesquely puts it. For those who were willing to sell their votes, they provided opportunities for making easy money. For civic-minded citizens, they were vehicles for exercising their right to choose their leaders. For great numbers of people, the elections were enjoyable shows, for they featured movie actors and actresses, politicians who were like television comedians or popular movie stars and superstars, fireworks and "bombas"¹¹ galore, songs and dances, and even wonderful feasts. Owing to all these, except for the victims of statistically insignificant cases of physical violence or intimidation, the elections were generally welcomed.

Because they were elected in the course of popular elections, the pre-martial law political elite achieved legitimacy.

The pre-martial law political elite also acquired legitimacy in that their roles followed the requirements of the most powerful substantive indigenous norm in the country — the cultural value of organic hierarchy. In accordance with the norm of this value, as we have observed in Section I, they played the apt role of patron or *pangulo*.

Finally, the political elite obtained legitimacy because, on the whole, they did not violate the basic substantive norms of the established political formula of Filipino liberal democracy, especially the idea of liberty which is its crowning distinction. On the contrary, in spite of their occasional minor infractions of the democratic principles, the political elite strengthened these by making the political formula an integrative tradition, a precious gift to be handed

down from the national heroes of the Reform Movement of the 1880s and early 1890s and the Philippine Revolution of 1896 to the subsequent generations of Filipinos.

While it can be validly stated that the legitimacy of the pre-martial law political elite was generally unquestioned, this does not mean that their legitimacy was spotless. As a matter of fact, it was tarnished by their political sins — alleged and actual — of graft and corruption, poor performance of official roles, partisanship, extravagance, getting huge allowances and the like. Since these political sins were generally known only to urban citizens, especially of metropolitan Manila, activist students, and crusading reformers, the political elite survived the cynical attitudes of the public and managed to maintain their legitimacy. In the late 1960s and early 1970s, however, their legitimacy, while still viable, was already badly battered.

The situation of the martial law political elite with regard to legitimacy, however, was significantly different. At the very beginning of the martial law regime, their legitimacy was uncertain for there was no way of finding out the reaction of the people. The martial law political elite tackled the critical problem by taking a series of actions.

The first step taken was the broadcasting of the martial law proclamation via radio and television by the Secretary of Public Information Francisco S. Tatad on September 23, 1972. The proclamation contained a series of detailed "Whereases," each one specifying a reason why martial law had to be declared. This was followed by another nation-wide radio-television broadcast speech by the President, explaining and justifying the proclamation of martial law. The President, in part, said:

As of 21st of September, I signed Proclamation No. 1081 placing the entire Philippines under martial law... I have proclaimed martial law in accordance with powers vested in the President by the Constitution of the Philippines.

The proclamation of martial law is not a military takeover. I, as your duly elected President of the Republic, use this power implemented by the military authorities to protect the Republic of the Philippines and our democracy. A republican and democratic form of government is not a helpless government. When it is imperilled by the danger of a violent overthrow, insurrection, and rebellion, it has inherent and built-in powers, wisely provided for under the Constitution. Such a danger confronts the Republic.

Thus, Article VII, Section 10, Paragraph (2) of the Constitution provides: "The President shall be Commander-in-Chief of all armed forces of the

Philippines and, whenever it becomes necessary he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privilege of the writ of habeas corpus, or place the Philippines or any part thereof under martial law."¹²

The second move of the martial law political elite to cope with the legitimacy problem was the holding of referenda on the New Constitution, the term of office of the President, martial law, and the manner the President was implementing martial law. In the first referendum, which was held on January 10-15, 1973, several questions were put to the Citizens' Assemblies, the most important of which was: "Do you approve of the New Constitution?" In the second referendum, held on July 27-28, 1973, the question posed was: "Under the present (1973) Constitution, the President, if he so desires, can continue in office beyond 1973. Do you want President Marcos to continue beyond 1973 and finish the reforms he has initiated under martial law? And in the third referendum, which was conducted on February 27-28, 1975, the most important questions were: "Do you approve of the manner President Marcos has been exercising his powers under Martial Law and the Constitution, including the powers to issue proclamations, orders, decrees, and instructions with the force of law?" and "Do you want the President to continue exercising the same powers?"

In all these referenda, the affirmative votes in the Citizens' Assemblies or *Barangays* were overwhelming. According to the official reports of the canvassing body, the "Yes" votes aggregated into more than 90 per cent of the votes cast. Thus, the martial law political elite gained legitimacy through the device of referenda.

When these referenda were contested in the Supreme Court on the grounds of lack of constitutionality or validity, the martial law political elite were given an opportunity to strengthen their legitimacy. Thus, in spite of the fact that the President had earlier decreed that he was excluding from the jurisdiction of the judiciary all cases involving "the validity, legality or constitutionality of Proclamation No. 1081, dated September 21, 1972, or any decree, order, or acts issued, promulgated or performed by the President [or by his duly designated representative] pursuant thereto,"¹³ the President submitted his martial law proclamation and all decrees or orders flowing from it to the Supreme Court. It was a calculated risk but it proved to be most beneficial to the martial law administration.

In the first major case, the *Plebiscite Cases* (promulgated on January 22, 1973)¹⁴, the martial law political elite won a decision which declared that the prayer of the petitioners to stop the proposed referendum in early 1973 had to be dismissed, for the motion was already moot, since the results of the referendum were already proclaimed by the President. The initial victory, however, left the issue of the validity of the ratification of the 1973 Constitution unresolved. In the second major case, the *Ratification Cases (Javellana vs. Executive Secretary et al., 50 SCRA 30, March 31, 1973)*, the martial law political elite received even stronger support from the Supreme Court. In these cases, the Court declared that "there is no further judicial obstacle to the New Constitution being considered in force and effect." And in *Aquino vs. Commission on Elections et al.* (G.R. No. L-40004, January 31, 1975), the Supreme Court's endorsement of the martial law administration was definitely complete. The Court declared that "President Ferdinand E. Marcos is . . . *de jure* President of the Republic." The Supreme Court also said:

We affirm the proposition that as Commander-in-Chief and enforcer or administrator of martial law, the incumbent President of the Philippines can promulgate proclamations, orders and decrees during the period of Martial Law essential to the security and preservation of the Republic, to the defense of the political and social liberties of the people and to the institution of reforms to prevent the resurgence of rebellion or insurrection or secession or the threat thereof as well as to meet the impact of a worldwide recession, inflation or economic crisis which presently threatens all nations, including highly developed countries.

Despite these legal successes, the martial law political elite are not resting on their oars on the legitimacy obtained from the referenda and the Supreme Court decisions. To clinch their legitimacy, they are seeking to gain the full approval of the people through their performance in serving the people — maintaining peace and order, promoting economic development, launching educational and cultural innovations, providing social justice, and uprooting the entrenched individualistic, personalistic, populist, and oligarchic politics — in short, through building a "New Society" in the Philippines.

In spite of all the legitimations obtained from all these efforts and those gained from the referenda and the Supreme Court decisions, however, the legitimacy of the martial law political elite still remains incomplete.

One major reason for this is that as long as martial law lasts, the procedural norm of legitimacy of the political elite by popular election to which Filipinos had been accustomed for more than three generations cannot be followed. People might have been alienated against the old society politicians but the alienation was against particular officials, not necessarily against elections or the democratic regime.

Even if the martial law political elite follow the indigenous substantive norm of organic hierarchy, there are other basic substantive norms still in a state of suspended animation. At least two can be identified very easily because they occupy top positions in the Filipino hierarchy of basic substantive norms. The first is the Bill of Rights or the norm of liberty, and the second is the National Assembly or the norm of deliberation. Even the 1973 Constitution, which is officially upheld by the martial law administration, recognizes the primacy of these substantive norms. Article XVII, Section 1 of the Constitution, for instance, provides: "There shall be an interim National Assembly which shall exist immediately upon the ratification of this Constitution and shall continue until the members of the regular National Assembly shall have been elected and shall have assumed office following an election called for the purpose by the interim National Assembly." This article, as well as Article VIII on the National Assembly, enthrones the primacy of the norm of deliberation. The importance of the norm of liberty is enshrined in Article VI on the Bill of Rights.

We can elaborate a little at least on the norm of liberty. According to Laurel, the history of Filipinos is "the history of . . . their gigantic struggle for emancipation. . . [in order] that the government of the lash — that symbol of slavery and despotism — might endure no more."¹⁵ The newspaper of the Katipunan of the Philippine Revolution was named *Kalayaan* (Liberty). The central symbol of the Philippine flag is the sun of liberty. The word liberty is found in the national anthem. Jose Rizal, the national hero, and Emilio Jacinto, the brains of the Katipunan, built their political philosophy on the foundation of liberty.¹⁶ President Marcos himself, speaking extemporaneously during the laying of the cornerstone of the memorial cross at Mount Samat, Bataan, where many Filipino soldiers fought and died during World War II, said:

Mount Samat is not the highest peak in this peninsula. . . . But in moral significance, in heroic and spiritual dimensions, this mountain rises as high as the height of human spirit can soar in defiant battle against tyranny. . . . Thus, this

memorial we raise here, the cross that shall soar to the sky, . . . will be a recommitment and rededication to freedom. It shall symbolize the entire Filipino nation's commitment to the cause of freedom and to the defense of liberty. . . . Let us make known to one and all that the Filipino is in love with freedom, and, if need be, shall die for that freedom.¹⁷

A third reason for the incompleteness of legitimacy of the martial law political elite is that the political formula of Filipino liberal democracy has had a very long history in the Philippines. This political formula prescribes that martial law is not a normal institution. It may be used in abnormal times but it must be temporary. This political formula is also buttressed by voluminous literature (works of Rizal, del Pilar, Mabini, and others; decisions of the Supreme Court; speeches of the Presidents and legislators; and the works of scholars); a large middle class; a big number of professionals; significant interest groups; and a long history of libertarian, democratic, and constitutional government and politics.

These observations which I have been making in order to shed light on the apparent incompleteness of the legitimacy of the martial law political elite may be regarded as a negative view of the martial law administration for they consider the system of the New Society from a critical perspective. But if this is an aspect of this section, let it be noted also that its principal purpose is to suggest a solution to the legitimacy problem.

The suggested solution should now be stated explicitly. If the martial law administration is to gain full legitimacy, it must follow the procedural and substantive norms of the Filipino polity. Since this is a very general proposition, it should only be regarded as the overarching principle which should encompass all the practical recommendations that will have to be made. A first step is: Clarify the ambiguities in the New Society regarding the duration of martial law. Most Filipinos who believe in democracy regard this as a fundamental issue.

From one point of view, the martial law political elite is committed to a short regime. Top leaders of the martial law administration reiterate that martial law is only an emergency measure. President Marcos declared: "Martial law is a temporary constitutional expedient of safeguarding the republic; at most, it is a necessary transition, in our specific case, between the old and the new society."¹⁸ Undersecretary of National Defense Jose M. Crisol had pointed out: "President Marcos has reiterated on several occasions that the martial law he has instituted will last only for as long as the

emergency or necessity exists. There need be no fear, therefore, that the present state of martial law will become a permanent political order."¹⁹

But from another viewpoint, it seems that the aim of the martial law political elite is to stay in power for a long time because their objectives call for a long stay. What are their objectives? As early as September 23, 1972 President Marcos declared that he was utilizing the martial law power "to save the republic and reform our society."²⁰

The first objective — to save the republic — can be squared with the idea that martial law is an emergency measure. In fact, this is the traditional objective of martial law. It is spelled out in the Constitution in the now well-known formula: "In case of invasion, insurrection, or rebellion or imminent danger thereof, when public safety requires it, he (the President) may . . . place the Philippines or any part thereof under martial law." This was also the sole ground used in the declaration of martial law in Proclamation No. 1081.

The second goal — reform our society — (a phrase not included explicitly in the Constitution as a ground for use of martial law) will take a long time to realize. Consider educational reform, one of the most important reforms to be undertaken under the New Society. It may be the soul of the New Society, for to have a new society, as the President has repeatedly said, there must be an "internal revolution" among Filipinos, which cannot be accomplished without educational reform. But the Spaniards had attempted to reform the Filipinos at the educational level for 350 years, and were still at it when the Americans arrived in 1898. The Americans stayed in the Philippines for about half a century, undertaking educational reform. In 1946, Filipinos were not yet fully reformed at the educational level. Since 1946, the Republic has been trying to reform the people through education. It is a never-ending process, as long as the society or the polity lives.

President Marcos himself said: "But the most important field for the *internal revolution* is that of education and culture. And here we must admit numerous and grave problems: problems of national identity, problems of reorientation and administration, of renewed vigor, fresh vision and the firmest resolution to carry through plans and programs. Educational reforms will be the work of not one generation but of several generations working together."²¹

Remembering that the second referendum question was "Do you want President Marcos to continue beyond 1973 and *finish the*

reforms he has initiated under martial law?" (underlining, mine), and being told by the President himself that he was utilizing martial law not only to save the republic but also to reform society, the question cannot be avoided and must be asked: how long will martial law last?

Since the martial law political elite have not clarified this important problem, I believe it would be very helpful not only for the Filipino people but also for the martial law political elite if this question is clarified categorically. A categorical clarification will go a long way in dispersing the cloud of uncertainty which envelops the problem of the duration of martial law.

Regarding the legitimacy of the martial law political elite, I would add this suggestion: if the martial law political elite want to acquire full legitimacy, considering the procedural and substantive norms of the Philippine polity as well as its social, economic, and political institutions and infrastructure, the martial law administration must adopt the traditional meaning of martial law, i.e., quoting President Marcos, "Martial law is a temporary constitutional expedient of safeguarding the republic." This proposition implies another recommendation: Lift martial law as soon as the state of rebellion obtaining in the Philippines has been safely contained.

NOTES

¹Perceptive and systematic analyses of legitimacy had been made by the following authors: (1) Carl J. Friedrich, *Man and His Government* (New York: McGraw-Hill Book Company, 1963), Chapter 13, pp. 232-246; (2) Herbert Kelman, "A Social-Psychological Model of Political Legitimacy and Its Relevance to Black and White Student Protest Movements," *Psychiatry*, 33 (May 1970): 224-246; and (3) Max Weber, *The Theory of Social and Economic Organization*, ed. by Talcott Parsons (London: The Free Press of Glencoe, 1964), pp. 324-392.

²The data were taken from the biographies or biographical sketches of the Presidents of the Philippines.

³Dante C. Simbulan, "The Socio-Economic Elite in Philippine Politics and Government, 1946-1963," Ph.D. dissertation, Australian National University, 1965.

⁴The data were taken from the biographical sketches and interviews of the legislators of 1963 in 1963. The biographical sketches were those that were published in the official directories of the Congress of the Philippines.

⁵For studies on the Presidency of the Philippines, see Irene R. Cortes, *The Philippine Presidency* ([Quezon City]: University of the Philippines Law Center, 1966) and John R. Romani, *The Philippine Presidency* (Manila: Institute of Public Administration, U.P., 1956).

⁶Remigio E. Agpalo, "A Parliamentary or Semi-Parliamentary System for the Philippines?," *Solidarity*, 6 (March 1971), p. 62. See also Agpalo, *The Organic-Hierarchical Paradigm and Politics in the Philippines* (Quezon City: University of the Philippines Press, 1973), pp. 22-23.

⁷*Ibid.*, pp. 1-3. See also Remigio E. Agpalo, *The Political Elite and the People: A Study of Politics in Occidental Mindoro* (Manila: College of Public Administration, U.P., 1972), p. 119.

⁸For detailed analysis, see Remigio E. Agpalo, "The Roles of Philippine Legislators and their Historical, Cultural, and Social Bases," A Paper Presented to the Conference on "The Roles of Parliamentary Politicians," Sponsored by the Research Committee on Legislative Development of the International Political Science Association, held at Penang, Malaysia, on March 14-17, 1975.

⁹The data were taken from their biographical sketches.

¹⁰This view of legitimacy accepts Jean Jacques Rousseau's classic formulation of the basis of legitimacy. Rousseau wrote: "Man is born free; and everywhere he is in chains. . . . How did this change come about? I do not know. What can make it legitimate? That question I think I can answer." His answer is consent of the people through the social contract. It is here posited that people give their consent to or support of the political elite if the basic norms of the polity are not violated by the political elite. See *The Social Contract and Discourses*, tr. by G.D.H. Cole (New York: E.P. Dutton and Co., 1950), pp. 3-4, for the quotation. Based on this position, legitimacy may be defined as a condition or a state which is developed in the political elite as a result of their compliance with the procedural and substantive norms of the polity.

¹¹in the Philippines, used in this context, this refers to speeches of fiscalization, which Filipinos enjoy hearing during election rallies.

¹²The full text of this speech, as well as of Proclamation No. 1081, is found in F.D. Pinpin, ed., *The First 107 Presidential Decrees* (Mandaluyong, Rizal: Cacho Hermanos, Inc., 1973), pp. xxxi-xliv and 7-23, respectively.

¹³General Order No. 3, September 22, 1972.

¹⁴These are the following cases, officially numbered as GR Nos. L-35925, L-35929, L-35940, L-35941, L-35942, L-35948, L-35953, L-35961, L-35965, and L-35979.

¹⁵This is excerpted from Jose P. Laurel's speech, the full text of which is found in Jose M. Aruego, *The Framing of the Philippine Constitution* (Manila: University Publishing Co., 1949), Vol. II, pp. 1041-1062. The quotation is on p. 1041.

¹⁶On Rizal's political philosophy, see Remigio E. Agpalo, "Jose Rizal: Filipino National Hero and His Ideas of Political Modernization," *Solidarity* 4 (December 1969), pp. 1-14. On Jacinto's political philosophy, see Jose P. Santos, *Buhay at Mga Sinulat ni Emilio Jacinto* ([Manila], 1935).

¹⁷Ferdinand E. Marcos, *A President's Call To Greatness: A Collection of Speeches of President E. Marcos*, Vol. I, Book I, (No place and date of publication), pp. 44-46. The quotation was excerpted from a speech delivered on April 14, 1966.

¹⁸Ferdinand E. Marcos, *Notes on the New Society of the Philippines* ([Manila]: Marcos Foundation, Inc. 1973), in "Foreword," p. vii, Paperback Edition.

¹⁹"Foreword," in Pinpin, *op. cit.*, p. 4.

²⁰"Statement of President Ferdinand E. Marcos on the Proclamation of Martial Law in the Philippines," in Pinpin, *op. cit.*, p. xli.

²¹Marcos, *Notes on the New Society of the Philippines*, p. 151.