

# The Military and Constitutional Change

## Problems and Prospects in a Redemocratized Philippines

*Carolina G. Hernandez*

It is being argued here that constitutional change in the Philippines, whether from democracy to authoritarianism or from authoritarianism to democracy, required the acquiescence, if not active participation and support, of the military. This support was achieved through the measures that assured the military of a significant role in the new order, whether after 1972 or 1986. These included a general amnesty for coup leaders and greater capacity for political influence after 1972 when a significant share was carved out in the civilian government and bureaucracy for retired military officers. Questions are also raised regarding civilian-military relations that are critical to the future of Philippine democracy.

**S**OUTHEAST ASIA HAS SO FAR RESISTED THE THIRD WAVE OF DEMOCRATIZATION that has swept Latin America and Eastern Europe over the past decade and a half. The notion that rapidly growing economies foster the growth of liberalization and democratization evidenced in South Korea and Taiwan appears to have had little relevance to countries in this subregion where the fastest growing economies are located but whose societies continue to be governed by authoritarian governments or constrained democracies. The rise of middle classes that led popular demands for democratization in East Asia has had little effect on the liberalization of most Southeast Asian societies, except the Philippines and Thailand. This is due, in part, to the fact that these classes do not enjoy autonomy from the state or ruling party to whom they owed their emergence (Robison & Goodman 1996). A generalization may be surmised in this way: Rapid growth in most Southeast Asian societies has only further legitimized authoritarian regimes or constrained democracies, making it more difficult to provide the leverage needed to liberalize

or democratize the governance of ruling regimes that enjoy considerable levels of popular support.

Given this perspective, the political transition of the Philippines from authoritarianism to democracy in 1986 is more of an exception rather than the norm in Southeast Asia. It was due, in part, to the appropriation of the military by a personalistic dictator, thereby creating a reaction from within the ranks to arrest the organization's decay as a professional body. The Reform the Armed Forces of the Philippines Movement (RAM), though motivated by personal ambition among some of its leaders, was mainly an expression of its junior officers' concern to stem the deprofessionalization of the military (Final Report 1990). Once President Ferdinand Marcos was ousted and a new government had redemocratized the polity, the Philippines went through a period of turbulent transition where politically-marginalized groups within the military launched a series of unsuccessful coup attempts until democracy was finally consolidated with the peaceful transfer of power from President Corazon Aquino to President Fidel Ramos in 1992.

Since then, the rightist factions of the military appear to have accommodated themselves to the restored democracy. However, this did not come easily. Apart from the destabilizing impact on both the polity and the economy caused by the failed coup attempts of the late 1980s, the Aquino government had to adopt conciliatory policies, similar to those adopted by Argentina and other democratizing regimes elsewhere in the world. These policies were intended to allay the restiveness among key sectors in the military that felt they were being sidelined in the process of democratization. The Philippine experience in the restoration of democracy is yet another demonstration of the crucial role the military plays in political or constitutional change, even though it did not directly control politics during the previous regime.

This article argues that constitutional or regime change requires the acquiescence, if not the active participation and support, of the military and that military support for constitutionalism was achieved through measures that assured the military of a significant role in the post-1986 period.

THE MILITARY IN REGIME CHANGE: 1972-1985

THAT the imposition of martial law in 1972 would not have been possible without the acquiescence of the military is widely recognized in the Philippines. Marcos adroitly exploited the military's indoctrination in the

principle of civilian supremacy over the military, thereby winning the support of the officer corps of the Armed Forces of the Philippines (AFP) for his declaration of martial law in 1972 and their willingness to become the principal partner of the civilian government in exercising authoritarian rule until 1985. Extolling this principle in messages and orders to the officer corps during this period, while emphasizing his role as commander-in-chief of the armed forces, Marcos succeeded in destroying the institutions of democratic governance, from the legislature to the political parties and the judiciary, with military support. He thereby made the executive and its military arm the principal wielders of power over a highly personalized authoritarian regime (Hernandez 1979). Unlike the experience of other Third World countries during the 1960s and 1970s, the AFP's rise to political prominence occurred through civilian initiative whereby Marcos asserted his authority over the military on the basis of constitutional principles.

Authoritarian rule not only altered the role of the military in Philippine politics from political subordination to political partnership; it also undermined the professionalism of the officer corps. While political ambition in partnership with civilian cohorts drove core RAM leaders to conspire to overthrow the Marcos regime, many junior officers were drawn into the movement for idealistic and professional reasons. This idealism sustained the anti-Aquino plots led by their seniors whose motivations were dominated more by the desire for political control after 1986 and less by military professionalism. In the Philippine context, professionalism meant military expertise in managing violence or in the legitimate use of force; the ethos of military service to the entire society rather than to particularistic interests; military cohesion, and subordination to civilian rule.

Martial law undermined military professionalism in that the military's expertise as managers of violence was diluted when it was made to also serve as managers of the civilian bureaucracy through the expansion of its role, first, as a partner in national development, and later, as a partner in governance. This eroded civilian-military institutional boundaries which had already been blurred by the fusion of the defense and peace and order roles in the army and the constabulary, as well as the latter's subsequent integration into the AFP. This role expansion also facilitated the politicization of the officer corps among whom a significant segment no longer held civilian supremacy inviolable (Hernandez 1987).

Emphasis on personal loyalty as a major criterion for appointment

and promotion within the military hierarchy created a military subordinated to the person of Marcos rather than to the institution of civilian authority. Moreover, institutional control was no longer possible due to the destruction of the institutions that exercised control powers over the AFP, such as the legislature, the courts, and the free press. Consequently, the removal of the person exercising control made military subordination difficult for his successor who symbolized the political opponent of the regime (Hernandez 1987).

The removal of political institutions that buttressed the executive's control powers over the military and ensured that the society remained the military's client also meant that the military could now be used to serve the interests of Marcos and his business cronies. Marcos was able to achieve this by using the military's subordination to his authority as commander-in-chief of the armed forces. Thus, service to Marcos and narrow private interests compromised military professionalism as well.

Furthermore, military cohesion was fractured by the preferential treatment of officers closely identified with and loyal to Marcos. Even though there were other sources of discontent within the AFP – such as recruitment from either the Philippine Military Academy (PMA) or the Reserved Officer Training Corps (ROTC), ethno-linguistic backgrounds, and inter-service rivalry – these cross cutting loyalties still made for a relatively cohesive AFP (Hernandez 1979). Nevertheless, the preference for General Fabian Ver, who was widely perceived among the junior officers as less of a military professional than the commander of the constabulary General Fidel Ramos, became a major focal point for factionalism within the armed forces after 1972. This eventually found expression in the rise of Marcos loyalist and reformist factions that divided the military during the people power revolt and the following coup period. This division soon developed into the clash between the coup-making and constitutionalist officers and their followers during the coup attempts against the Aquino government between July 1986 and December 1989.

Just as military acquiescence and support were instrumental to authoritarianism, military disenchantment against Marcos and the regime's threat against the RAM leadership paved the way for the success of people power and the restoration of democracy in 1986. Aquino's call for a boycott of crony companies and businesses after Marcos stole the 1986 snap election had begun to hurt these enterprises. The effects of the boycott – together with the bleeding of the economy by capital flight, political instability created by massive public protests over electoral fraud,

and the armed insurgencies – indicated that the collapse of the regime was imminent. The RAM breakaway served the useful purpose of hastening the end of the Marcos regime; without it, the end of authoritarianism would have taken a different and perhaps longer course. However, since the RAM leadership continued to claim ownership of the people power revolt that brought the dictatorship to an end, it had also complicated the transition to democracy and probably fueled many of the coup attempts against the Aquino government.

#### THE MILITARY UNDER THE RESTORED DEMOCRACY

THE Philippine experience during 1989-1990 was marked by the reconstruction of democratic institutions including the free press, political parties, legislature and courts, as well as the redistribution of power between the military and civilian political authorities. The latter faced a number of difficulties that stemmed from the nature of transitions itself as well as the peculiarities of the Philippine political context.

Transitions to democracy are challenged by the redistribution of power among several sectors, primarily between military and civilian authorities and across civilian institutions of governance. In some instances, redistribution also includes that between (a) central and local governments, (b) the state and civil society, and (c) across social sectors. Since the military was either the controlling or dominant political actor or a partner/guarantor of the authoritarian regime, democratic transition generally entailed a redefinition and consequent diminution of the military's political role. This is usually resisted by the military which fears the loss of its power and privileges, as well as retribution for its perceived and real accountabilities to society, including human rights violations during the dictatorship. Resistance to democratization and its consequences upon the military usually characterize the transition from authoritarianism. During this period, the military is often seen as trying to gain some leverage with the new democratic leadership through threats or use of force. The result is a negotiated settlement between the new leadership and the military where the former's key concerns such as human rights are readjusted in exchange for the military's support for the new democracy.

*Accommodating the Military.* The Philippine experience validates this observation. From 1986 to 1989, various coup attempts led to the adoption of policies that enhanced military privileges, including

increases in pay; removal from the Aquino cabinet of officials perceived as left-leaning or hostile to the military; holding back on the prosecution of military officers and personnel accused of human rights violations, and the suppression of the communist insurgency and Moro secessionism through a military-preferred approach.

The peculiarities of the Philippine transition created further difficulties for the Aquino government. As already noted, the personalization of civilian control made it difficult for the military to transfer its subordination from Marcos to Aquino. However, the fact that Aquino was the widow of Marcos' principal political opponent, Senator Benigno Aquino, who was assassinated while under military custody, made it even more challenging for military officers to subordinate themselves to the new commander-in-chief. It was difficult for them to believe that she would be able to transcend her personal loss in the interest of improved relations with the military or the national interest. Moreover, she symbolized popular opposition to the Marcos regime which the military was made to crush, particularly after the snap elections of February 1986. Between the assassination of her husband in August 1983 and the massive public protests against the fraudulent elections, Aquino was the lady in yellow that led the throngs in the protest marches against the government and across the military barricades that sought to protect it (Hernandez 1987, 1996a). A dose of Filipino "machismo" could have been another factor in some military officers' difficulty in subordinating themselves to a government led by someone whose public image had been drawn by the Marcos propagandists as one of being "an ordinary, plain, and simple housewife" with little or no political *savoir faire*.

The fact that some of her allies regarded her as purely a political rallying symbol that unites the opposition but to be sidelined once Marcos had been deposed did not help in the consolidation of civilian authority over the military between 1986 and 1989. A fragile and unwieldy coalition which had little by way of a common agenda beyond the overthrow of Marcos further undermined civilian authority during the precarious transition period. The promised comprehensive agrarian reform fell short of popular expectations since Aquino chose not to act on it prior to the adoption of the 1987 Constitution, thus leaving it to the elected congress to define its parameters. The elected legislature was dominated by landowners who enacted a weak program. Failure to adopt and implement an agrarian reform program credible to the landless and their political allies undermined popular support for the Aquino government. The

erosion of Aquino's popularity was interpreted by the rightist factions of the military as a justification for her removal from office, even through unconstitutional means.

Aquino's allies and cabinet ministers who were identified with labor, human rights, and left-wing groups provided another rationale for the various coup attempts during the 1986-1989 period. Statements by RAM and other coup leaders demanded their removal from office. Complaints against the human rights policy of the government were also articulated by rightist factions and supported by the rest of the military. Misreading the whole meaning and intent of the notion of human rights, they demanded that the government pursue an even-handed policy. This meant that not only should officers and soldiers be held accountable for human rights violations, but also communist insurgents and other rebels.

Such a demand unduly burdens the government which would be hard put to investigate, much less prosecute and punish, rebels. It also reflects a gross misunderstanding of the essential meaning of human rights as a body of entitlements of citizens whose basic rights are being violated by their own government and its instrumentalities. As such, only state instrumentalities and its agents may be held liable for human rights violations. These rights are precisely aimed at the protection of the individual against the very government which is supposed to look after the well-being and rights of its citizens. The government nevertheless soft-pedalled on its human rights policy as an attempt to accommodate the military. The contemporaneous experience of Argentina's transition to democracy, also challenged by the military on the same issue, was a highly probable compelling influence on the Philippine government's action.

Finally, Aquino also opted to unsheath the sword of war when peace initiatives with communist insurgents and Moro secessionism failed. The military was very much against the peace initiatives with the perceived enemies of the state because it felt that its men had fought hard and had died to protect the government against insurgents. It preferred a hard-line military approach to these problems. The Aquino government eventually switched to the policy of total war against the insurgents, a policy that was favored by the military and was to remain for the duration of the Aquino presidency despite much criticism from human rights activists and left-leaning groups.

Aquino's accommodation with the rightist military demands, some of which were widely shared within the AFP, might have served a very important function in shaping public perception about the coup leaders

and the cause they presumably espoused. Their persistence in staging violent acts against the government, even when their legitimate and not-so-reasonable demands had already been met, made it apparent that they had a wider agenda, the centerpiece of which was the capture of political power and leadership. Perhaps this helped their supporters in reassessing their commitment to the coup principals and could have helped diminish the appetite for coup-making among the more vulnerable members of the officer corps, a subject to which we now turn.

*Why Coup Attempts Came to an End.* There are a number of possible explanations for the cessation of coup attempts since the October 1990 movement of troops in Mindanao in a related and apparent attempt to reverse the outcome of the failed coup of December 1989 (Hernandez 1987, 1996a). The repeated failure of these attempts might have contributed to the dissipation of the appetite for coups among the principals. The plurality of public opinion consistently expressed lack of support for unconstitutional means of taking power, even though the popularity of the Aquino government declined from 1987 to 1990 and the public sentiment repeatedly expressed disappointment over government performance (Mangahas 1994). What this means is that the public was making a clear distinction between dissatisfaction with government, on the one hand, and support for its overthrow by unconstitutional means, on the other. In the event of success, the specter of having to use force to secure public acceptance was a real possibility where the issue of establishing political legitimacy for the coup makers would have been an immense challenge.

Also, as the 1992 elections drew near, it was likely that civilian financiers of previous coup attempts chose to course the achievement of their political goals through the ballot, leading to the drying up of funds for another coup (Hernandez 1996a). A key political personality associated with the RAM leadership is Senator Juan Ponce Enrile. Implicated in the February 1986 coup plot against Marcos and probably also involved in the aborted God Save the Queen plot of November 1986, Enrile had used his resources to campaign for a congressional seat in 1992 and won. The *Final Report of the Fact-Finding Commission that Investigated the Failed Coup of 1989* contained a list of probable civilian supporters of various coup attempts who should have been investigated after 1990 but were not. In particular, the report urged the government to reopen the investigation of the aborted coup attempt of



November 1986 because it believed that there was sufficient evidence to prosecute many of the suspected principals. But like most of the report's recommendations, it was not considered by the government. However, by linking leading political personalities to coup leaders, the commission report could have made these personalities cut back on their support for coup plots beginning in 1990.

Support from junior officers also flagged with the realization that they were misled by their seniors. It was evident that, in some cases, coup leaders pulled rank, and junior officers and their men found themselves fighting their brothers-in-arms without knowing why. Between 1990 and 1992, efforts by coup leaders to rekindle the movement failed. Coup fatigue appeared to have set in among their mass base. When Ramos launched the peace and national reconciliation policy after his election in 1992, it provided another incentive for constitutionalism. National reconciliation gave coup leaders and participants an opportunity to save face and to resume their normal life. Some even sought public office through elections, with Gregorio "Gringo" Honasan being the most successful (however, most of those who took this route failed). Honasan was elected senator in 1995 under a suspicion of electoral fraud where it was alleged that the votes cast for other candidates were pared down and assigned to him and Enrile in what is now known as *Operation Dagdag-Barwas*. If this allegation is validated by the outcome of the election protest filed by a defeated candidate, their election can be seen as a masterful Machiavellian plot to coopt them into supporting the government of which they are now a part and in which they presumably have a stake.

*Reforming the Military.* After 1990, the government adopted policies that sought to promote constitutionalism among the officer corps and to limit the military's role in government. The seniority rule in the appointment of the chief of staff, as well as the heads of the major service commands, had already been sidelined with the selection of General Lisandro Abadia. Ramos, like Aquino, appointed officers perceived to be highly qualified, as well as respected by the officer corps, although they were juniors in the seniority ladder. In appointing General Arturo Enrile as Abadia's successor, Ramos stressed the critical role General Enrile played in negotiating the "return-to-barracks" agreement with military rebels that ended the siege of Makati during the coup attempt in December 1989, his competence and leadership, and the respect and popularity he enjoyed among the officers and troops,

including those involved in the coup attempts. "Deep selection" was used in the choice of the high command, although in practice the selection has not really gone beyond one or two classes below the most senior PMA class in the active service. The leadership of both Abadia and Enrile seems to have worked to obtain support for constitutionalism within the officer corps. Regrettably, however, seniority has been recently restored as a major criterion for promotion and the selection of the high command.

The separation of the police and the constabulary from the AFP also removed an irritant between them, as well as limited the scope of military responsibility for internal defense and peace and order. The army, navy, and air force saw the constabulary as a tainted unit mired in corruption. On the other hand, the administrative integration of the police and the constabulary under a military commander who was integrated into the AFP was inimical to the reduction of the military's share of power under the restored democracy as well as its reprofessionalization. As communist insurgency and Moro secessionism began to wane in the 1990s, the devolution of the military's role in counterinsurgency followed.

The process of separating the police and constabulary from the AFP and the disengagement of the military from counterinsurgency functions began in 1991 with the establishment of a civilian Philippine National Police (PNP) under the administrative supervision and control of the Department of Interior and Local Government. At last, the constabulary ceased to be a major service command of the AFP. In due course, the PNP would take over the responsibility for counterinsurgency as the armed challenges to the government significantly decline and no longer constitute a threat to internal security. A new threat, however, is the rise of a more radical, if criminally-oriented, wing of Moro separatism in the shape of the Abu Sayyaf. This will likely continue to keep the military in counterinsurgency operations.

The reduction of the threat of the rightist factions in the AFP after 1989 similarly reduced the burdens of the AFP in the maintenance of internal security. The consolidation of the AFP behind constitutionalism appeared to have been enhanced with the implementation of the peace agreements between the government and the rightist factions involved in previous coups. A general, rather than selective, amnesty program which the Fact-Finding Commission recommended also seemed to have helped tame the alleged coup leaders. On the surface this appeared to have been a pragmatic and effective approach to encourage peace and

reconciliation with the rightist military. It avoided the issues of determining their accountability for the various coup attempts, isolating rightist factions from the rest of the military, and thereby sustaining divisions within the organization.

However, glossing over the issue of accountability also runs the risk of giving the wrong signal to junior officers who have witnessed the absence of punitive action against military wrongdoing. This can have serious implications for military discipline and for issues about constitutionalism. Coup leaders were often heard to express puzzlement over public support for the 1986 breakaway from Marcos and public disapproval of the coup attempts against Aquino. What made one right and the other wrong, they asked. This kind of perplexity could have been created by the general amnesty policy of the government among the junior officers. It may be seen that officers who violated the constitution had gotten away with it and this may encourage similar actions in the future should there once again be the motive and opportunity for a coup d'état. This view has been expressed in private by a number of officers who would like to see coherence between doctrinal training in civilian supremacy and constitutionalism, on the one hand, and the imposition of appropriate disciplinary action for misbehavior among the military, on the other.

Finally, the modernization of the armed forces, long aspired for by the military, is a clear signal from the government of its positive response to the legitimate needs of the AFP. As the country's protector against external threats, the military needs to be appropriately equipped. The uncertainties created by the end of the Cold War, the coming into force of the United Nations Convention on the Law of the Sea, the rise of regional powers like China and India, and the uncertainty of US commitment to regional security in the Asia-Pacific region required a redefinition of the role of the AFP. The decline of domestic threats to security also enabled the military to restructure its forces where the size of the army is being reduced while the air force and navy are being strengthened. This restructuring can have a positive impact towards limiting the capability of prospective coup makers to launch a successful putsch. Successful coups were often launched by army, rather than air force or naval, officers. A weakened army can therefore be a positive, rather than a negative, factor in normalizing civilian-military relations – at least during the democratic transition.

THE RETIRED MILITARY IN GOVERNMENT

THERE is a growing concern about the perceived increase in the appointment of retired military officers to key government positions since Ramos became president. Contemporary public debate on the issue is focused on the so-called militarization of the government or, more appropriately, of the bureaucracy to which many retired military officers are being appointed. The debate is fed by the perception among civilians that retired military personnel should no longer be recruited into the civilian bureaucracy, including the diplomatic service, as this leads to the militarization of the government.

This is a politically sensitive issue for a number of reasons. One is the widespread feeling among military officers that they are being treated as some kind of second class citizens in a country they have served so well. They point out that they are the ones whose lives were laid on the line during the counterinsurgency operations from the late 1940s to the 1990s. They also believe that they turned the tide against Marcos in 1986, saved the Aquino government from various coup attempts between 1986 and 1989, and continued to provide a peaceful and stable environment for economic development and democracy. Military officers believe that after they retire they can return to the civilian fold and, if qualified, should be eligible to serve the country in a civilian capacity.

The issue is sensitive also because, in the transition to democracy, a redistribution of power between the civilian and military authorities in favor of the civilian is necessary. The perception among civilians is that, even after retirement, military officers continue to be identified professionally, institutionally, doctrinally, and emotionally with the military. Bonding among officers is strong and transcends retirement, so that in case of disputes between civilian and military authorities, retired officers are more likely to take the military rather than the civilian side. In the transition, it is important that the balance of power moves towards the side of civilian authority, a direction that can be better secured if there were fewer officials identified with the military in the new government.

Related to this argument is the thinking that military socialization creates an approach and a mind-set that separates the military apart from the rest of society. This mind-set is sometimes called the "military mind" (Huntington 1957; Hernandez 1986; Doronila 1997a), much like the kind of mind-set that other professions shape in their members. Thus, lawyers tend to have a very legalistic and norm-oriented way of approaching issues, while doctors, engineers, etc. have their own mind-set which

shape their responses to situations and problems. The military mind is said to be authoritarian and averse to debate; it prefers quick and cost-efficient solutions, and is basically undemocratic. Loyalty and obedience are said to be the highest military virtues (Huntington 1957).

If those who have this mind-set dominate the governing elite, democratization will likely suffer. For example, military decision-making is efficient but undemocratic. Such a tendency among power holders can undermine the process of redemocratization because it inhibits the free play and competition in the market of ideas in the course of arriving at a policy choice. Moreover, if these appointments are in the executive branch, relations with the legislature can be undermined since the legislative process, characterized by compromise, horse-trading, and balancing of competing interests, is necessarily slow and can be inefficient. This may only exacerbate the military officers' negative perceptions of politicians and lead them to aspire for constitutional change to eliminate the present system's "unattractive" features. Subjecting appointees to the confirmation process in Congress could undermine support for constitutionalism among civilians and military officers alike, as unreasonable politicians in the confirmation body put them through this gruelling and sometimes humiliating experience. This perception of politicians by officers has not changed substantially over the past twenty years (Maynard 1978; Final Report 1990).

More to the point in this debate is the civilian perception that appointing retired officers to key government positions actually deprives equally qualified civilians from assuming the same tasks for which they have been singularly prepared. Indeed, given the country's experience under martial law, it is easy to understand the public's concern about the return of authoritarianism through the increase in the number of retired military officers appointed to key positions in government.

Associated with this perception is the awareness that the military's assumption of non-defense roles since Marcos became president in 1965 started the systematic preparation for the institutionalization of its political role in the guise of national development, a broad category which included civic action activities originally created in the 1950s to contain the Huk insurgency. In civilian-military relations theory, it has been suggested that civilian control over the military is facilitated by a clear distinction of military and civilian roles in society where institutional boundaries between them are maintained and not fragmented and where each side keeps to its own area of responsibility and power

(Huntington 1957; Welch 1976). Here, the military performs defense functions and the civilian authority governs society. When these institutional boundaries become blurred, civilian control tends to decrease and erode while the influence and political power of the military is increased and consolidated.

In 1965, Marcos initiated the policy of making the military a partner in national development. A university graduate degree was required for career development and promotion. This prepared officers to assume managerial tasks alongside civilians who went through the same training in civilian graduate schools. While the practice of appointing retired officers into government positions is not new, it was during the Marcos presidency where this was used with increasing frequency. The imposition of martial law institutionalized military partnership in political governance (Hernandez 1979; Final Report 1990). The expertise gained by military officers through graduate education has been used to justify their recruitment into bureaucracy after retirement from the AFP. In particular, Ramos has defended his appointees in terms of their competence, their superior qualifications over other recommendees, and their willingness to work full time. This practice has given rise to a concern among civilians that the military continues to dominate government even under the new democracy. The military is also perceived as being so advantaged as to be able to initiate political change outside the pale of the constitution. The fact that Ramos is a retired military officer whose party and close political advisers (who also happen to come from the AFP) are widely suspected to prefer an extension of his term of office exacerbates this concern.

Like Marcos, Ramos has also taken the view that the military should remain the partner of government in national development, noting the decline in various internal security threats to economic and political stability (Mogato 1994). This is a role for which the officer corps is well-prepared to undertake and one that is appreciated in the military. However, if not well-defined, this can be controversial in that it can open new opportunities for a political role for the armed forces. Beyond the general principle that the military should only be assigned tasks which no other civilian group can effectively perform, current thinking on the issue of democratization and the role of the armed forces tends to favor the involvement of the military in short-term tasks such as disaster relief and rehabilitation and the construction of physical infrastructures, rather than those that require long periods to implement and accomplish (Goodman 1996). This latter category includes military assistance in

community development, the delivery of basic services such as livelihood projects, public information services, medical, dental, and educational assistance in remote and depressed areas, and environmental protection which Ramos mentioned as among the tasks the military should assume within the context of Philippine NIChood by the year 2000. In this regard, it must be noted that the military's involvement in national development during the Marcos presidency has contributed to its politicization (Hernandez 1979; Final Report 1990). Its continuing involvement in this task is feared to have undermined the process of reducing and redefining the military's role to focus on external defense under the new democracy.

Moreover, the Philippines is unlike Indonesia where the dual role of the military in defense, national development and political governance is widely accepted and deeply embedded in its political culture. In the Philippines, the prevalent political culture, despite and because of the martial law experience, is one of civilian supremacy and a limited role for the military in society. The democratic transition sought to restore and institutionalize this political culture that also defines civilian-military relations. There was a clear attempt to limit the role of the armed forces after 1986 to focus on external defense and to delink the peace and order function from the military function by separating the constabulary and the police from the military, organizing them into the PNP, and assigning the peace and order role to the new agency. Unfortunately, the increasing practice of appointing retired military officers to key positions in the government is seen not only to be undermining this process, but also securing for the military a niche in the country's political and governing elite (Doronila 1997b).

It might also be argued that perhaps one of the reasons for the military's support for constitutionalism is the fact that a significant number of them are already in power through their appointment to key government positions, making it unnecessary for them to obtain power through unconstitutional means. Precisely how many of them are in the present government is not clear because it is not easy to obtain information on presidential appointments even as they should be readily available to the public under the principle of freedom of information. Nevertheless, it can be seen that retired military officers occupy many strategic and therefore powerful positions in such agencies as the Department of National Defense, National Security Council, Department of Interior and Local Government, Department of Transportation and

Communication, Department of Public Works, and many ambassadorial posts. One leading newspaper's count of a little over a hundred (Burgos 1997b) is regarded as an extremely conservative estimate by knowledgeable sources (Doronila 1997b).

Another reason for the political sensitivity of this issue stems from the fact that Ramos is the first president who comes from the military. His participation in the Marcos regime as a high-ranking officer who was head of the Philippine Constabulary and the Integrated National Police (PC-INP), then becoming AFP vice chief of staff, and later on acting chief of staff is sometimes raised by critics who are concerned that he might be tempted to follow the Marcosian model of constitutional change to authoritarianism by extending his term limit through a constitutional amendment. This temptation is great considering that he is seen as the leader responsible for turning the economy around and making the Philippines the new tiger cub in East Asia. Because the economic and political reforms initiated during the Aquino presidency and extended by Ramos began to bear fruit only after 1992, it is only natural for the general public to credit both economic growth and political stability to the incumbent president.

There are also voices from many sectors, driven by different motivations, which endorse the lifting of term limits through constitutional change to ensure the continuity of policies that led to economic growth and political stability. Among those who have joined the chorus are business people, politicians whose term of office expires in 1998, and the ruling Lakas Party of Ramos. It is widely speculated that Lakas initiated the signature campaign to amend the Constitution through a people's initiative. Members of the party privately claim, with a good measure of self-confidence (it is a done deal, they boast), that the initiative would succeed because according to them "we have the signatures, we have the numbers, we have the machinery, and we have the counters."

Such claims undermine the public's faith in government and in democracy itself because they suggest a conspiracy to subvert the substance of the Constitution by operating within its formalistic bounds. The suggestion that the President's party has the machinery implies that government instrumentalities and resources would be harnessed to obtain the goal of lifting term limits. The suggestion that it has the counters places the Commission on Elections (COMELEC) and all other government agencies and personnel involved in the canvassing of ballots under suspicion. It suggests that they are not independent actors. This is particularly damn-



ing for the COMELEC whose integrity is a critical element in institutionalizing democracy and harnessing popular support for it.

Furthermore, the presence of many retired officers in key positions around the President fuels public fears that a forceful change in the Constitution might still be accomplished, should a legal and constitutional hurdle be insurmountable, with the allusion to Marcos as a probable model often brought up for good measure.

It does not help that among the President's closest advisers, the one perceived to have much influence in the Ramos government (National Security Adviser Jose Almonte) has publicly articulated his view that, because political institutions take time to develop and to become truly functional, a strong and decisive central leadership is necessary, especially for countries without a strong civilian bureaucracy. He stressed that there is a need for partnerships between professional soldiers and civilians, especially in the ruling elites of countries like Indonesia, Thailand, and Burma/Myanmar (Burgos 1997a). Because the Indonesian model of civilian-military partnership in governance is one many officers in the AFP consider worth emulating, it is understandable that the military's continued involvement in certain types of national development tasks, combined with the appointment of retired military officers to sensitive positions in the civilian bureaucracy, has created negative reactions within the civilian sector.

This issue is likely to hurt the presidential candidacy of Renato de Villa, widely speculated to be the probable anointed successor to Ramos. Those who fear the further militarization of the government may have serious misgivings about electing another retired military officer to the presidency as he may similarly overpopulate the government with military retirees. On the other hand, it can also be argued that giving retired military officers a stake in the preservation of the constitutional order by making them power holders can enhance their support for that order. Despite retirement, seniority and rank continue to shape the behavior of active duty officers vis-a-vis their elders. Loyalty and obedience continue to govern much of their relations with one another.

Strong public reaction to the appointment of retired military officers to key positions in the government may not be adequate to halt this practice because the appointing power believes that it is not inappropriate to recycle retired officers into the government; that the appointees are equally, if not more, qualified, and that, having come from the military itself, its recruitment base is necessarily defined by its former institution-

al milieu. This is especially the case with cabinet rank positions where appointees must enjoy the confidence of the President and whose working relationship with him flows along a very direct line. What is required to limit the practice is to adopt a policy that retirees, whether from the military or civilian bureaucracies, should no longer be eligible for reappointment to government. This would unclog the promotion channels and enable bright, young, able, and energetic civil servants to move forward and, in the long run, develop a professional civilian bureaucracy that can provide the consistency and continuity of policies, regardless of the vicissitudes and uncertainties of politics.

#### INSTITUTIONALIZING DEMOCRACY

THE Ramos presidency has been marked by an impressive performance in bringing about a modicum of domestic peace and stability, in achieving economic recovery and growth, and in providing dynamism, direction, and initiative in foreign relations (Hernandez 1996b). It took advantage of hospitable domestic and external conditions to forge a reasonable and honorable peace pact with Moro separatists. It achieved a peace agreement with the rightist factions that were involved in previous coup attempts against the Aquino government, and it persevered in finding a basis for negotiating peace with the communist insurgents. It also pushed much further the macroeconomic reforms begun during the Aquino period, thereby achieving the following: an economy that posted an increasing rate of growth between 1992 and 1997; recognition of the Philippines as the new tiger cub in East Asia; attaining observer status in the Organization of Economic Cooperation and Development (OECD), and providing the APEC vision with a clearer road map to trade and investment liberalization at the Subic and Manila meetings in November 1996.

It also moved the country closer to ASEAN, with the recognition that its destiny is closely linked with that of its nine Southeast Asian neighbors and that its capacity to play a regional role can only be credible in combination with and not in isolation from the rest of its neighbors. Even in the South China Sea disputes, the Philippines was able to somehow transform some of its weaknesses into advantages through a combination of pragmatism and occasional demonstrations of courage, albeit without the military capacity to follow through some of its actions. Under Ramos, the Philippines has been able to redeem itself in the family of nations and to restore the sense of pride of its people.

However, it has not been able to match this impressive record in the institutionalization of democracy. The Ramos record in building political parties and strengthening the other institutions, such as the courts and the constitutional commissions, which are crucial to consolidating democratization, such as the courts and the constitutional commissions leaves much to be desired (Hernandez 1996b). Political parties remained weak due, in part, to the practice of patronage through which the present political leadership was able to break the executive-legislative gridlock that had plagued the Aquino government. This did not augur well for the development of political parties whose members continue to be influenced more by access to the largesse that the ruling party controls and less by party loyalty. Hence, party switching continues into the present decade.

Appointments to the courts have not been impressive either. Many key appointments were influenced by political considerations despite the one-term tenure of the presidency. This makes people doubt the sincerity of Ramos who has publicly stated that he will not seek a second term. The present controversy regarding the alleged corruption in the Supreme Court can only increase the public's disenchantment and lack of trust in the judiciary, and this is likely to affect the leadership that appoints the members of the bench.

Appointments to the constitutional commissions appear to have also been shaped by personal and political connections. While there are some appointments that Ramos can justifiably argue as the best among the recommendees, it is not a defensible argument when it is applied to other cases. This is particularly true of many appointments to such constitutional commissions as the COMELEC and the Commission on Human Rights which no longer enjoy the credibility that they enjoyed during the Aquino presidency. While institutions are being built, the personality of the incumbents gives the offices they hold the kind of credibility and integrity the occupants themselves possess. Because they are lacking in these qualities, the institutions that they represent are likely to suffer in terms of legitimacy and popular support. Since these institutions are crucial to the consolidation of democracy, the process of democratization consequently suffers. And when popular support for institutions decline, it becomes very difficult to be sanguine about the advancement and consolidation of constitutionalism and democracy.

As the military continues to mirror society and to consider itself as its protector, its politicized past will likely inform its response to the political. For this reason alone, the building of democratic institutions as envisaged

in the Constitution is imperative for our time. The crucial relationship between the military and the civilian political authorities, as well as support for constitutionalism, has as much to do with the ability of civilian authority to govern well and effectively as with the military's perception of the limits of constitutional constraints on its legitimate role in society.

#### REFERENCES

- Balana, Cynthia D. & Anselmo Roque 1997. We're 'Civilianizing' the Military - Enrile. *Philippine Daily Inquirer*, April 16.
- Burgos, Raymond. 1997a. Almonte's Philosophy: Socialist Efficiency, Military Discipline. *Philippine Daily Inquirer*, April 16.
- Burgos, Raymond. 1997b. 'Generalizing' the Bureaucracy.' *Philippine Daily Inquirer*, April 15.
- Diamond, Larry & Marc F. Plattner (eds.). 1996. *Civil Military Relations and Democracy*. Baltimore: Johns Hopkins University Press and The National Endowment for Democracy.
- Doronila, Amando. 1997a. The Military Mind in Government. *Philippine Daily Inquirer*, April 16.
- Doronila, Amando. 1997b. Military: New Political Elite. *Philippine Daily Inquirer*, April 20.
- Final Report of the Fact-Finding Commission that Investigated the Failed Coup of December 1989*. 1990. Makati: Bookmark Publishing Co.
- Goodman, Louis W. 1996. Military Roles Past and Present. In Larry Diamond & Marc F. Plattner (eds.).
- Hernandez, Carolina G. 1996a. Controlling Asia's Armed Forces. In Larry Diamond & Marc F. Plattner (eds.).
- Hernandez, Carolina G. 1996b. Political Reforms for Global Competitiveness: The Philippines in the 1990s. In W. Scott Thompson & Wilfrido V. Villacorta (eds.). *The Philippine Road to NICHood*. Manila: De La Salle University and Social Weather Stations, Inc.
- Hernandez, Carolina G. 1987. Towards Understanding Coups and Civil-Military Relations. *Kasarinlan* 3 (4th Quarter).
- Hernandez, Carolina G. 1986. The Military Mind: Implications for Civil-Military Relations in the Philippines. A paper presented at the Annual Convention of the Philippine Psychology Association. Philamlife Auditorium, Manila. August.
- Hernandez, Carolina G. 1979. The Extent of Civilian Control of the Military in the Philippines: 1946-1976. Ph.D. dissertation, State University of New York at Buffalo.
- Huntington, Samuel P. 1957. *The Soldier and the State: The Theory and Politics of Civil-Military Relations*. New York: Random House, Inc.
- Mangahas, Mahar. 1994. *The Philippine Social Climate from the SWS Surveys*. Pasig: Anvil Publishing, Inc.
- Maynard, Harold. 1978. Views of the Indonesian and Philippine Military Elites. In Sheldon W. Simon (ed.) *The Military and Security in the Third World: Domestic and International Impacts*. Boulder, Colorado: West View Press.
- Mogato, Manny. 1994. AFP will have an expanded role. *Manila Chronicle*, April 13.
- Robinson, Richard & David S.G. Goodman (eds.) 1996. *The New Rich in Asia: Mobile Phones, McDonalds and Middle-Class Revolution*. London: Routledge.
- Welch, Claude E., Jr. 1976. *Civilian Control of the Military: Theory and Cases from Developing Countries*. Albany: State University of New York Press.