

Administrative Measures Against Bureaucratic Corruption: The Philippine Experience

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There is no dearth of laws and government policies aimed at curbing corruption in the Philippine public service. After political independence, five Philippine presidents have created at least ten investigative and anti-graft agencies over a span of 23 years. On the whole, these presidential anti-graft agencies have not been effective. They were plagued by problems of organizational instability, frequent changes in leadership, political pressures in employe recruitment, public apathy, strained relationship with other branches and agencies of government and legal impediments. Non-governmental agencies such as church and sectarian organizations have operated on a limited scale but these have ceased to function effectively after the declaration of martial law.

Introduction

This paper presents a description and analysis of the more current legal and governmental norms which formally establish what is acceptable behavior among public officials in the Philippines. It discusses the development in the government's anti-corruption program since the

Philippines' independence in 1946 to the present. This covers a period of 31 years during which major political changes which have important implications on the government's anti-corruption program have occurred.

An attempt will be made to analyze and evaluate governmental action undertaken to curb or minimize the problem of bureaucratic corruption in the Philippines by answering the following questions: (1) What formal laws/policies have been enunciated by the authorities to prevent corruption in the Philippine government? (2) What measures have the government adopted to ensure that these regulations/policies are enforced? (3) What is the record of anti-graft agencies operating the country? (4) On the whole, were these measures effective in

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minimizing administrative corruption in the Philippines?

The Political Context

With the declaration of independence in 1946, the Philippines became a republic. Except for the fact that it was a unitary state, its political structure could be described as "resembling that of the United States to an extent unmatched by any other country in the world."¹ Its constitution emphasized the doctrine of separation of powers. It had an elected Congress consisting of a lower house, the House of Representatives; and an upper house, the Senate. Its executive branch was headed by a President who was elected every four years and who was eligible for only one reelection. An independent judiciary interpreted the laws and constitutional provisions.

In 1971, an election for a Constitutional Convention was held and a new constitution was drafted. One of the features of this constitution was a transitory provision which gave the President wide-ranging political powers. Before this document could be presented in a popular plebiscite, President Ferdinand E. Marcos declared martial law on September 21, 1972, abolished Congress and assumed legislative functions through the issuance of presidential decrees. The new con-

stitution was subsequently approved in a plebiscite held on January 1973.

Corruption in Postwar Philippines

As in most newly emerging nations, the government of post-independent Philippines was beset with internal problems not the least of which was bureaucratic corruption. The first wave of extensive corruption was said to have hit the Philippines immediately after the liberation from the Japanese occupation.² This laid the ground for the extensive network of graft in the public sector which Corpuz described as ranging from petty fixers operating at the lower levels of the organization hierarchy, to middle level officials taking undue advantage of their position and extending to the elite, "whose profits from corrupt transactions with government ran into millions of pesos, but whose positions and powerful connections rendered them virtually untouchable by the law enforcement authorities."³ The emergence of corruption, according to him, could be attributed to some extent to the attitudes and habits that developed during the Japanese period, when corruption was rationalized both as a means of sabotaging the occupation administration and an economic necessity brought about in part, by the nearly worthless war notes

¹Harold F. Alderfer, *Public Administration in Newer Nations* (New York: Praeger, Inc., 1967), p. 28.

²Onofre D. Corpuz, *The Philippines* (Englewood Cliffs, New Jersey: Prentice Hall, 1965), p. 85.

³*Ibid.*, p. 86.

issued by the Japanese military regime.⁴

By the 1950s bureaucratic corruption had become a major public issue. During the administration of President Elpidio Quirino, corruption was described to have permeated the entire Philippine bureaucracy. Entry to the government service was paid for with the price increasing with the level of the position. Public uproar and criticism against this practice was so sharp that President Quirino was compelled to start a clean-up campaign.⁵ The President himself admitted the existence of corruption in an extemporaneous speech before the Manila Lions Club when he said:

"You said there is graft and corruption. I do admit... Why am I cleaning this government? I can well compare this administration of mine... with the record of any previous administration. I ask you to find out who has been able to investigate more functionaries of the government as I have done during this administration."⁶

⁴Corpuz, *Bureaucracy in the Philippines* (Manila: Institute of Public Administration, University of the Philippines, 1957), pp. 220-221.

⁵Robert Aura Smith, *Philippine Freedom, 1946-1958* (New York: Columbia University Press, 1958), p. 137, as cited in W.F. Warthelm, "Sociological Aspects of Corruption in Southeast Asia," *Sociologica Neerlandica* (Autumn, 1963), pp. 129-152.

⁶This was revealed during the congressional deliberation on the bill which eventually became the Anti-Graft and Corrupt Practices Act; See Gabriel U. Iglesias, "The Passage of the Anti-Graft Law," in Raul P. de Guzman (ed.), *Patterns in Decision Making* (Manila: College of Public Administration, University of the Philippines, 1963), p. 21.

These developments triggered governmental action as well as public reaction manifested in anti-corruption projects undertaken by non-governmental associations. The response to the social clamor for a clean government came in different forms and had varied advocates.

The Philippine press served as the government's vigilant and articulate critic. It persistently pressured for immediate government action on the deteriorating standards of public ethics governing officials' conduct.

Congress formed special investigating committees, foremost among which were the Senate Blue Ribbon Committee and the House Committee on Good Government which were created purposely to look into anomalous behavior of public officials. Aside from these committees, Congress also passed anti-graft laws as well as authorized the creation of a Citizens' Counselor Office which was to provide assistance to citizens who may have grievances against erring public officials. During their respective terms the different presidents of the country had invoked their prerogative to direct and supervise the bureaucracy and created special investigatory and anti-graft agencies to act on this problem. In addition, the citizens, organized as lay organizations and civic associations, resorted to their own ways of dealing with corrupt

public officials who preyed on powerless and uninformed citizens.

For the rest of this paper, we shall describe and assess these different reactions in more detail, starting with the formal pronouncements and laws directed at this problem. Then we shall proceed to discuss the different administrative agencies organized purposely to control the occurrence of corruption in government and evaluate the extent to which they were able to achieve their organizational goals, looking into their major government programs and accomplishments.

Anti-Graft Laws and Policies

Earlier provisions of the country's Penal and Administrative Codes may be considered as the first anti-graft legislation in that both have set high standards of action for public officials. Thus, the Revised Penal Code which has been effective since January, 1932 defines as criminal offenses such acts of public officials as dereliction of duty, bribery, engaging in frauds and illegal exactions and transactions, and misappropriation of public funds or property. The Penal Code enumerates offenses against the interest of the society in general. The Administrative Code on the other hand, assumes a more limited context: the government service. Its immediate concern is that employe behavior within the administrative machinery does not adversely affect the effective and efficient operations of the organization. This responsibility for the

overall performance of the organization rationalizes the power of top management to punish errant behavior of any member which may detract from the efficient accomplishment of set goals.

A decision of the Supreme Court on an administrative case against a clerk of court explains the need for this distinction in terms of the purposes of criminal and administrative laws:

Penal laws are enforced to protect society from law breakers by punishing them. Administrative laws and regulations are enforced to weed out undesirable public servants, to maintain morality and harmony, as well as to achieve efficiency in the government service in order to protect and preserve the integrity of the government to improve public confidence therein. To obtain conviction in a criminal case, proof beyond reasonable doubt is required on the theory that in case of doubt, it is preferable to err by letting a guilty person remain unpunished. In an administrative case, if the investigation should show that the conduct of a public servant is not beyond reproach or is of doubtful integrity or morality, disciplinary action against him would be justified.⁷

In response to the upsurge of corruption, Philippine Congress initiated legislation specifically against graft and corruption in the mid-fifties. The first of such laws passed after independence was Republic Act (R.A.) No. 1379 popularly known as the Forfeiture Law. Enacted in June, 1955, this law authorized the state to forfeit in its favor

⁷Pedro L. Apolinario, et al. v. Mahatma G. Roa, 72 SCRA 468 (1976).

any property found to have been unlawfully acquired by any public officer or employe. The law also provided for the proceedings of such forfeiture. Unlawfully acquired property was defined under this law as referring to any property acquired during the incumbency of the public employe which was manifestly out of proportion to his salary and other income. This law covered properties acquired during the official's incumbency, including those in the name of the spouse and unmarried children of public officers. Where necessary, bank deposits of officials accused of violating this law may be lawfully revealed by the bank for prosecution regardless of any legal provision to the contrary.

This first anti-graft law did not prove to be an effective weapon against corrupt officials: four years after its passage, no government official or employe had been convicted under the law.

The second anti-graft legislation was considered more comprehensive and potent and was passed five years after the first legislation. R.A. No. 3019, entitled the Anti-Graft and Corrupt Practices Act, under which most anti-graft cases are now prosecuted, was enacted in August, 1960. Congressional debates on the merits of this law revealed the difference of opinions in Congress as to how the problem of corruption in government should be dealt with.⁸ The Senate took

⁸Iglesias, *op. cit.*

the lead role in the passage of the law but differences of opinion within each house and between houses as well as between Congress and the Executive gave this law rough sailing in various phases of the legislative process. For instance, President Carlos P. Garcia objected to four provisions of the law including the section which considered it unlawful for the spouse and the third degree relatives of the President, the Vice-President and the Speaker of the House to intervene in any business transaction, contract or application with the government. The President explained that this provision was unfair to other citizens who may be deprived of the right to earn an honest livelihood simply because they were related to one of the highest officials of the government.⁹

The press, which closely followed Congressional deliberations on this bill, hailed its passage. However, a less optimistic member of Congress who interpreted its enactment as a futile attempt to appease public opinion declared:

The anti-graft law was passed not because there was a need for it but only to appease public opinion. There was no urgent need for anti-graft legislation because the Revised Penal Code and other laws were sufficient to bring the guilty to court.¹⁰

The law considered some eleven acts of public officials as constitut-

⁹*Ibid.*, pp. 47-48.

¹⁰*Ibid.*, p. 35, quoting Congressman Manuel Zosa of Cebu.

ing corrupt acts, aside from those already prohibited by existing provisions of other laws. It also required every public officer to file every two years a detailed and sworn statement of assets and liabilities including a statement of the amount and sources of his income, his personal and family expenses and the amount of income taxes paid for the next preceding calendar year.¹¹

R.A. No. 3019 carefully distinguished a grossly corrupt act from the receipt of unsolicited gifts or presents of small or insignificant value offered or given as a mere token of gratitude or friendship according to local custom which can not be construed as a violation of its provisions.

The third and last law passed by Congress which had a direct bearing on the government's anti-graft program was R.A. No. 6028 (August 1969). This act provided for the creation of an independent government agency to attend to citizens' complaints when they are unduly prejudiced by decisions or actions taken by public officials.

The Office of the Citizens' Counselor created by said law never materialized in spite of authorized resources being allocated for its operations and the strong recommendations for its activation as embodied in the Integrated Reorganization Plan (IRP) of the Pre-

sidential Reorganization Commission.

Under martial law administration, four presidential decrees directly aimed at regulating the conduct of government officials were issued.

P.D. No. 6 enumerated 29 forms of misconduct which constitute valid bases for disciplinary action; empowered department heads to remove, separate, suspend and take other forms of administrative action against employes under their supervision; and established three conditions under which formal investigations may be dispensed and employes may be immediately removed or dismissed from office. This decree was among the first issued by the President. It took effect on September 27, 1972 and caused the removal of approximately 8,000 public servants from the government.¹²

P.D. No. 46, which was issued on November 10, 1972, made it unlawful for public officials and employes to receive and for private persons to give gifts on any occasion including Christmas regardless of whether the gift is for past favors or in anticipation of future favors. It also prohibited the throwing of parties and other forms of entertainment in honor of public officials or of their immediate relatives.

P.D. No. 677 which took effect on March 31, 1975, required all govern-

¹¹R.A. No. 3019, Section 7.

¹²"The Revamp: Why It Had to be Done," *The Republic* (October 16-31, 1975), p. 16.

ment employes to submit statements of their assets and liabilities every year, instead of every other year, as provided for in R.A. No. 3019.

P.D. No. 749, another amendment to R.A. No. 3019, was addressed to a major difficulty which law enforcement agencies usually encounter in prosecuting anti-graft cases. Under R.A. No. 3019, the giver and receiver of the bribe were equally guilty of breaking the law. This decree granted immunity from prosecution to givers of bribes and other gifts and to their accomplices in bribery and other graft cases, on condition that they would willingly testify against public officials or private citizens who were guilty of these offenses.

A public servant who is found guilty of violating these laws, is liable both administratively and criminally. Court proceedings for the latter are intended to correct a social wrong and follow legal rules on evidence. For conviction, proof of violation of the law should be established beyond reasonable doubt. In administrative charges, on the other hand, the higher morality expected of employes of the public service requires that their actions be governed by stricter and more demanding standards. For this reason, the quantum of evidence required for conviction in administrative cases is considerably lesser than that required for criminal cases.

The hard line policy of the martial law administration on deviant bureaucrats who show no willingness to reform along the lines prescribed by the New Society is reflected in explicit provisions on discipline of P.D. No. 807, the new Civil Service Law. This law reiterates the provision of P.D. No. 6 on summary proceedings, gives the department heads the power of preventive suspension over any employe who is under investigation, provides the procedures for administrative cases against non-presidential appointees, and limits the duration of investigation of these cases to thirty days.

The provisions of the decrees described above and the existing memorandum circulars of the Civil Service Commission (CSC) together constitute an institutionalized system of administrative discipline in the government. The vital components of this disciplinary mechanism are the rules specifying offenses which constitute valid bases for disciplinary action, and the classification of offenses with corresponding penalties according to the severity of the misdeed. This set of rules and procedures practically empowers the heads of departments and agencies to regulate every undesirable behavior (including corrupt acts) of their employes. Table 1 lists the offenses enumerated in P.D. No. 6, according to degree of seriousness.

This table excludes some fifteen other offenses which are also in-

Table 1. Selected Administrative Offenses, According to Degree of Seriousness

<i>Offense</i>	<i>Light</i>	<i>Less Grave</i>	<i>Grave</i>
1. Dishonesty			X
2. Oppression			X
3. Gross neglect of duty		X	
4. Grave misconduct			X
5. Disgraceful and immoral conduct			X
6. Discourtesy in the course of official duties		X	
7. Inefficiency & incompetence in the performance of official duties		X	
8. Receiving for personal use a fee, gift or other valuable thing			X
9. Conviction of a crime involving moral turpitude			X
10. Unauthorized solicitation of contributions		X	
11. Wilful violation of existing Civil Service Law & Rules			X
12. Falsification of official documents			X
13. Unauthorized absences or tardiness, loafing	X		
14. Habitual drunkenness	X		
15. Gambling	X		
16. Refusal to perform official duty		X	
17. Disgraceful, immoral or dishonest conduct prior to entering the service			X
18. Physical or mental incapacity due to vicious habits			X
19. Borrowing money by superior officers		X	
20. Lending money at usurious rates of interest		X	
21. Wilful failure to pay just debt	X		
22. Contracting loans of money from persons with whom the office of the employe concerned has business relations			X
23. Practice of profession without permission	X		
24. Insubordination	X	gross	X
25. Partisan political activities			X
26. Conduct prejudicial to interest of service			X
27. Lobbying for personal interest without authority		X	
28. Selling ticket without authority	X		
29. Nepotism			X

Source: *Handbook of Information on the Philippine Civil Service*, 1976, pp. 228-230.

cluded in the other CSC memorandum circulars.¹³

Penalties for light offenses range from reprimand to suspension for thirty days; for less grave offenses, from transfer or demotion in rank or salary of one grade to suspension for one year; and for grave offenses, from transfer or demotion in rank or salary from two to three grades to forced resignation without prejudice to reinstatement.¹⁴

The immediate responsibility and jurisdiction for administrative discipline in the public service is also clearly determined. Generally, heads of departments, agencies and instrumentalities, provinces, cities and municipalities have jurisdiction to investigate and decide matters involving personnel in their units. This is the case unless other laws specify the contrary as in the case of government officials on assignment with the Career Executive Service Board who may be investigated by the Career Executive Service Board. Administrative charges against elective provincial, city and municipal officials may be filed by the Department of Local Government and Community Development as provided for by L.O.I. No. 231, dated December 5, 1974. Action on administrative charges against special group of employes like faculty members, officers and employes of the University of the

Philippines, court personnel, members of the commissioned and enlisted service of the Armed Forces of the Philippines and officers and employes of government-owned or controlled corporations, are specified in Constitution and other special laws which are directly pertinent to their operation.¹⁵

Presidential Anti-Graft Agencies

The creation of investigating and anti-graft agencies is an exercise of the President's power to probe into anomalous activities of members of his administrative organization. Most of these executive agencies were not only charged with the singular 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. These agencies were appropriately described by Wood as:

...devices that provide an executive with information about the personal conduct of his employes. They are central units... with the specific functions of reporting to the executive, protecting him against the derelictions of his subordinates and assuring the compliance of personnel with applicable law, administrative regulations and generally ethical standards.¹⁶

Since the fifties, these agencies have been serving Philippine presi-

ERRATUM:

Footnote 13, p. 329 should read:

¹³ Handbook of Information on the Philippine Civil Service. (Quezon City: Personnel Officers Association of the Philippines and UP Law Center, 1976), pp. 228-230.

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¹³*Handbook of Information on the Philippine Civil Service* (Quezon City: Phoenix Press, Inc., 1976), pp. 228-230.

¹⁴*Ibid.*, p. 182.

¹⁵*Ibid.*, p. 175.

¹⁶Robert Wood, "Ethics in Government as a Problem in Executive Management," *Public Administration Review*, Vol. 15, No. 1 (Winter 1955), p. 3.

dents. Although their functions have varied slightly from one administration to another, these agencies were all involved in conducting investigations not only of the anti-graft cases but of other employe misconducts and practices not with-in generally accepted ethical standards.

We shall discuss below the circumstances surrounding the emergence of these agencies, the problems they have met and the manner in which they were phased out. Within the period under review, five presidents have served the country and at least ten such agencies have been created.

The Quirino Administration (1948-1953)

The first of the presidential investigating bodies formed after independence was the Integrity Board which was created during the Quirino administration. Its creation was triggered by the charges of then Vice-President Fernando Lopez that his fellow Cabinet members were taking interest in the ₱11 million Maria Cristina power and fertilizer plant.¹⁷ As a response to this and other accusations of the Vice-President, President Quirino issued Executive Order No. 318 dated May 25, 1950 creating the Integrity Board.

This five-man committee which was to be headed by the Vice-Presi-

dent was authorized to "receive and pass upon all duly subscribed and sworn complaints against the conduct of any public official and those for graft and corruption and dereliction of duty or irregularity in office." After the Committee had established a *prima facie* case, it would then proceed to conduct an investigation within 30 days and submit its report and recommendation to the President 15 days after the completion of the investigation.

Lopez wanted to accept the Chairmanship of the Board only if the Board was empowered not only to "investigate new complaints but also to reopen cases already investigated [and] reported, . . . to engage the services of investigators and prosecutors, to hold its investigations in public and its recommendations as final."¹⁸

Since Lopez wanted more powers for the Board than Quirino was willing to give, another chairman, Dr. Jorge C. Bocobo, was nominated instead. Lopez criticized this move as a reflection of the Administration's inability to prosecute officers who were politically powerful.

The Board functioned for almost five months. Its activities were limited by the lack of support from the public who failed to substantiate and follow up their complaints against government officers.

¹⁷"Anti-Graft Board Formed," *Manila Daily Bulletin* (May 22, 1950), pp. 1 and 7.

¹⁸"Lopez May Object New Appointment," *Manila Daily Bulletin* (May 22, 1950), pp. 1-2.

Moreover, the President did not always heed the Board's recommendations. The Board ceased to exist when its members resigned to protest the President's action on the Faypon case.¹⁹

The Integrity Board was the shortest-lived body. Aside from the difficulties earlier enumerated, Lopez cited specific inadequacies of the Board, among which were (1) its inability to initiate investigations on its own, (2) its lack of authority to prosecute criminal cases before the courts, (3) the lack of an automatic clause which will deem final all decisions of the Board not reversed or modified within sixty days, and (4) the non-appropriation of funds for the operation of the Board.²⁰ The occasion which brought about the resignation of its members also indicated the Board's weak presidential support.

¹⁹Instead of suspending Governor Faypon on October 25 to enable the Board to investigate the charges filed against him, the President suspended him on election day. This delayed the Board's investigation of his case. What was worse, President Quirino only acted on Faypon's case but ignored the Board's recommendation on the case of Governor Pecson of Masbate and Governor Abueg of Palawan. See "Integrity Board Members Quit," *Philippines Free Press* (November 24, 1951), p. 14.

²⁰Remedios C. Felizmena, "The Presidential Committee on Administrative Performance Efficiency: A Study of Executive Direction and Control of the Bureaucracy" (M.P.A. thesis, College of Public Administration, University of the Philippines, 1961), pp. 126-128.

The Magsaysay Administration (1953-1957)

The 1953 presidential election was fought on the issue of graft and corruption and the people's loss of confidence in the government. The theme of Ramon Magsaysay's program which was considered vital to his victory as his promise to bring the government closer to the people.

In fulfillment of this political promise, Magsaysay's first executive order created the Presidential Complaints and Action Commission (PCAC). It will be noted that there is nothing in the name of this new presidential body that was suggestive of its being an anti-graft agency. Patterned after the presidential investigatory agencies in the state governments of the United States, this body (later renamed Presidential Complaints and Action Committee) was empowered to:

(1) Conduct fact-finding investigations of complaints against the manner the various executive departments, bureaus, offices, agencies, instrumentalities and government-owned or controlled corporations are performing the duties entrusted to them by law, or complaints against the acts, conduct or behavior of any officer or employe behavior;

(2) Recommend promptly appropriate action on all such complaints as may be received by the President or by the Committee to the end that justice, economic efficiency and

high standard of morality may be observed and effected in the various branches, departments, bureaus, offices, agencies and instrumentalities of the government;

(3) Keep the President of the Philippines informed on the implementation of government measures designed to improve the public service and the efficiency of government personnel;

(4) Make and submit from time to time appropriate recommendations for the improvement of the administration of the government and its essential services and operations; and

(5) Perform such other duties and related functions as the President of the Philippines may from time to time assign to the Committee.²¹

Unlike the Integrity Board, the PCAC had full presidential support and was more complex organizationally. As of February 14, 1955, it was reported to have 44 organic personnel, aside from those detailed from other agencies.²² It was composed of four major organization units: the Office of the Chairman, the Research and Investigation Branch, the Action Branch and the Administrative Branch. For the fiscal year 1954-55, it was given ₱100,000 for its operations. This

amount was increased to ₱150,000 annually for the fiscal years 1955-56 up to 1958-59.

Overeager in fulfilling its tasks, the PCAC teams' enthusiasm in its investigations easily became the object of complaints. In one newspaper, accounts were made of how it stormed the offices of the National Bureau of Investigation (NBI) and the Rehabilitation Finance Corporation escorted by armed guards from the army. This incident resulted in the issuance of another presidential directive whereby the President asked the agency to refrain from conducting its own investigations but instead to "refer and/or recommend to government agencies concerned for appropriate action all such complaints as may be received by the committee..."²³

President Magsaysay commended this agency in his State of the Nation address for the "service it has performed in demonstrating to our people that this is a government truly responsive to their will and their needs."²⁴ This commendation did not, however, keep some sectors from asking for its dissolution on charges that it employed high-handed methods, and that it had arrogant and incompetent personnel. These views were aggravated by the anxiety that the body may be

²¹Executive Order No. 1, series of 1953.

²²Amella R. Jara, "Report to Dr. Edwin O. Stene on Presidential Complaints and Action Committee" (February 14, 1955), typescript.

²³"Administrator Wages War Against Graft," *Manila Daily Bulletin* (March 29, 1954), pp. 8 and 10.

²⁴"President Pays Tribute to PCAC," *The Manila Times* (January 1, 1955), p. 3.

used as a political tool. These developments did not escape the attention of President Magsaysay who expressed his concern over the abuse and misuse of the power he granted the body.²⁵

Dissatisfaction with the performance of the PCAC led to the consideration of the creation of a non-partisan body composed of a chairman, a representative from each major political party and two private citizens. To be called the Presidential Committee on Good Government (PCGG), this body was to function as a separate presidential arm from PCAC. This plan did not materialize however. Its creation was opposed by other investigating groups of the government. Moreover, it was pointed out that the creation of additional investigative bodies will not in any way ensure the eradication of graft and corruption in the government.²⁶

Although these criticisms definitely worked against the finalization of the plans for the PCGG, the more valid reason for its non-realization was the inability of the two political parties to agree on the membership of the committee.

After Magsaysay's death, PCAC personnel who were all closely identified with the President met difficulties in working smoothly with the new administration. The agency's close association with the late President was not appreciated

by the new executive who wanted to make a mark of his own. Friction between PCAC top men and the President surfaced. Col. Frisco San Juan, chairman of the Committee, tendered his resignation after asserting that his organization was now the object of political pressure.²⁷

The Garcia Administration (1957-1962)

Fifteen and one-half months following Magsaysay's death, the PCAC was abolished and Garcia's premier management agency, the Presidential Committee on Administrative Performance Efficiency (PCAPE) was created with the issuance of Executive Order No. 306 dated July 15, 1958.

Unlike other earlier executive probe bodies which were originally vested the powers of an investigating committee as granted by Sections 71 and 580 of the Revised Administrative Code, the PCAPE was given these powers only after more than a year of operations. Getting action, rather than investigating government irregularities became the primary concern of this agency. It was created to:

achieve higher efficiency and competence in the administration of the government...for the early realization of national development plans and prompt solution of administrative problems...and to insure the

²⁵Felizmena, *op. cit.*, p. 147.

²⁶*Ibid.*, pp. 154-156.

²⁷"PCAC Ex-Chief Accused of Politicking," *The Manila Chronicle* (May 8, 1957), pp. 1 and 8.

speedy and efficient performance of assigned duties, functions and executive directions by the implementing government office....

Among its functions were: (1) to organize and maintain effective liaison between the Office of the President and the executive departments; (2) to establish and operate a continuous and direct communication system between the Office of the President and the head office of the executive departments; (3) to obtain, collect and process periodically and when specifically required, such data on the status, situation, progress and/or problems of governmental activities; (4) to conduct a thorough and careful analysis, research and evaluate studies on specific matters due for executive or cabinet action.

Conceived as early as the Magsaysay era, the PCAPE was envisioned only to provide the President with a secretarial staff to continuously advise him of the status of the administration's key projects. As finally implemented under the Garcia administration, however, it became a super-management body expected to evaluate the level of performance of government agencies, provide staff work to the cabinet, perform liaison work for the President and function as a central complaints office for citizens as well. For the latter function, the defunct PCAC was integrated as the Complaints and Action Unit of the PCAPE.

Structurally, the PCAPE was far bigger and more specialized than the PCAC. While the latter only had four major branches, PCAPE had eight divisions including such functional units as Complaints and Action Division, Liaison and Intelligence Division, Investigation and Legal Division, Performance Evaluation Division, Public Affairs Division and an Administrative Division.

The organizational size of this agency suggested that it also needed the services of more personnel. Aside from its regular staff, the PCAPE availed itself of the services of employes detailed from other government offices. For the fiscal years 1958-59, 1959-60 and up to October 1960, it had a total of 288, 212 and 237 personnel, respectively.²⁸

To finance its activities, it had an appropriation of ₱300,000 for the fiscal years 1959-60 and 1960-61. This amount was increased to ₱450,000 in the 1961-62 budget.

Because of its well-organized set-up, bigger staff and relatively more financing, the PCAPE accomplished more than that of its predecessors. Its accomplishments may be categorized into five major activities: public complaints, investigations, liaison and intelligence work, performance efficiency and public assistance. It attended to public complaints on delayed backpay, government social security benefits, pen-

²⁸Felizmena, *op. cit.*

sion payments and cases against government personnel. It investigated anomalies such as the participation of Central Bank officials in the salting of dollars abroad, the National Marketing Corporation's extension of credit to distributors beyond their bonds and other similar graft cases at the Public Service Commission, the Motor Vehicles Office and the Bureau of Forestry. Outstanding among its accomplishments was the completion of fourteen management surveys of agencies like the Central Bank, the People's Home-site and Housing Corporation, the National Marketing Corporation, the Land Tenure Administration, the Philippine General Hospital and the Bureau of Forestry.²⁹

Reactions of PCAPE activities were not all favorable. The *Manila Chronicle*, for instance, considered as interference the PCAPE's decision upholding the appointment of the president of a state college and its battling for the expansion of the financial activities of the Agricultural Credit and Cooperative Financing Administration (ACCFA). In an editorial, the *Manila Chronicle* observed that

All this seems rather disturbing for the public is under the impression that the PCAPE is nothing more than a fact-finding body with no power to render administrative decisions and certainly no power to formulate major economic policies.³⁰

²⁹*Ibid.*, pp. 203-204.

³⁰"This is Interference," *The Manila Chronicle* (October 2, 1958), p. 4.

In another weekly publication, the PCAPE was described as a name which conjured varied pictures in the public's mind, the main impression being that of a cloak-and-dagger organization dedicated to graft-busting and detection of ills and sins in the sprawling machinery of government.³¹

Aside from the PCAPE, President Garcia also created through his Administrative Order No. 268 dated April 28, 1958 the Presidential Fact Finding Committee (PFFC). The main objective of this committee was to recommend ways and means of effecting good administration in the Bureau of Customs. Three military men and a lawyer were designated members of this committee.

Unrelenting in his drive against corruption which was not limited to the Bureau of Customs, Garcia made an official appeal to Congress in his State of the Nation message delivered in the opening of the second regular session on January 25, 1959.³² Congress responded favorably by passing during his administration R.A. No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act.

The third anti-graft committee created under Garcia's administration was the Presidential Anti-Graft Committee (PAGC) created by Executive Order No. 378 on February

³¹Amadeo C. Dacanay, "His Objective: Government Efficiency," *Kislap Graphic* (August 19, 1959), pp. 10-11.

³²Iglesias, *op. cit.*, p. 24.

18, 1960. The primary function of this agency was to "implement and enforce Republic Act No. 1379 (Forfeiture Law) by inquiring into, investigating, determining and verifying any and all unlawfully acquired properties of government officials and employes particularly in the Bureau of Customs and the Bureau of Internal Revenue and in government offices and institutions where similar investigations as those contemplated have been started previously, and to obtain the needed evidence to establish such unlawful acquisition of property and/or other forms of wealth acquired by them while in public office."³³

As in most investigating bodies, the PAGC was granted the powers of an investigating committee under Sections 71 and 580 of the Revised Administrative Code. As an agency of the Office of the President, it was directed to forward all its report of investigations, findings, recommendations with all the supporting evidence and other papers relevant thereto to the President.

The PAGC operated principally through teams which were usually composed of a certified public accountant, a lawyer and an investigator from different government offices. These teams went over individual financial statements and checked these against facts.

At the height of its graft-busting activities, the PAGC was known for

the famous 44 cases which it was supposed to have submitted to the President. News reports on these cases were revealing of the press' doubts on the administration's sincerity to punish the guilty. A *Philippines Free Press* editorial sarcastically commented that while the PAGC chief did submit a list of 44 men and women who have been earmarked for indictment and that ten of these names were submitted to the Department of Justice for court action, it was of common knowledge that in that list were persons who have made a big impression and a dramatic impact upon the cynical public. Unfortunately, the same editorial lamented, the PAGC "bypassed them and instead went after relatively small shots." Explaining this curious course of events, the editorial stated:

In recognition of 'service rendered ...beyond the call of duty' it is expected that certain people in power will protect the 'tong collectors' and see to it that neither the PCAPE nor the PAGC indict them before our courts of justice.³⁴

In another editorial, the same publication considered as "amusing" and "farcical" the campaign which despite the combined efforts of three executive probe bodies, failed to prosecute the known big-time grafters simply because they were close to Malacañang. It was further

³³Executive Order No. 378, series of 1960.

³⁴"What about the Real Big Shots?" *Philippines Free Press* (November 12, 1960), p. 1.

observed that the number of grafters have, instead, increased.³⁵

Of the three investigating bodies during the Garcia administration (PCAPE, PFFC and PAGC), the PAGC, despite the fact that it was the last one to be organized, was adjudged most potent in its attempt to enforce the laws on illegal acquisition of wealth and anti-graft and corrupt practices. This was attributed mainly to the legal basis for the PAGC's actions and the fact that anybody whom they found guilty could be criminally prosecuted in court upon the presentation of evidence.

The incriminating and explosive facts in the possession of the PAGC probably explains the number of death threats that its Chairman received during his term of office.³⁰ For the same reason, the PAGC met a sorry and rather embarrassing end towards the last hours of the Garcia Administration. The PAGC office was raided by NBI agents on midnight of January 2 with the hope of getting the administration's collection of records against the big-time and well-known grafters before the PAGC could submit them to the outgoing President. Their failure to get these records caused the filing of an "infidelity in keeping public records" charge against Chairman Lucena who in turn charged the

NBI and then Secretary of Justice Jose W. Diokno for "alleged harassment, intriguing against honor, libel and violation of the Constitution."

The PAGC was officially abolished by President Garcia shortly before his term ended. Under Executive Order No. 457 he directed that all its records, properties and equipment be turned over to the Office of the President.

The Macapagal Administration (1962-1965)

Slated to perform the functions of the defunct PAGC was another agency of the same name, created by a different President and referred to by a different anagram, the Presidential Anti-Graft Committee, which was popularly called the PAGCOM. Among the first orders issued by President Diosdado Macapagal when he assumed office was Executive Order No. 4, dated January 18, 1962 which created this agency. The main objectives of this office were:

- (1) To inquire into and take measures to prevent the occurrence of graft and of violations of Republic Act No. 3019 in such departments, bureaus, offices, agencies or instrumentalities including government-owned or controlled corporations as the President may determine, under the supervision of the department head concerned;

- (2) In such departments, bureaus, offices, agencies or instrumentalities, including government-owned or controlled corporations as the President

³⁵"A Vicious Circle," *Philippines Free Press* (November 26, 1960), p. 19.

³⁰Leon O. Ty, "We'll Hound Them," *Philippines Free Press* (November 26, 1960), pp. 4 and 81.

may determine, to implement and enforce Republic Act No. 1379 by inquiring into, investigating, determining and verifying any and all unlawfully acquired properties of the officers and employes thereof and obtaining the needed evidence to establish such unlawful acquisition of property or other forms of wealth acquired by them while in public office.

Through the same Executive Order, the properties and equipment of Garcia's PAGC were turned over to PAGCOM. The new agency was also given access to the records of the defunct PAGC which were in the custody of the NBI.

PAGCOM's functions did not differ substantially from that of the PAGC. It is noteworthy that the President took a more active hand in directing the activities of the PAGCOM since he had specified in the enabling executive order that investigations would be conducted only in agencies he chose.

PAGCOM was the only executive investigating body of the Macapagal administration. However, within the four years of its operations, it had five different chairmen at the helm of the organization; with every new leader, the organization underwent a major reorganization not only of its organization units but also of its major programs and processes as well.

PAGCOM's personnel complement was not significantly different from that of its predecessors. It had regular and detailed personnel who came from different agencies of the

government. In 1962, 1963, 1964 and 1965, it had a total manpower complement of 135, 172, 217 and 176, respectively. For the same years, the percentage of regular personnel to the total staff comprised 61, 72, and 75 percent, respectively.³⁷

The availability of funds for PAGCOM's activities was never assured regularly. Except for the first two fiscal years when money was allotted for its operations, PAGCOM was virtually dependent on the resources of the National Intelligence Coordinating Agency (NICA) and the Philippine Charity Sweepstakes Office (PCSO). For the fiscal year 1962-63, it received an appropriation of ₱302,387.43 from the Office of the President. The NICA and the PCSO together contributed ₱685,000, ₱795,736.76 and ₱564,700 to the PAGCOM's coffers for the fiscal years 1963-64, 1964-65 and 1965-66, respectively.

In July, 1965, Congress deleted the amount set for the agency from the budget and a statement was included to the effect that the President could not take money out of any item in the Appropriation Act in order to put the PAGCOM back into operation.³⁸ This unfortunate event was ascribed to politicians who had been hurt by anti-graft

³⁷Jose L. Joya, "The Role of the Presidential Anti-Graft Committee in the Implementation of Republic Act Nos. 3019 and 1379" (M.P.A. thesis, College of Public Administration, University of the Philippines, 1967), pp. 29-37.

³⁸"The PAGCOM's Predicament," *Evening News* (July 29, 1965), p. 4.

investigations. As a tribute to PAGCOM, the *Evening News*, in an editorial which described this act as a vengeful one, said:

In the eyes of the people, this act (Congress' deletion of the item) constitutes a recognition that the graft busters had done their jobs only too well.³⁹

PAGCOM's accomplishments during its four-year life span included:

(1) The investigation of the 'hot-car' racket and submission of recommendations on how to minimize it.

(2) Study of the organization and services of the Bureau of Customs on the basis of which recommendations were submitted to the proper authorities.

(3) Surveillance and intelligence work in revenue collecting agencies of the government and infiltrating of graft syndicates thus allowing it to anticipate and forestall their movements and if the proof on hand is adequate bringing them forward for prosecution.

(4) Prosecution of 121 criminal and administrative cases after they were indorsed to Malacañang, docketing cases for investigation and submission of 32 cases involving the violation by public officers and employes of Civil Service Law, Rules and Regulations to the Civil Service Commission.⁴⁰

The Marcos Administration (1964-present)

On January 7, 1966, President Ferdinand E. Marcos issued Executive Order No. 4, abolishing the PAGCOM and creating in its stead the Presidential Agency on Reforms

and Government Operations (PARGO). PAGCOM's personnel, records, properties, equipment, unexpended balance of appropriations and pending work were also transferred to the PARGO.

PARGO had more powers than any of its precursors. In this agency, PCAPE's concern for administrative efficiency and the PAGC's function of implementing Republic sAct Nos. 3019 and 1379 were fused. It aspired to achieve ambitious and very lofty goals such as to:

(1) Reorient public officials and employes and the people in general on the right sense of spiritual and moral values as the foundation of an enduring national strength and character with a view to stopping the illegal acquisition of material gains through dubious means such as graft and corruption, smuggling, subversion and lawlessness;

(2) Prevent the commission of crimes and other venalities by setting government personnel as the right example of dedicated service and upright leadership;

(3) Achieve more efficiency and competent performance in the administration of government through the conduct of thorough and expeditious study of official matters, issues and problems demanding executive attention; and

(4) Institute reforms to attain social, economic and political advancement for the greatest good to the greatest number of people ensuring good government and prompt action on various administrative problems dealing with requests and complaints of the public and of the national and local governments.

All these goals were expected to be achieved through the perform-

³⁹*Ibid.*

⁴⁰Joya, *op. cit.*, pp. 46-48.

ance of the eight basic functions of PARGO as specified in the executive order. Among these functions were: (1) to provide a central clearing house through which the general public and all government officials and employes may transmit inquiries, ventilate grievances, acknowledge complaints and receive information and welcome advice; (2) to investigate all activities involving or affecting immoral practices, graft and corruption, smuggling (physical and technical), lawlessness, subversion and all other activities, which are prejudicial to the government and the public interest and to submit proper recommendation to the President of the Philippines; 3) to investigate cases of graft and corruption and violations of R.A. Nos. 1379 and 3019 and gather necessary evidence to establish *prima facie* acts of graft and acquisition of unlawfully amassed wealth and for this purpose it shall have access *inter alia* to the records of the Presidential Anti-Graft Committee created by Executive Order No. 378 dated February 18, 1960 and abolished by Executive Order No. 457 dated December 20, 1961 which are now in the custody of the NBI.

Marcos further gave status to his investigating unit when he made its head a member of his Cabinet and gave him the title of Secretary.

During the first eleven months of its operations, the programs of PARGO were supervised by its Secretary, Assistant Secretary, Executive Secretary and five operating

divisions: Administrative Affairs, Research and Intelligence, Field Operations, Legal affairs and Reforms. It had 151 personnel, 59 or 39 percent of which were regular members of its staff with the other 92 or 61 percent being on detail from other government offices.

A bitter personal feud between PARGO's head, Secretary Bartolome Cabangbang and Assistant Secretary Rafael Recto ensued barely five months after its organization. The quarrel which was attributed mainly to political rivalry attracted the press' attention and was cited as another cause for the public to doubt PARGO's capability to achieve its ambitious goals. In a critically perceptive article, *Philippines Free Press*' F.V. Tutay narrated the highlights of the conflict and anticipated Marcos' move to resolve this problem. The vital questions he raised were: "How much longer will President Marcos tolerate such a situation without resolving the problem one way or the other? If the problems must be dealt with decisively, which of the two Malacañang men will be sacrificed? Or will PARGO itself be sacrificed?"⁴¹

The personal conflict and other negative reactions against the activities of PARGO led to the resignation of Cabangbang as PARGO head on November 26, 1966. Following his resignation, the President announced the abolition of the PAR-

⁴¹"Trouble at PARGO," *Philippines Free Press* (March 26, 1966), pp. 5 and 87.

GO. This temporary dissolution of the agency was formalized through a press release which came as a complete surprise to PARGO employees who were informed that they were terminated from the service in view of the dissolution of the agency. On December 22, 1966, what was once a major institution of the Marcos administration was replaced by a complaints section in the Office of the Assistant Executive Secretary Gilberto M. Duavit. This smaller unit was called the Presidential Complaints and Action Office (PCAO).

PCAO's activities were not as controversial nor as unpopular as Cabangbang's PARGO. PCAO functioned solely as a complaints receiver. It focused its efforts on the sending of follow-up communications by the fastest means to various government offices which were requested to explain within 72 hours why no action had been taken on complaints referred to them. This relatively passive stance of the new office did not stir any hornet's nest nor call public attention to what it was doing.

After a year of limited activities under the PCAO, the President reactivated PARGO, appointing ex-Congressman Ramon Bagatsing as its new head. Under the new leadership, PARGO also expanded its organizational structure. What was then a two-division unit under Duavit grew to be a five-division agency with the addition of the Intelligence, Operations and Communications,

and the Logistics and Management Divisions.

The new pace of activities in PARGO under Bagatsing's leadership did not go unnoticed. The resumption of the agency's investigating activities brought PARGO to the limelight again. Press accounts depicting the public's reaction to its activities featured some unfavorable releases such as criticisms over PARGO's alleged ineffectiveness relative to local officials, its unsubstantiated charges and accounts of how Bagatsing was directed by President Marcos to recall his spies from government offices.⁴²

The press was not entirely uncooperative with PARGO. It allowed coverage of PARGO's other activities such as its anti-crime and moral regeneration conference for South Mindanao officials citing it as one of the administration's moves to prepare the people morally against resurgence of smuggling activities in the south.⁴³ Moreover, Bagatsing was given the opportunity to explain his side of the various criticisms raised against his agency. The PARGO Secretary discussed other activities of the agency which was not as publicized such as its

⁴²See "PARGO Raps Need Proof, Says Fiscal," *Philippines Herald* (March 9, 1968), p. 1; "PARGO Spies Ordered Disbanded," *The Manila Chronicle* (January 31, 1969), p. 1; and "PARGO Hit for Failure to Probe Tong Racket," *The Manila Chronicle*, (August 22, 1969), p. 5.

⁴³"PARGO Anti-Crime Conference Opens in Davao," *Philippines Herald* (October 23, 1968), p. 11.

legal assistance to the public, its investigation of activities involving morality, smuggling, lawlessness and subversion and its holding of seminars and educational campaign in government offices.⁴⁴

With Bagatsing's resignation on September 9, 1969, PARGO's deputy chief, Quirico P. Evangelista, a retired navy captain, was designated as officer-in-charge of the PARGO.

In January, 1969 the President issued a directive addressed to PARGO, the Secretary of Justice, the NBI and the Executive Secretary, enjoining PARGO to concentrate its activities on ferreting out venalities in the government services. Through this directive, the President ordered PARGO to:

(1) Organize teams to follow up the progress of administrative cases against officials and employees of all departments, bureaus and offices including government-owned or controlled corporations as well as in the Civil Service Commission and the Civil Service Board of Appeals;

(2) Give priority to the more sensitive offices particularly the Bureaus of Customs, Internal Revenue, Posts, Forestry, Land, Public Highways, Public Works, Immigration, and the Public Service Commission;

(3) Inform the President and the Executive Secretary, whenever it finds that a department or office of the Civil Service Commission or the Civil Service Board of Appeals sits on an administrative case for unreasonable length of time or imposes a light penalty in any administrative case.

⁴⁴Celso Cabrera, "Bagatsing Explains PARGO Problems," *The Manila Chronicle* (January 10, 1969), p. 4.

To better comply with the demands of this directive, PARGO was reorganized into task forces working on different government agencies.

In January 1970, Executive Secretary Ernesto Maceda issued Memorandum Circular No. 315 requiring all government agencies to make a chart or outline of their respective standard operating procedures for dissemination to their clientele and for the information of the general public. Since the move was done with the hope of precluding the need for the public to deal with fixers and minimize corruption in the government, PARGO was charged with the implementation of this circular.

PARGO's personnel complement during Cabangbang's administration registered a total of 151. Of these, 59 were regular staff while 92 were on detail from other agencies. Under Duavit, this number went to 112, with the regular personnel increasing to 84 and the "detail" personnel now down to 28. When Bagatsing assumed leadership of the PARGO, he had 129 personnel, which went down slightly to 123 on his second year.

For the first years 1966-67 up to 1970-71, PARGO operated on funds coming solely from the General Intelligence Fund of the Armed Forces of the Philippines. The amount allotted for its outlay was not regular and could increase or decrease depending on the amount specified by the Office of the President or per-

haps the ability of its leader to bargain for more funds. The various amounts allotted to the PARGO for this period were:

<i>Year</i>	<i>Amount</i>
1966-67	₱710,825
1967-68	500,000
1968-69	762,000
1969-70	700,000
1970-71	730,000

For all the resources, powers and presidential support extended to this agency what output had PARGO to show? It had taken pride in the criminal conviction of Mayor Maximo Estrella and other officials of the Municipality of Makati by the Pasig Court of First Instance. Although the Court of Appeals eventually acquitted the accused in this case, the conviction was an outstanding feat considering that most if not all of PARGO's cases against top officials rarely prospered. In fact, as of 1970, of the total 402 cases investigated, it had prosecuted only 37 or 9 percent, while 66 or 14 percent had been considered closed or terminated and 304 or 75 percent were pending in the agency's docket. In its supervision of the implementation of Memorandum Circular No. 315 which required government agencies and instrumentalities to make a chart or outline of their respective standard operating procedures for dissemination to their clientele, PARGO/CIO organized 30 inspection teams which visited 200 government offices. As of

the end of the calendar year 1970, the report of these teams indicated that only 110 had complied with this directive. Its campaign against the misuse of RP vehicles also brought about the apprehension of 700 violators. In this regard, appropriate action was taken not only against the erring drivers but also against their immediate supervisors. The agency also conducted thirteen orientation seminars, seven development courses and three regional conferences in the Southern Tagalog, Southern Mindanao and Northern Mindanao areas.

A quick glance over the list of accomplishments seems disappointing in the light of the resources given this agency. Former PARGO Secretary Bagatsing thus concluded that "the present administration through the PARGO has miserably failed to succeed in its mission. PARGO has frustrated tremendous public expectations that accompanied its initial launching. Corruption is still rampant at all levels of the bureaucracy."⁴⁵

Soon after President Marcos' reelection to the Presidency in 1969, the stature of the PARGO was reduced. With the issuance of Executive Order No. 208, dated February 9, 1970, PARGO's head ceased to hold the rank of member of the Cabinet; furthermore, it was trans-

⁴⁵Ramon D. Bagatsing, "The Anatomy of a Graft Busting Agency: A Critical Study of the PARGO" (Master of Laws thesis, Faculty of Graduate School, University of Santo Tomas, 1971), pp. 99-100.

formed into a division under the Executive Office to be henceforth called the Complaints and Investigation Office (CIO).

This move on the part of the President signified the decrease in importance of the functions and objectives of the PARGO. With the CIO now operating under the office of the Executive Secretary, its functions were narrowed down to the following three functions:

(1) "Provide a clearing house through which the general public and all government officials and employes may transmit, inquire, ventilate grievances, acknowledge and receive complaints, receive information and welcome advice;

(2) "Investigate cases of graft and corruption and violations of Republic Act Nos. 1379 and 3019 and complaints against the acts, conduct and behavior of any public official or employe; and

(3) "Evaluate and conduct fact-finding investigations of sworn complaints against government officials and/or employes and file and prosecute proper charges in appropriate agencies."⁴⁶

The Commission on Reorganization, charged with making the administrative structure better geared to meet the country's development objectives, proposed the abolition of the CIO and recommended the full implementation of R.A. No. 6028

⁴⁶CIO Annual Report, 1970, typescript.

creating the Office of the Citizen's Counselor. The following observations of the Commission on the CIO was forwarded as a justification for its proposal: "(1) It is saddled with too many functions far beyond its capacity to handle; (2) It suffers from a chronic disease of organizational instability; and (3) Its achievements could hardly be appreciated and were not meaningful in spite of its sincere efforts to produce results."⁴⁷

Despite these recommendations and the issuance of Letter of Implementation No. 42 on December 11, 1975 which ordered the automatic abolition of the CIO upon the creation of the *Tanodbayan*, the CIO exists up to this day since the Constitutional provisions on the organization of the *Tanodbayan* and the *Sandiganbayan* have not yet been implemented.

As of December 1975, the CIO had 119 personnel in its plantilla, 87 of whom were regular staff members while the other 32 were on detail from other agencies. For fiscal year 1975-76, the CIO had a total financial outlay of ₱2,282,000. More than half of this amount, (60.52 percent) went into maintenance and other operating expenses with only 39.48 percent going to expenses for personnel services.

For this same period, the CIO had issued 299 mission orders covering

⁴⁷Philippines (Republic), Commission on Reorganization, "In-Depth Study of the Complaints and Investigation Office," 1971.

15 cities and 27 provinces, authorizing 75 investigation teams and 149 prosecution teams. It had investigated 469 cases and a great number of these cases were closed for lack of merit or insufficient evidence. Some 112 were referred to other agencies while 21 were being prosecuted and 16, still pending with the fiscal's office. Public assistance cases attended to by the CIO within this period added up to 12,149. As of August 1, 1977 the CIO had acted on 27 cases, 15 of which were filed in courts, eight in fiscal's offices and four administrative cases with other investigating agencies.

The Current Situation

While awaiting the organization of the Tanodbayan and the Sandiganbayan, CIO continues to operate giving more attention to its "liaison function" through which it provides citizen greater access to governmental services.

Meanwhile, on October 15, 1973, the President created through L.O.I. No. 137, a Special Cabinet Committee on "Backsliding"⁴⁸ composed of the Secretary of National Defense as Chairman, and the Secretary of Justice and the Secretary of Local Government and Community Development as members. This committee is clothed with the general powers of receiving complaints, conducting investigation by itself or

⁴⁸Backsliders are government employes who have "slided back" to the "undisciplined" and "corrupt" ways of the old society.

through its authorized representatives and taking appropriate summary action against erring public officials. Unlike the CIO, which has a more limited scope, this committee has jurisdiction over military personnel, appointive and elective officials as well as those in local police forces. These public officers may be investigated by this committee for "inefficiency, discourtesy or a general inability to meet the rigid standards set for public officers under the New Society."

Supported by a secretariat housed in the Department of National Defense (DND) national headquarters and manned by some 14 personnel, most of whom are DND employes, this committee has received (as of July 30, 1977) 957 complaints involving elective officials and 1,018 complaints against appointive officials.

The Special Committee on Backsliding appears to have broader powers and jurisdictions compared to the CIO. Its jurisdiction may include, depending on the orders of the President: (1) elective local officials action against which may be taken by the Department of Local Government and Community Development; (2) presidential appointees, who may be investigated by a special committee created by the President for this purpose; (3) military officials directly under the jurisdiction of the Inspector General of the Armed Forces; (4) judges now under the supervision of the

Supreme Court; and (5) other government employes, administrative action against whom may be taken by their respective department heads.

The executive concern for putting more teeth to the enforcement of anti-corruption laws and for attending to public complaints against inefficient, discourteous and immoral public servants has led to the proliferation of investigating committees in the government today. Thus, aside from the heads of agencies, the President relies on the Complaints and Investigation Office (CIO), the Special Cabinet Committee, other ad hoc committees which are organized from time to time to attend to special corruption cases, and the Finance Investigation Committee. The latter is vested with authority to investigate administrative charges against provincial and city treasurers and other presidential appointees under the Department of Finance.

These case-to-case reactions to problems of misconduct beyond the department level are dispersed efforts which do not make for an integrated and unified policies that would be important guidelines and base for other similar cases in the future. Moreover, since these committees or ad hoc bodies self-destruct upon completion of their missions, this arrangement vitiates against an institutionalized anti-corruption drive. Table 2 presents these Presidential agencies and in-

dicates the length of time they operated.

The very nature of their functions and their identification with the President, especially the investigatory powers of his office, which his political foes have a distaste for, brought a number of administrative difficulties to these agencies. They may suffer from the following:⁴⁹

(1) *Organizational Instability.* All of these agencies were created and abolished through executive orders. None has the advantage of permanence which government agencies created by legislation have. This basic difficulty leads to two other related problems which confronted most of these agencies: lack of regular source of their operational funds and the difficulty of recruiting regular and qualified personnel in view of the uncertainty of its continued existence.

(2) *Frequent Changes in Leadership.* The sensitive functions of these agencies necessitated that their heads share the political views of the President. More than this, they should also be close associates who will protect the personal reputation of the Executive and that of his party. Few administrators

⁴⁹The organizational and political problems of these agencies are discussed in Bagatsing, *op. cit.*; Joya, *op. cit.*; and Ma. Concepcion P. Alfiler, "The Institutional Development of the Presidential Agency for Reforms and Government/Complaints and Investigation Office (PARGO)," a student paper submitted in P.A. 206, 1971, typescript.

Table 2. Presidential Anti-Graft/Investigating Agencies (1950-present)

<i>Agency</i>	<i>President</i>	<i>Period</i>	<i>Duration</i>
Integrity Board	Quirino	May, 1950- Nov., 1950	6 months
Presidential Complaints and Action Committee	Magsaysay	Dec., 1953- July, 1958	4 yrs., 7-mos.
Presidential Committee on Administrative Performance Efficiency	Garcia	July, 1958- Dec., 1961	2 yrs., 5-mos.
Presidential Anti-Graft Committee	Garcia	Feb., 1960- Dec., 1961	1 yr., 1-mo.
Presidential Anti-Graft Committee	Macapagal	Jan., 1962- Jan., 1966	4 yrs.
Presidential Agency on Reforms & Government Operations	Marcos	Jan., 1966- Sept., 1966	8 mos.
Presidential Complaints and Action Office	Marcos	Sept., 1966- Oct., 1967	1 yr.
Presidential Agency on Reforms & Government Operations	Marcos	Oct., 1967- Feb., 1970	2 yrs., 4-mos.
Complaints and Investigation Office	Marcos	Feb., 1970- present	still operating
Special Cabinet Committee on Backsliding	Marcos	Oct., 15, 1973- present	still operating

meet these qualifications and those who have these special traits are also in demand in other equally sensitive and priority programs of every administration. This situation has resulted in too frequent changes of leaders in these agencies which in turn has brought about confusion in policies and procedures.

(3) *Political Pressures in Employee Recruitment.* The political basis for the selection of the leaders of these agencies made them very susceptible to pressures to accept political proteges of other co-party members. So strong were these pressures that one head was said to have required letters of recommendations from politicians for his investigators.⁵⁰

(4) *Public Apathy.* The work of the agency was hindered by the lack of public support that was vital for the successful prosecution of cases in court.

(5) *Strained Relationship with Judicial, Legislative Branches and Other Government Agencies.* Overzealous of their own prerogative, the judicial and legislative branches thought these agencies were going beyond their jurisdiction when they investigated corruption cases involving the judiciary and members of Congress. Other executive agencies also considered its investigating powers a threat to, if not a dilution of, their prerogative to investigate their own personnel.

Other problems like legal impediments, delay in prosecution, and lack of special prosecutors also beset these agencies.

Non-Government Agencies

Two non-governmental institutions stand out for their anti-graft activities prior to the declaration of martial law in 1972: the anti-graft committee of the Knights of Columbus, a Catholic lay organization, and the Anti-Graft League of the Philippines. The former existed for about 2 to 3 years but ceased to function when martial law was declared. This committee worked closely with the CIO. It referred graft cases to the complaints office and co-sponsored seminars where it called the public's attention to the provisions of the anti-graft law.

The Anti-Graft League of the Philippines, on the other hand, is a non-sectarian civic organization which was incorporated on March 20, 1970. Its articles of incorporation cited as one reason for its organization its desire to "constantly and vigorously fight against graft, corruption and all forms of venality and immorality in the administration of our government." More than just waging war against corruption, however, this organization also aims at fighting alien imperialism, keeping alive the revolutionary tradition and patriotic ideals of national heroes, supporting nationalist organizations, and progressive and democratic elements for the interest

⁵⁰Bagatsing, *op. cit.*, p. 93.

of the country. Its anti-graft charges against appointive and local officials were prominently chronicled in local papers before martial law. It claimed that its activities brought about the issuance of a Department of Justice Circular No. 82, series of 1970, which required criminal cases to be referred to Malacañang before preliminary investigation of such cases is conducted.

Most of the incorporators of this league were detained after martial law was declared in 1972. Its records were all hauled from its office by the military. While it continues to exist, some of its about 300 members prefer not to be openly identified with the organization now. Although it has continued to refer cases to existing investigating bodies it has maintained a very low profile after the declaration of martial law.

Conclusion

Clearly, the Philippine experience in the institution of anti-graft agen-

cies has not proved effective in minimizing corruption in the government. This is essentially because the complexities of corruption required an equally complex web of interrelated political, social and administrative remedies. While we realize that an anti-corruption program will be more successfully implemented in a social climate which supports such an effort, more immediate measures can be resorted to in the meanwhile. An independent investigating institution like the Tanodbayan and a special court, the Sandiganbayan which are provided for in the Philippine Constitution is only one element of such an effort. More importantly, a corps of administrative elite, whose behavior within and outside the bureaucracy reflects an internalization of anti-corruption values is badly needed not only to initiate these shortrun measures but to serve as role models for other public officials as well.