

The Crisis of Succession

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The recent constitutional crisis provides the context in which the prospects of democratic transition and consolidation are examined in this article. An assessment is made about the political system and its capacity to resolve constitutional issues and respond to the challenges of economic development. The article argues that the crisis exposes the fragility of the foundations of democratic consolidation. It further argues that it will be the popular impulses from the ground that shall determine the battle for succession and turn back the threats to Philippine democracy.

The Philippines last September pulled back from the brink of a constitutional crisis provoked by the efforts to extend the single six-year term of President Fidel Ramos through amendments of the fundamental law. The crisis was resolved after Ramos, on September 20, made an emphatic statement saying that “I am not running for reelection. Period. Period. Period.” (Cayon & Recto 1997) He also stated the following: general elections will be conducted in May 1998; all efforts to revise the Constitution during the balance of his term had been ordered to stop; orderly transfer of power to his elected successor will be made; and martial law will not be declared (Nazareno 1997).

The statement was the most emphatic and unqualified declaration by Ramos to calm widespread anxieties that he was preparing the ground for reimposing authoritarian rule by lifting the reelection ban on the presidential term. It was in sharp contrast to his September 5 statement in which he said he was keeping his “options open” (Liden 1997) with regard to the presidential succession. This ambiguity sparked a strong reaction from the business community and non-government sectors who expressed fears that the uncertainty over the consistency of succession rules had created political instability and eroded confidence in the continuity of economic policies.

The unequivocal declaration helped defuse a looming confronta-

tion between the Ramos Government and a broad multi-sectoral coalition – led by Cardinal Jaime Sin, the politically influential Roman Catholic archbishop of Manila, and former President Corazon Aquino, Ramos' immediate predecessor – that was opposed to tampering with the Constitution. The declaration was announced on the eve of a rally at historic Luneta Park, called by the coalition as proof that the opposition to charter change had broad popular support.

About 500,000 people assembled at the Luneta despite rain and bomb threats, even though the Ramos declaration was clearly intended to defuse what the coalition had called a new demonstration of people power reminiscent of the People Power Revolution that deposed President Ferdinand Marcos in 1986. The rally was a turning point for a disengagement between the regime and the popular coalition, composed of opposition political leaders, the Catholic church and other churches, leftist groups, business leaders and private sector organizations. It demonstrated the capacity of the Church and Mrs. Aquino to mobilize people against perceived threats to political liberties, particularly against moves that appeared to lead to the return of the Marcos-style rule. This point was made: if the campaign orchestrated by officials close to President Ramos had gone ahead, it would have provoked political turbulence.

With Ramos backing off and his opponents showing they had the numbers, Filipinos walked away from brinkmanship and manifested their capacity for compromise and peaceful resolution of conflict. The disengagement cleared the air of the uncertainty over changing the rules in midstream and permitted Filipinos to look at the events of succession in a calmer atmosphere.

This conflict, and the disengagement, took place in the midst of the Southeast Asian currency turmoil that battered the Philippine peso, forcing its depreciation relative to the US dollar and the contraction of economic growth. The political strife arising from the uncertainty over the continuity of the democratic system distracted national attention, as well as that of the national leadership, from addressing the financial/currency crisis.

Concerns over the prospects that the conflict over constitutional change would wipe out economic gains and damage the political stability and environment in which economic growth had taken place during the past five years were partly responsible for Ramos' decision to calm the nation and to abandon whatever plans he had to seek reelection. Since the People Power Revolution of 1986, no issue has divided the nation more deeply and has excited more passionate reaction than the

charter change controversy.

The Constitution has been rewritten two times since 1935 when the country began its transition from American tutelage in self-government to full independence in 1946. The major changes took place in 1973, when the political system shifted to authoritarian rule under Marcos; and in 1987, following the People Power Revolution and the restoration of democracy. In both cases, the revisions were made in the midst of political turbulence and crises, in which the presidential tenure was a critical issue. In the 1973 revision, Marcos succeeded not only in installing a French-style parliamentary system with a powerful presidency but also in getting rid of the four-year two-term presidency. Previous to this, in 1940, President Manuel Quezon succeeded in pushing for a constitutional amendment that changed the original six-year single-term presidency in the 1935 Constitution to a term of four years, with reelection and with a total term not exceeding eight years. The 1987 Constitution went back to the single, six-year term that had cramped Ramos' presidential reelection aspirations.

BOTHERSOME QUESTIONS

ALTHOUGH the crisis has subsided, allowing Filipinos to refocus their attention and energy to address the new economic problems, it has nonetheless revealed the fragility of the institutional foundations of the restored Philippine democracy and an inconsistent, if not faltering, commitment to a constitutional system by a segment of the political leadership, most of all President Ramos. While the disengagement from the stalemate on the constitutional change issue reveals the vigor of civil society forces to assert that the constitutional rule on the presidential term limit should be scrupulously observed, it also disclosed tendencies resisting the establishment of strong impersonal institutions to underpin the consolidation of Philippine democracy. The crisis further illustrates that Filipinos have not forgotten the rigors of the Marcos authoritarian regime, which he called "constitutional authoritarianism." It is significant that the Church-led movement picked September 21 as the day of the rally: it was the 25th anniversary of the declaration of martial law by President Marcos that had abolished the constitutional system and marked the shift to authoritarian rule. The symbolism is that the events surrounding Ramos' intentions to remain in power beyond 1998 were analogous to or

replicated the steps taken by Marcos in 1972 in which Ramos, as commander of the Philippine Constabulary, was in charge of the implementation of the draconian measures of martial law administration.

It has scarcely been a decade since the Filipinos wrote a new post-EDSA Constitution intended to buttress the reinstalled democracy with safeguards against the return of a new dictatorship. And the irony is that Ramos himself – who played a key role together with Cardinal Sin and Mrs. Aquino in the Revolution that toppled the Marcos regime and who

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was elected democratically in 1995 under the new Constitution of 1987 – was the main source of unsettling impulses that sought to undermine the institutionalization of democratic succession.

The 1986 Revolution at EDSA was hailed as one of the shining moments of what Samuel Huntington (1991) described as the third “great wave” of democratization that began in 1974 in Portugal, moving on during the rest of the 1970s and onto the 1980s to Southern Europe, Latin America and parts of Asia, and sweeping through the former Soviet Union and the Eastern European satellite states in the late 1980s and early 1990s (Huntington 1991). He cites the demonstration effect of the Philippines’ People Power on the democratization trends elsewhere. Huntington (1991) writes: “After the movements towards democracy in the Philippines and in Poland and Hungary, the Koreans, East Germans, and Czechoslovaks appropriately asked, ‘Why not us?’ ”

And yet, eleven years after the 1986 Revolution, it would seem only too soon that the Filipinos were again torn by a constitutional crisis over succession or transition issues. That a crisis has occurred underlines the fragility of democratic transition and consolidation in the Philippines. The transition has in fact been turbulent. Between 1986 and 1989, the Aquino Government had to crush six military coup attempts. And even if the armed forces have gone back to the barracks to make way for the reestablishment of the supremacy of civilian officials over the military, its survival depended to a large extent on the loyalty of part of the armed forces, particularly those loyal to then defense minister General Ramos. The failure of the coup attempts nonetheless has not extinguished the embers of Bonapartism and adventurism, ten-

dencies that surfaced in the September constitutional crisis.

In fact, the crisis revealed how deeply embedded the military interventionist culture is in the Ramos regime. Since Ramos was part of the Marcos authoritarian order and, by force of circumstances, had inserted himself into the democratic post-Revolution successor regime, his commitment to democratic consolidation has been shrouded with ambiguity. For example, while he had stated many times that he intends to step down after 1998, he had also encouraged moves to change the Constitution.

This ambiguity is in stark contrast to the unconditional commitment by the Spanish constitutional monarch, King Juan Carlos, to the democratic transition after the Franco dictatorship. Although the Bourbon house was reinstalled by Generalissimo Francisco Franco to pave the way for an orderly transition, the king was crucial in saving the transition. On February 23, 1981, when the Guardia Civil led by Colonel Antonio Tejero seized the Cortes and held the government captive at gunpoint, the rebels contacted the king to win his support. He replied, "Over my dead body." He phoned the regional commanders, demanding their loyalty. He then wore his military uniform and went on television, pledging that he would protect the Constitution at all cost. The revolt crumbled (*The Bourbons of Spain* 1997). This was not the kind of unconditional commitment that the Filipinos saw from an ambivalent and wavering Ramos prior to his decisive statement on September 20.

This essay examines the prospects of democratic consolidation in the next few years within the context of the fragility of the Philippine constitutional system disclosed by the recent crisis. It will discuss the opposing tendencies and perspectives that inform the positions taken by key groups and players in the September crisis. It will further assess the implications that the consolidation of democracy will have on the political system and its capacity to resolve constitutional issues and the challenges of economic development.

POST-CRISIS SCENARIOS

WITH the Ramos retention issue decisively behind it, the country can now go ahead with reviving the processes of an orderly transfer of power, including the party nominations for the presidency and, in the longer term, the consolidation of the institutional support for a constitutional system. Such consolidation is critical to the Philippines for ideological reasons – that is, for demonstrating to developing countries that sustained econom-

ic growth can be achieved in a democratic polity. This demonstration is even more critical in Southeast Asia where the phenomenal growth rates of the 1980s until the currency turmoil beginning last July in Thailand were directed by more politically restrictive and exclusionary regimes.

In his last State of the Nation Address delivered on June 30 at the 10th Congress, President Ramos underlined the democratic framework of the Philippine economic effort to achieve the status of a tiger economy. He said that “being a democratic and open society” was one of the Philippines’ basic strengths and unique advantages in becoming a significant economic player in the Asia-Pacific region. The democracy theme has been emphasized by Ramos in all his overseas travels to attract foreign investment to the Philippines, a theme that has resonance in Western democracies.

At the Asia-Pacific Economic Cooperation (APEC) summit in Manila/Subic last November, US President Clinton told President Ramos that “you’ve proven that democracy and development in this part of the world can actually go hand-in-hand” (Javellana 1996). Ramos has played the democracy card to win Western investment based on the appeal that the Philippines and Western democracies share common political values. But in playing this card, Ramos has also stacked up the odds against the drive to change the Constitution and against extra-legal methods to extend his term.

This democracy card is a response to the prevalent “Asian values” articulated by Singapore’s Senior Minister Lee Kuan Yew that American-style democracy in the Philippines had led to impasse and was unsuited for developing countries trying to fast track their economic development. At the same time, it stood as a constraint to efforts to give the executive stronger powers and a longer term. Thus, when tensions heightened over the issue of constitutional change, the Assistant US Secretary of State for East Asian and Pacific Affairs, Stanley Roth, who was visiting Manila in September, told Ramos that Washington “would want to see that democratic institutions are maintained” and expressed the hope that the Philippines will be able to “avoid a period of political turmoil” (US Cautions Ramos 1997).

DEEP-SEATED AVERSION

THE show of numbers at the Luneta mass mobilization confirmed public opinion surveys which indicated a strongly-held belief that the Constitution should not be tampered with for now and should be given

more time to work. Obviously, the Ramos regime, which has been more sensitive to public opinion polls than any other Philippine regime, was not sufficiently impressed with the survey findings, causing it to make serious miscalculations about public support for the amendment campaign.

In 1995 and 1996, the Social Weather Stations (SWS) tested public opinion on the issue of amending the Constitution to lift the limit to the presidential term following the launching of the “people’s initiative” by PIRMA (People’s Initiative for Reform, Modernization and Action), a private group that holds a deep conviction that Ramos is “indispensable” for continuity of relatively successful economic policies.

In a survey in December 1995, SWS put the question of whether it was right or not right to amend the Constitution in view of the arguments that the changes were necessary for a more effective government. Opinion was split, with 40 percent saying it was right and 40 percent, not right. In June 1996, those who said it was wrong to amend the Constitution had increased from 40 percent to 44 percent, while those who said it was right decreased from 40 percent to 34 percent. When asked about the single six-year term limit of the President in the October 1995 survey, 68 percent said it should be maintained; this increased to 74 percent in the December 1996 survey. In response to the question asked in the June 1995 survey on whether there should not be any term limits if the officials had performed well in office, 49 percent said the Constitution should be amended, and 51 percent said it should not be amended.

But it is the survey on the key issue that has plunged the nation into turmoil and provoked intense reactions that is revealing. The question was asked: Are you in favor of changing the Constitution now so that President Ramos can run for reelection as President? The September 1996 survey found that 63 percent were not in favor and 34 percent were in favor. In the December 1996 survey, 69 percent were not in favor and 28 percent were in favor (Belmonte 1997).

These results gave an early warning that efforts to lift the term limit on President Ramos through constitutional amendments faced strong public resistance. On the legal front, efforts by PIRMA to secure a favorable Supreme Court decision to legitimize its initiative were emphatical-

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ly rejected in three decisions last September (Balana 1997). These decisions shut one of two remaining legal options available to Ramos to amend the Constitution – the other being to convene Congress as a constituent assembly to consider changes in the Constitution. This option is no longer viable after Ramos stopped all efforts to revise the Constitution, leaving the task to the constitutional convention which he now seeks to convene and to hold sessions after the 1998 presidential election.

FRAGILE CONSOLIDATION

IF we assume that the Ramos regime weighed the political and economic costs it would have to pay for the discord caused by the constitutional change campaign, then the configuration of the above-mentioned constraints plus the fact that the regime was losing the confidence of the business community were probably crucial in Ramos' decision to abandon the campaign. The uncertainty that it created was bringing down on his head the roof of the economic structure he had built, wiping out his legacy as a successful economic manager.

In a study of transitions from authoritarian rule in Southern Europe, it is pointed out that consolidation

is a prolonged process....It is during the initial phases of the new regime, however, that problems are most acute, since these are the moments when democracy is usually most fragile. Its principles and values still have to be converted into norms and practices. Its institutions have not yet been completely developed. The regime may still exhibit a certain lack of coherence, while the incipient democratic legality must continue to coexist with important elements of the authoritarian legality which contradict it (O'Donnell, Schmitter & Whitehead 1986).

Such is the case of the presidential national security adviser, General Jose Almonte, Ramos' resident ideologue who, in supporting the initiatives for constitutional change, put forward the unsettling thesis of Ramos' "indispensability." He told a group of businessmen: "Since we can discern a president's character only by his track record, it isn't really so strange that people should want President Ramos to stand for a second term. In a soft State like ours, the character of the President is the crucial component in a national success or failure. A strong president must compensate for weak political institutions" (Almonte Backs Pirma 1997).

While this thesis attempted to give intellectual support to the people's initiative campaign, its flaw becomes immediately evident once

the question is asked: When does one start building strong political institutions? It is a tautological argument that makes a pitch for a personalized leadership that seeks to keep institutions permanently weak. It further assumes countervailing institutions like the legislature and the judicial system must be kept weak.

Or take the case of General Arnulfo Acedera, the armed forces chief of staff, who warned people to stay away from the Church-sponsored rally on September 21 because the communists had planned to bomb the meeting. This pronouncement reflects the influence of praetorianism in the Ramos regime.

Another manifestation of military interventionist mentality that was fed by coup adventurism is the statement by Senator Juan Ponce Enrile, Marcos' defense minister, who was linked to coup plots during the Aquino presidency. In support of his Senate resolution to convene the constituent assembly, Enrile said:

There are many built-in dangers into this Constitution which you have not understood....In your general principles of this Constitution, you have invested your armed forces...with a political role to be the protector of the people and the state without any limitation as to who will decide when they will act....Under what conditions will they assert themselves to be the protector of the people and the state? With all the quarreling politicians like us, quarreling businessmen who cannot agree on policies. With a divided nation; with the Church asserting itself and the state asserting itself – a clash between institutions that have fought each other throughout history....Who is going to stop any segment of the military to say [sic] 'We are the protector of the people and the state.' You? Me? No. They have the guns, you don't have them. You only have your money and your banks (Cabacungan 1997).

STRADDLING THE PAST AND PRESENT

IN seeking to lift the constitutional term limit, Ramos and his political advisers ignored a deep-seated Philippine political tradition – an aversion to long-serving presidencies that became more pronounced after World War II. Only one president was reelected in the postwar years after serving a full four-year term – President Marcos. President Elpidio Quirino lost his reelection bid to Ramon Magsaysay in 1952; President Carlos Garcia's reelection bid in 1961 was defeated by Diosdado Macapagal. Seeking a second term, Macapagal was defeated in 1965 by Marcos. The others died in office – Manuel Roxas and Magsaysay. Marcos had to replace the 1935 Constitution to break the term limit with

the authoritarian 1973 Constitution – a change facilitated by the proclamation of martial law in 1972.

The Marcos dictatorship, however, introduced and embedded a new element that eroded the previously sacrosanct concept of civilian supremacy over the military in Philippine politics – power sharing with the military. The suspension of the legislature and its subjugation as a rubber stamp National Assembly and the subordination of the Supreme Court during 14 years of Marcos' authoritarian rule narrowed the regime's popular base and undermined its legitimacy. Marcos depended on the military to operate the martial law apparatus, fight the communist insurgency, and suppress political opponents. This dependence made Marcos hostage to the military, curtailing the autonomy of civilian political authority. The military revolt in February 1986 led by Enrile and Ramos opened the floodgates of people power that toppled the Marcos regime.

The revolt inaugurated an era of overt military intervention in civil affairs. The Aquino Government had to repel six coup attempts by rebels led by RAM (Reformed the Armed Forces Movement) with the help of Ramos-led military loyalists. In these coups, Ramos, as chief of staff and then as defense minister, played the role of savior of the constitutional government. Although the forces were in opposing camps, they were infected by the virus of military interventionism which sees the armed forces as the savior of the nation, with a vested right to intervene when crisis threatens the collapse of the state. From this perspective sprang the thesis of presidential "indispensability" that came to the surface during the crisis of succession. This thesis clashed with the historical tendency against long-serving elected presidents.

In this clash of contending perspectives about maintaining the libertarian philosophy of the 1987 Constitution, which was framed as a reaction to the Marcos authoritarian rule, it can be gathered that the main consideration for not tampering with the Constitution was not the consistent and deep-seated commitment to a civil society culture with an instinctive respect for it, but the weighing of the political and economic consequences of such constitutional reengineering. The economic backlash of political instability was a reality that can be ignored only at tremendous political costs. The business constituency is a crucial element in the Ramos economic strategy that is dependent on its confidence and participation in the Ramos administration's economic programs and projects. The memories of the decisive withdrawal of support of the Makati-based

business community from the Marcos regime after it was alienated by its crony capitalism and rent-seeking monopolies are still fresh and certainly not lost on Ramos.

Huntington (1991) noted that earlier democratic waves had experienced “reverse waves” and it might be relevant to ask whether, indeed, in the Philippine constitutional crisis, democracy was strongly assailed by what might be called the two-step forward and one-step backward phenomenon. If the Ramos regime had succeeded in carrying out the amendment campaign, then this phenomenon might have taken place. It is not amiss to say that the Ramos political strategists are not unaware of the developments in South America where democratically-elected governments – like those in Peru and Argentina, with Brazil following suit have succeeded in changing their constitutions after the Third Democratic Wave. These constitutional changes have allowed regimes to prolong their grip on power, justifying the extension and the subordination of the legislature and the judicial system (as in the case of the emergency declarations of Alberto Fujimori of Peru) with claims of maintaining economic gains or reforms, or fighting communist terrorists. These restored democracies stretched their constitutions to allow longevity to the terms of elected leaders.

THE FIGHT FOR SUCCESSION

HAVING survived its first constitutional crisis after the People Power Revolution, the Philippines now enters the process of the orderly transfer of power. The first president after the Revolution, Mrs. Aquino, scrupulously observed the six-term limit. She never left any ambiguity and doubt over the observance of this inhibition to long-serving leaders and to possible abuse of power. It was during the administration of her successor who did not have a civil society background that the question of extension and the “indispensability” thesis found hospitable habitation and articulation. In deriding this thesis, Aquino remarked that, according to President Charles de Gaulle of France, the cemetery “is full of indispensable” people.

Now that the politics of succession have shifted towards the correct and narrow democratic path, the battle for succession is unfortunately going to be shaped by the bogey that partly motivated the constitutional change campaign. That bogey is Vice President Joseph Estrada, who is ahead of the declared presidential aspirants in public opinion polls with a rating of 23 percent as of the latest survey in June 1997.

The anxiety about Estrada stems from the widely-held perception that, among all the presidential aspirants, it is not certain whether he will continue with the more successful elements of the Ramos administration's economic policies. There is also uncertainty on whether his brand and style of traditional politics, steeped in the patronage system, are suited to modernization and the less personalized norms required in building democratic support institutions. What is certain, however, is that the constitutional change campaign was partly driven by fear of hypothetical nightmares. This is a negative aspect of the constitutional change campaign and of the battle for succession. It is hypothetical because Estrada is assumed to be a front-runner on the basis of a precarious popularity lead which cannot result in a presidency with a majority mandate.

The administration's strategy of fear is not new. That strategy was followed by the Ramos campaign in 1992 and was directed at Eduardo

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Cojuangco, who was labeled as a reincarnation of what was worst in the Marcos regime. The fear card did not, however, help the Ramos campaign to lift the ban on term extension. The problem of the ruling party, Lakas, is that its underlying campaign strategy is to look for a presidential candidate that can fight a specter whose strength has been exaggerated by party

strategists and misguided do-gooders. This cheap strategy builds a straw man and proceeds to bash it, damaging institution-building as well. The focus on fear shuts out and trivializes the most critical issue on the national agenda of the 1998 presidential election – the issue of economic renovation to respond to the challenges and the problems raised by the turmoil of the Southeast Asian financial markets.

The focus on and obsession with an imagined bogeyman, whose political chances are inflated beyond what hard evidence can support, do not do justice to the Philippines' transition to the 21st century. They do little credit to the maturity of political campaign strategists and retard the consolidation of Philippine democracy. They trivialize the great economic issues that challenge democracy's resilience and dynamism as an agent of sustained growth and national development.

Despite the fragility of the democratic consolidation that emerged from the crisis, there is consolation in the discovery that its strength lies

in the groundswell of popular responses against threats to democracy being posed by praetorianism and presidential Bonapartism that are driven by a “national salvation” complex. The constituencies which nourish these popular impulses are alive and vibrant and they can be translated into the building of strong political and social institutions. If these popular impulses from the ground have turned back the schemes seducing the people into a Faustian pact in which they trade off their liberty for political security against imagined ogres, then they can be counted upon to make intelligent and reasonable electoral decisions that can put the leadership of this country in the hands of competent and economically literate persons.

When President Ramos bowed to the apparent clamor of the people for him to give up schemes to tinker with the Constitution, he implicitly acknowledged that that he could not suppress their democratic impulses. In that crisis, the strategy of fear lost. In the battle for succession, there is hope that the electorate will collectively deal with ogres – real or fictitious – in their own way. It is this lesson that has to be learned from the crisis – one that offers hope that in every little success, consolidation of democracy gains further strength.

Given an intelligent agenda not rigged by fear, the people will know how to dispose of bogeymen in their own inscrutable way, as they have disposed of the false issues of the constitutional crisis. In the recent past, those who grossly underestimated the people’s intelligence and their democratic impulses came to grief.

CONCLUSION

THE constitutional crisis of last September was a turning point for Philippine democratic consolidation. The decisive renunciation by President Ramos of plans to extend his term through constitutional amendments has removed obstacles to the holding of the May 1998 election and to the continuity of an orderly transfer of power. But the crisis exposed the fragility of the foundations of democratic consolidation. Behind the facade of consolidation, two tendencies are clashing. One tendency, with a constituency in civil society, represents popular impulses suspicious and distrustful of long-serving leaders. The opposite tendency is driven by impulses of military interventionism and praetorianism with the messianic complex – a belief that the military is the ultimate arbiter of national salvation. This perspective undermines efforts toward the building of strong political institutions supporting

democratic consolidation and, ultimately, reflects a weak and unreliable commitment to consolidation.

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