

CRIMES AND UNPUNISHMENT

The Killing of Filipino

JOURNALISTS



**Edited by
Florangel Rosario-Braid
Crispin C. Maslog
Ramon R. Tuazon**

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Asian Institute of Journalism and Communication



United Nations
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Crimes and Unpunishment: The Killing of Filipino Journalists

Edited by Florangel Rosario-Braid, Ph.D., Crispin C. Maslog, Ph.D., and Ramon R. Tuazon, M.A.

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CONTENTS

Foreword
Preface
Acknowledgments

PART ONE: DISCIPLINARY PAPERS 1

Introduction/Synthesis 3
Writing 30 to the Culture of Impunity
Florangel Rosario-Braid, Ph.D.

Disciplinary Papers

**Making and Unmaking A Culture
of Impunity: Anthropological Perspectives** 20
Michael L. Tan, Ph.D.

The Culture of Impunity: A Psychological Perspective 44
Ma. Lourdes A. Carandang, Ph.D.

**The Killing of Journalists in the Philippines
with Impunity: The Political Prism** 59
Clarita R. Carlos, Ph.D.

**The Culture of Impunity:
A Political Economy Perspective** 67
Amado M. Mendoza, Jr., Ph.D.

A Structural Approach to the Problem of Impunity 88
Dean Jose Manuel I. Diokno

**Killing of Journalists, Mass Media
and the Culture of Impunity** 102
Rolando B. Tolentino, Ph.D.

Case Studies

Prologue: Early Martyrs of Philippine Journalism 111
Crispin C. Maslog, Ph.D.

Marlene Garcia-Esperat: The Accidental Journalist <i>Atty. Prima Jesusa B. Quinsayas</i>	129
The Ampatuan, Maguindanao Massacre of 32 Journalists: Crime of the Century <i>Atty. Prima Jesusa B. Quinsayas</i>	138
The Lives and Deaths of Four Provincial Broadcast Journalists	156
Introduction <i>Crispin C. Maslog, Ph.D.</i>	
Jovelito Agustin: Laoag City by Day, Ilocos Norte by Night <i>Ben Domingo</i>	
Herson Hinolan: Warrior on the Airwaves <i>Ledrolen R. Manriquez</i>	
Crispin Perez: Sa Totoo Lang <i>Atty. Prima Jesusa B. Quinsayas</i>	
Martin Roxas: <i>Targetanay sa Udto</i> (Targeting at Noon) <i>Ledrolen R. Manriquez</i>	
PART TWO: ROUNDTABLE DISCUSSIONS	177
A Multidisciplinary Inquiry on the Culture of Impunity in the Killing of Filipino Journalists	
San Juan City Forum	179
Cebu City Forum	196
General Santos City Forum	217
San Juan City Synthesis Forum	245
PART THREE: THE WAY FORWARD	285
Recommendations	287
The Way Forward Ramon R. Tuazon	
<i>Reference Materials</i>	319
<i>About the Publishers</i>	321
<i>About the Editors</i>	323

FOREWORD



United Nations
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Organización
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Организация
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Foreword

by Ms Irina Bokova,
Director-General of UNESCO

For Crimes and Unpunishment: The Killing of Filipino Journalists

2012

A monstrous crime took place on 23 November 2009 in town of Ampatuan in Maguindanao, Philippines that shocked the world and struck a deep blow against freedom of expression, democracy and the rule of law. On that day, 32 journalists and media workers, along with 27 other civilians, were executed brutally. This remains the worst single-day attack on media professionals in recorded history.

As Director-General of UNESCO, I condemned this gross affront of human dignity and I called on the authorities to conduct a thorough investigation. I am heartened to know that, while the perpetrators had not yet all been brought to justice, the investigation is still actively being pursued. The danger is rising. More than 500 journalists and media workers have been killed in the last decade, and the figures appear to be increasing. This count comes in addition to the

many more being threatened, harassed, attacked verbally and physically, and abducted. Sexual attacks are also being used as a weapon to silence journalists, especially women journalists.

Every journalist killed deprives us all of an observer of the human condition. Every attack that goes unpunished adds to a vicious cycle of impunity. The safety of journalists and the struggle against impunity for their killers are essential to preserve the fundamental right to freedom of expression, guaranteed by Article 19 of the Universal Declaration of Human Rights.

Crimes and Unpunishment: The Killing of Filipino Journalists provides important research for better understanding the crime from different perspectives. We need to learn from this tragedy in order to prevent it from happening again. The papers presented here are based on the killings in Ampatuan in 2009 and the Philippine's experience -- but they are useful for societies across the world.

This volume fits well with UNESCO's work to promote freedom of expression and enhance the safety of journalists. UNESCO spearheaded the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, endorsed in April 2012 by the United Nations Chief Executives Board. This Plan will strengthen UN action to create a free and safe environment for journalists and media workers in both conflict and non-conflict situations. This is essential for strengthening peace, democracy and development worldwide.

To succeed, the Plan of Action needs everyone onboard – especially Governments and civil society, including non-governmental organizations, media professionals, and academia. I see this Volume as a strong contribution to taking forward the Plan of Action. I wish to thank the editors and authors for their commitment to the goals we share.



Irina Bokova

PREFACE

This book is about “writing -30-” to an issue which has continued to make headlines for the past 25 years.

In journalism parlance, when a reporter writes -30- at the end of his copy, it means end of the story. The phrase has evolved to also mean the passing of a journalist to the great beyond - by natural cause or otherwise.

Since February 1986 – the Filipinos’ year of reckoning for the return of democracy in the Philippines after years of authoritarian rule – up to June 2012, a total of 125 journalists have been killed in the Philippines (CMFR, 2012). They have “written 30,” killed in the line of duty, thus leading some international sources to say that the Philippines is “the second most dangerous country in the world for journalists, after Iraq.”

The notoriety was highlighted by the massacre on November 23, 2009 of 32 media workers, along with other 27 civilians, in the province of Maguindanao in southern Philippines. This fateful day has become a date to remember the worst single attack on the Philippine press, prompting the International Freedom of Expression Exchange (IFEX) to designate November 23 of every year as International Day to End Impunity. This date is now a stark reminder to everyone that the murders should never happen again.

There is now greater resolve among various sectors of society to work together to write -30- to the culture of impunity in the killing of Filipino journalists.

While it is true that violence is not limited to media personalities, journalists represent an important sector in a democratic society – the Fourth Estate. As one of the authors in this volume, political scientist Dr. Clarita Carlos noted, democracies work because of the pillars of transparency, accountability, responsibility, predictability and the rule of law. These are the very values journalists are committed to pursue, promote and protect. So, when journalists’ lives are taken or when their voices are silenced by any means, we effectively remove the very basis for democracy to work.

Barry James, in *Press Freedom: Safety of Journalists and Impunity* (UNESCO, 2002), expressed it best in the following words, “Every journalist killed or neutralized by terror is an observer less of the human condition. Every attack distorts reality by creating a climate of fear and self-censorship.”

Responses to past killings have been swift and spontaneous. They ranged from political interventions (e.g., protest actions, public statements, meetings with government officials) to media-related activities (e.g., training of journalists on safety and ethics, support to families of slain journalists, monitoring and documentation).

These useful actions were initiated by various groups including the Philippine Press Institute (PPI), Center for Media Freedom and Responsibility (CMFR), Kapisanan ng mga Brodkaster ng Pilipinas (National Association of Broadcasters), National Union of Journalists of the Philippines (NUJP), National Press Club (NPC), Center for Community Journalism and Development (CCJD), and the umbrella organization, Freedom Fund for Filipino Journalists (FFFJ).

Understanding the problem, especially its root causes, may only be achieved by looking at the broad “picture,” as explaining the killings and the emergent culture of impunity merely from the media and legal perspectives may not suffice. In an earlier paper, Dr. Carlos noted that explanations are almost always “flawed” or incomplete because “we are not able to identify all the plausible putative causes and we are not able to determine their relative potencies, i.e., how much of each is contributing to the killings.”

The Executive Director of a national media organization also lamented that “our present approach of trying to convince government to act is not enough. We need to go deeper.” He pointed out the need to conduct an in-depth study of individual cases since we have not yet established a pattern.

This book, *Crimes and Unpunishment: The Killing of Filipino Journalists*, is the product of a UNESCO-sponsored series of roundtable discussions and experts’ papers by the country’s foremost social scientists. The RTDs were conducted by the Asian Institute of Journalism and Communication (AIJC) with the Philippine Association of Communication Educators (PACE) and Philippines Communication Society (PCS). Supported by the UNESCO National Commission of the Philippines and UNESCO Office Jakarta, the roundtable discussions were convened in Manila, Cebu City, and General Santos City, with participants from government, the academe and media. The initial forum was held in September 2010 at St. Theresa’s College in Cebu City, while the Synthesis Forum was held in Manila in December 2010. During these forums, social scientists discussed their papers that presented multidisciplinary perspectives.

The social scientists who contributed papers to this report represent the disciplines of anthropology, media studies, political science, political economy, psychology, and law. The papers present an in-depth analysis from their respective disciplines of the possible causes of the “evil of impunity.”

The papers were enriched by the empirical data of case studies of murdered (martyred) journalists written exclusively for this publication. The case studies include that of Marlene Esperat, a crusading journalist and young mother whose assailant is yet to face justice, as well as the Ampatuan-Maguindanao Massacre where the biggest-ever number of journalists was felled in one day.



HERMINIO B. COLOMA, Jr.

**Secretary, Presidential Communications Operations Office
Vice Chair, UNESCO National Commission of the Philippines
Chair, Communication and Information Committee, UNESCO Natcom**

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1

**DISCIPLINARY
PAPERS**

INTRODUCTION AND SYNTHESIS

Writing 30 to the Culture of Impunity

Florangel Rosario-Braid, Ph.D.

President Emeritus, Asian Institute of Journalism and Communication

This book is about putting an end – or ‘writing 30’ – to an issue which has continued to make headlines for the past 25 years.

‘Writing 30’ in journalism means the end of the story. The phrase has evolved to also mean the passing of a journalist to the great beyond – by natural cause or otherwise.

125 journalists killed since 1986

The return of democratic space in the Philippines after years of authoritarian rule happened in February 1986. Reckoning from that date a total of 125 journalists (as of June 2012 according to the Center for Media Freedom and Responsibility) have “written 30,” killed in the line of duty, thus giving the country the distinction of being “the second most dangerous country in the world for journalists, after Iraq.”

The extra-judicial killings are not limited to media personalities but include killings of human rights and cause-oriented activists. Journalists however represent an important sector in a democratic society – the Fourth Estate. As one of our paper writers, political scientist Dr. Clarita Carlos noted, democracies work because of the pillars of transparency, accountability, responsibility, predictability and the rule of law. These are the values journalists are committed to promote and protect. So, when journalists’ lives are taken or when their voices are silenced, we effectively remove the very basis for democracy to work.

Who is a Journalist?

Defining the journalist was a recurring issue during the roundtable discussions and exchanges among the social scientists who prepared the disciplinary papers. This is a complex issue in the Philippines because of the absence of a formal mechanism to “accredit” professional journalists by an independent body. By tradition, journalists are loosely defined as anyone who works in a news media organization, with or without formal journalism training. In fact, the most common ridicule is expressed this way: *“Pinabili lang ng suka sa kanto, pagbalik journalist na!”* (Someone was sent out to buy vinegar at the corner store, came back a journalist.)

The problem becomes even more complicated with the practice of block-timers – individuals or companies that buy radio airtime and produce programs for their own use. Announcers or talents of block-time programs need not have accreditation from the Kapisanan ng mga Brodkaster ng Pilipinas (KBP). But for the unsuspecting public, anyone with a microphone inside the booth is perceived as a journalist.

The advent of new and social media adds confusion with the emergence of so-called “citizen journalists” and the claim by some sectors that bloggers are also journalists.

In today’s mediated (and multi-channel) world, it may no longer suffice to define who the journalist is but WHAT he or she does. A journalist is one committed to the standards of the journalism profession including a code of ethics. The work ethic includes multi-sourcing, confirmation and verification of facts and fair, balanced and objective reporting. The journalist’s primary responsibility is to serve the public and help build or strengthen the democratic architecture of society.

The issue of who is a journalist still has to be addressed head on by UNESCO. But a reading of recent UNESCO documents tends to indicate a more inclusive stance. The concept note for the UN Inter-Agency Meeting on the Safety of Journalist and the Issue of Impunity convened on September 13-14, 2011 at the UNESCO HQ Paris quoted Recommendation 4 dated May 3, 1996 of the Committee of Ministers of the Council of Europe which defines

journalists as “all representatives of the media, namely all those engaged in the collection, processing and dissemination of news and information including cameramen and photographers, as well as support staff such as drivers and interpreters.”

The Medellin Declaration issued during the UNESCO Conference on Press Freedom, Safety of Journalists, and Impunity dated May 3-4, 2007 used the phrase “journalists, media professionals and associated personnel.” Subsequent related pronouncements used the same enumeration. The Decisions of the 28th IPDC Council Session held on March 22-23, 2012 has further expanded the listing as it called on the UNESCO Director General to submit a biennial “analytical report” on the killings of “journalists, media workers and social media producers who generate a significant amount of public-interest journalism who are killed in the line of duty or targeted for murder because of their journalistic activities.” This is the first time that social media producers are included in the listing.

This book shall adopt the same inclusive stance.

The UNESCO Challenge: Comprehensive study of culture of impunity

That the killings have continued despite countless investigations and other forms of interventions has prompted UNESCO, the UN agency with a mandate to defend and promote freedom of expression and its corollary press freedom, to seek a more comprehensive solution to the problem. The UNESCO Director-Generals (past and present) have consistently condemned such acts and demanded accountability for the perpetrators of the crimes.

The Intergovernmental Programme for Development of Communication (IPDC) of UNESCO during its 28th Council session on March 22-23, 2012 issued a resolution requesting, among others, the Director-General “to prepare, in consultation with Member States and other relevant and representative actors, a UNESCO Work Plan on the Safety of Journalists and the Issue of Impunity.” It also requested the Director-General to provide the Intergovernmental Council, on a two-year basis at its biennial session, an analytical report which “should be the result of analysis and comparison of information from a broad and diverse range of sources for the sake

of ensuring objectivity, including updated information provided by the relevant Member States on a voluntary basis on the killing of journalists, and non-responses.”

In March 2009, the UNESCO National Commission of the Philippines (NatCom) was directed to respond to the call of former UNESCO Director-General Koichiro Matsuura who had asked the Philippine government to act on the murder of Filipino journalists. NatCom created an ad hoc task force to prepare a status report which suggested the need to address the issue of impunity from a strategic, proactive, and comprehensive approach while recognizing the need for an immediate resolution of the criminal cases pending in the courts.

The challenge is – Can we find a solution to this growing cancer by looking deeper into the socio-cultural roots of the problem? What are the indicators and how can these be translated into policy, research and action programs?

Specifically, the UNESCO NatCom task force proposed the conduct of a multidisciplinary inquiry that would examine the root causes of impunity from different social science disciplines -- from analytical frames, theories, principles and tools of psychology, sociology, anthropology, economics, history, political science, political economy, and communication (media studies). Interestingly, this action precedes a recommendation by the UN Plan of Action for the Safety of Journalists and the Issue of Impunity for a “context-sensitive, multidisciplinary approach to the root causes of threats to journalists and impunity.” The UN Plan of Action was adopted in September 2011.

This book, *Crimes and Unpunishment*, is the product of a series of roundtable discussions (RTDs) and disciplinary papers by the country’s leading social scientists. The RTDs were conducted by the Asian Institute of Journalism and Communication (AIJC) in collaboration with the Philippine Association of Communication Educators (PACE) and Philippines Communication Society (PCS). The roundtable discussions were convened in Manila, Cebu City, and General Santos City, with participants from government, the academe and media. The initial forum was held on September 28, 2010 in St. Theresa’s

College Cebu while the second forum was held on October 12, 2010 at Notre Dame of Dadiangas University in General Santos City. The Synthesis Forum was held in Manila on December 09, 2010. These forums featured multidisciplinary perspectives and were supported by the UNESCO National Commission of the Philippines and UNESCO Regional Office, Jakarta.

The social scientists who contributed papers were from the following disciplines --- anthropology, media studies, political science, political economy, psychology, and law. The papers present an in-depth analysis from their respective disciplinary perspectives of the possible causes of the “evil of impunity.”

The disciplinary papers were enriched by the empirical data of five case studies of murdered (martyred) journalists written exclusively for this publication. The case studies included Marlene Esperat and the Ampatuan, Maguindanao Massacre of 32 media workers. The cases were written by journalism educators and a private prosecutor for the two cases just cited.

This “investigative report” is a work in progress as even the analysis in this publication has not been able to arrive at conclusive findings.

What is and Why impunity?

The simple definition of impunity is “exemption from punishment, penalty, or immunity from obligation or duty.”

While the primary focus is on impunity in the killing of journalists, media professionals and associated personnel, the project framework could be utilized in future studies of the nature and impact of impunity in other aspects of national life. For example, it could enhance understanding of how the culture of impunity, manifested in mindsets and behaviors such as arrogance, entitlement, and lack of accountability, had become embedded in some sectors of the bureaucracy and other institutions.

Impunity is known to manifest itself in behaviors such as bestowing on oneself and members of one’s social circle, exemptions from punishment, and other legal sanctions for perpetrating illegal acts. The individual “gets

away with murder” and no one is punished. Lack of adequate sanctions, institutional discipline, poor maintenance of public buildings, slow delivery of basic services, corruption - these are among the common institutional weaknesses. At the individual level, it is shown in the lack of compassion towards those outside the group, in the “culture of silence,” in individual apathy, and the “bystander” mentality.

From the summaries of the papers below, we can start to draw social, cultural, political, economic, and technological indicators as well as implications for future policy, research, and action programs.

Impunity from a Socio-historical Perspective

The importance of understanding the root causes of impunity is underscored by Dr. Michael L. Tan, of the UP College of Social Sciences and Philosophy, who cited McSherry and Molina (1992) who suggest that there are three types of impunity, the (1) structural where structures that serve to protect those who abuse power are institutionalized and legalized; (2) strategic, where active measures – laws, decrees, amnesties, or pardons to derail processes of or demands for truth and justice are taken up by state officials; and (3) political/psychological, or that which results from state terrorism, whereby political options are restricted and controlled through the state’s manipulation of fear.

The third type is a product of both the structural and the strategic. In other words where governmental structures protect the powerful and where the legal system prevents access to information and justice by the public, the outcome is a society that is unable to fully exercise its freedoms.

The author who searched the Internet for a definition of impunity, found about 6,600,000 results by using one search engine. Using the Spanish term, “impunidad,” he also found a total yield of 32.6 million. But, he says that although impunity is very much in the Filipino consciousness there is no Filipino term for it. This absence is telling, he notes. It is either that the concept has no relevance to the Filipinos, or that it is so pervasive and possibly accepted as a part of social life that no term has been coined for it.

Tan cites human rights lawyer Harry Roque's statement on the slow Philippine justice system - that it could take some 55,000 years to try the cases related to the Maguindanao massacre. A relevant question in the search for ways to address this negative mindset is to ask what lies beneath the uneasy acceptance of acts of impunity as well as the short memories of victims that seem to have emboldened the perpetrators. This would require an in-depth understanding of the Filipino culture and its strong group affiliation. We could start with social networks and relationships that show how strong loyalties are confined to kin, peer groups, and one's tribe. This network defined by geography, ethnicity, language or religion like that of the Italian mafia, demonstrates the tendency towards "exclusiveness," a trait which often leads to punitive behavior. It is a result of the desire to protect the small group, right or wrong.

The theory of "moral exclusion" serves to explain a common behavior in a group situation. This is the tendency to exclude those who do not belong to the clan, tribe or social circle. The excluded are regarded as expendable, and therefore can be mistreated, harmed or killed. Catholicism, with its notion of being the only path to salvation and truth, is seen as an influencing factor in the same way American colonization - that has tolerated accumulation of power and entitlement, has been regarded as a contributory factor to moral exclusion.

The creation of civilian volunteer organizations (CVOs) and private armies during the Arroyo administration enabled warlords like the Ampatuans to have absolute control. A Commission to investigate the killings was created but this was met with indifference because of the failure of the authorities to implement similar recommendations in the past. The belief among many is that a more effective way of dismantling private armies is to address the root causes, one of which is putting an end to about 250 political dynasties.

Local social scientists including Tan, explain the vulnerability of journalists living in small towns to the existence of warlords who wielded almost absolute control over the political life of their community. The vulnerability of provincial media people to external violence is attributed to the active involvement of media people in community work and political issues.

Impunity from a Psychological Perspective

Discipline, reinforcement of positive behaviors, the role of punishment, and bullying are some of the critical psychological variables related to impunity. The author, Dr. Ma. Lourdes A. Carandang, a clinical psychologist from MLAC Institute for Children and Families, however notes that impunity has yet to be examined as a behavioral construct. It is best understood in connection with the concept of “discipline.” Discipline is saying “yes” to appropriate or “good” behavior, and “No” to inappropriate or “bad” behavior. It is setting limits and punishing wrong or bad behavior. Reinforcement will be necessary. It may be concrete or material, or social like a smile, a hug, or praise. Punishment can be physical such as spanking or withholding a deserved object. Recognizing and reinforcing this behavior at an early age is crucial since children have the innate ability to see or speak the truth and at the same time can be taught to lie as they go about the different developmental stages. It is important to develop self-worth at an early stage in life in the same way that parents must consistently repeat the do’s and don’ts until the child becomes his own parent.

The 5 C’s of effective discipline – conviction or absolute belief that the rule is a good one; clarity – that the rule must be clearly understood; consistency or that the rule must be enforced equally or consistently applied; consequence – that punishment for violation must be clearly stated and consistently implemented; and communication- that it must be communicated to all concerned.

The effective enforcement of discipline is usually hindered by such practices as “pinagbibigyan” or when the parent forgives and gives the child another chance. A similar practice is “sinasalo,” meaning to rescue. Getting rescued gives the child a feeling of being exempted and protected from the consequences of wrongdoing. This entitlement gives him a sense of power over others and often results in “bullying” or intimidation. This “culture” is described as consisting of three entities - the bully, the bullied, and the bystander. An example of a bystander is the teacher who must intervene. In the case of the Ampatuans, the government and civil society would be the “bystanders.”

In cases where the journalist is the bully, the citizen becomes helpless and would need the government, which is the bystander to take action.

She recommends that positive reinforcements should start with parenting. Here, one must use all forms of media to advocate discipline, truth-telling, respect, and other core values. Character Education and Good Conduct in the school curricula must likewise be revived.

The Political Prism: “Democratic Deficits”

Dr. Clarita R. Carlos explains impunity in the killings of journalists through the political prism – the spectrum of “who gets what, when, and how in this country.” These killings with impunity, she avers, are the consequences of the shortcomings or “democratic deficits” of our political system, which are the gaps between promise and its fulfillment.

Democratic deficits according to Dr. Carlos are, first, in our highly fractious political party system wherein “turncoatism” is rampant and elected public officials are not made to account for their campaign promises to the voting public; in the inadequacies of the bureaucracies of our judicial system whose Witness Protection Program failed to protect highly important witnesses; in the hopelessness of efforts to bring to justice those who have misspent the people’s money and perpetrated massive corruption; in the obvious shortcomings of the 120,000-strong Philippine National Police whose inadequacies in personnel, equipment, and critical skills have rendered many crimes impossible to solve and many criminals difficult to punish.

Using as premise the concept of impunity defined by the Updated Set of Principles for the Protection and Promotion of Human Rights also quoted by Dr. Mendoza, Dr. Carlos discussed the case of Marlene Esperat, a journalist who was killed in 2005 and whose relatives have yet to see the criminals punished, to illustrate these democratic deficits.

Impunity from a Political Economy Perspective

Dr. Amado M. Mendoza of the UP Department of Political Science, prefaces his discussion with a reference to the world reputation of the Philippines as the second most dangerous country in the world for media persons in 2006 and its World Press Freedom (WPF) ranking of 142nd place that it shares with the Democratic Republic of Congo. The notion of a “culture of impunity” was raised repeatedly, he said, because of the frequency, number of victims, and apparent inability of government authorities to stop the murders and resolve pending cases.

Dr. Mendoza subscribes to the definition of impunity in the Updated Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity submitted to the UN Commission on Human Rights, thus: “the impossibility, de jure or de facto, of bringing the perpetrators of violations to account – whether in criminal, civil, administrative, or disciplinary proceedings...” According to this definition, impunity arises from a failure by states to meet their obligations to investigate violations, take appropriate measures against the perpetrators, provide victims with effective remedies and ensure that they receive reparation, ensure the inalienable right to the truth about violations, and take other necessary steps to prevent a recurrence of violations.

Some notions are discussed on how the interaction of political institutions, the political environment, and the economic system generates a general disregard of the law that emboldens criminals to behave without restraint or with autonomy. One is the notion of strong and weak states. In her case study, Lumdag (2009) reported the following key findings:

- Killings are related to the socio-political conditions of the country as a weak state
- Immediate effects of their deaths are that the diversity of the press and the public’s right to know are threatened or limited
- Journalists and media organizations have taken concrete actions toward creating a safer working environment and mitigating the adverse effects of the killings

Another notion discussed by Dr. Mendoza is the political economy of crime and punishment, which is premised on the perspective that crime is a rational human activity and that criminals are guided by a “rewards vs. costs calculus.” When a criminal commits a crime, he believes that rewards are greater than costs. The costs of committing a crime from the criminal’s viewpoint include:

- Cost of being detected
- Cost of being arrested
- Cost of being indicted
- Cost of being found guilty
- Cost of being punished

Unfortunately, the costs of committing a crime are moderated by due process and the infirmities of state authorities. The economic analysis of crime also considers the cost of crime prevention and punishment as well as its costly impact on society. He said reducing expenses on crime prevention and apprehension of criminals and increasing the severity of penalties will not reduce incidence of crime; it will only increase the incentive of the police especially in a weak state to free suspects or arrest hapless fall guys for monetary gain.

Dr. Mendoza proceeds to apply the political economy perspective on the murder of Filipino journalists, analyzing the costs of the murder to the victims’ families and to society, the industrial economy of the crime, and the modus operandi of criminals.

In looking at murder as an economic activity, Dr. Mendoza describes its simple industrial anatomy as involving (1) a mastermind – the party having a grievance against the victim, and (2) the assassin – the operators who will carry out the murder for money and equipment. A more complex anatomy, he adds, involves a middle layer that insulates the mastermind from the assassin, and lookouts joining the assassin in the bottom layer. He analyzed some simple and complex cases such as the murder of journalist “Bombo Boy” Hinolan, Marlene Garcia-Esperat, Dr. Gerard Ortega, and the Maguindanao massacre of 32 journalists.

Impunity from a Structural-Legal Perspective

De La Salle University College of Law Dean Jose Manuel I. Diokno raises this valid question – Why do we continue to witness impunity in the justice system when we have all the trappings of a democratic state? He notes some positive features of our present society such as:

- Courts that are open, functioning and run by civilian judges
- A Constitution that guarantees human rights
- Ratification of the International Covenant on Civil and Political Rights, International Convention on Economic, Social, and Cultural Rights and other major international human rights instruments
- Presence of a state of the art legal remedies – writs of amparo and habeas data and progressive laws such as the Anti-Torture law and International Humanitarian law
- A civilian police force and military as mandated by the Constitution
- An Ombudsman whose job is to investigate and prosecute high-ranking public officials to put a stop to graft and corruption
- A pro-active Commission on Human Rights
- Committed human rights organizations and civil society groups
- A free and active press

But he also notes several weaknesses in existing institutions, among which are:

- A judiciary that is slow and plagued with delay. As example, 25 percent or 1 of every 4 trial courts have no judges. The present judiciary follows rules of procedure that are designed for juries when we have no jury system
- A military and a police force which believe that membership in the Communist Party is illegal when in fact, it was legalized 20 years ago
- A prosecution service that protects witnesses but is unable to preserve or perpetuate their testimonies
- An Ombudsman's office that has yet to prove that it can put corrupt and abusive officials behind bars

Some of these limitations outweigh the advantages. Despite the institutional advantages, the future of human rights is bleak as few of those who commit crimes get convicted.

A realistic approach, he noted, is to examine impunity through the prism of legal and social structures. An example is to trace the deterioration of these structures during the Martial law years from 1972 to 1986 when all the semblance of democracy was destroyed, and the independence of both the judiciary and the media was likewise impaired.

The author regards impunity as the dark side of accountability. It cannot exist, he says, without the cooptation of three institutions, namely, the law enforcement agencies, the prosecution service, and the courts.

Another operational definition of impunity, from the standpoint of outcomes, is that it is considered as a “consequence of the failure by the State to meet its obligations to investigate, to take appropriate measure, to ensure that those suspected are prosecuted, tried and duly punished; provide victims with effective remedies and ensure they receive reparation for injuries suffered; ensure their inalienable right to know the truth about violations and to take the necessary steps to prevent their recurrence.”

Dean Diokno’s analysis reinforces the study of Boayes-Lumbang mentioned earlier. Citing various scholars (Optow, et al), Boayes-Lumbang says structural violence is a symptom of a weak state where certain individuals are given privilege over others and are able to influence judicial processes which are slow and often inaccessible to many people.

The analysis recognizes that these remedies are palliative at best, and that the only effective solution to problem is to dig at its roots, starve it of the soil it needs to grow until it withers and disappears. The paper outlined concrete recommendations for various branches and agencies of government.

A Perspective from Media Studies

Dr. Rolando B. Tolentino expresses concern on the commercialization of Philippine mass media (including the news media) which has a significant impact in framing the method of production, dissemination, and reception of news. The dominance of entertainment and infotainment shows has contributed to the development of “docile bodies” (absence of critical citizenship) and this provides the basis why the current mediascape is also a conduit for the culture of impunity.

The author cites studies which show that most people prefer TV game shows, telenovelas, and reality shows. These escapist entertainment programs enjoy very high ratings and have now replaced news and public affairs shows on prime time. Meanwhile, many news and public affairs shows have evolved into “infotainment.” Mass media audiences escape from real life problems (like killings of journalists) through these entertainment shows.

Dr. Tolentino describes the current set-up as “hegemony in commercial media” with media ownership in the hands of big business conglomerates. Owners of big media networks also have large stakes in telecommunication, energy and power, real estate, mining, and infrastructure, among others.

The excessive emphasis on the business side of mass media (particularly the propensity to earn more profits), and its negative impact on professionalism, was extensively discussed in the paper. Contractualization (including media workers as talents or apprentice) and denial of other rights and benefits for media workers have contributed to the emergence of a work environment which is not favorable to professionalism.

The undesirable work environment exposes the journalist to corrupt practices; as a result he is coopted into the corrupt system. The practice of “envelopmental journalism” has undermined the regard for the journalism profession. The perilous charges of libel in case his work offends someone and the killing of people among his ranks complete the undesirable picture.

Dr. Tolentino also acknowledged the “golpe de gulat” rhetoric and aesthetic style among radio broadcasters. This practice was also earlier discussed by sociologist Cecilia Conaco during the roundtable discussion in Cebu City. She described this as the style of hard-hitting journalists characterized by what is called the “shock style” of interrogation, intended to achieve the desired effect of eliciting attention from the listener.

Dean Tolentino re-echoes the views of the other disciplinary papers on the inability of the government (democratic deficits in the words of Dr. Clarita Carlos) in addressing the problem of impunity. The result, according to him, is the “privatization of killings,” i.e., the placement of the professionals' security into their very hands because of the lack of faith in the government's ability to resolve the matter.

Policy and Program Implications

There are varying definitions of “impunity.” A few had come from the United Nations and UNESCO and some from various stakeholders in human rights and media organizations. Some operational definitions together with indicators for evaluating the concept are presented here. They offer behavioral, structural, and legal constructs towards a more in-depth analysis of the problem. But the problem is not how impunity is defined. It is why impunity in the killings of journalists exist.

The study has pointed out the root causes of impunity, many of which are found in the country's culture and history – family life, child-rearing practices, group relationships, power-sharing among social and political institutions, system of incentives, content of school curricula and media, and in both the manifest and latent practices in governance.

The study has also suggested how to address the problem of impunity.

- Future policy and action must address existing “democratic deficits”- the gap between “promise and fulfillment” such as what is shown in the existing political party system and its campaign promises, the inability to exact adequate accountability and eradicate corruption and human rights abuses.

- There is an urgent need for the government to address human rights abuses. Specifically, the concern focuses on the prosecution of members of security forces suspected of being responsible for killings and disappearances in 2011 as the Human Rights Watch (HRW), a worldwide organization of human rights professionals observed. It had called on the UN Human Rights Council to review the country's human rights performance. The implication is that not only do the security forces – the military and police forces need further training, but that they have to be made more accountable.
- The social and economic costs of crime and punishment and the role of incentives need to be translated for legislation and executive action.
- Government and media institutions have unwittingly promoted violence through messages and images that are shown on the various forms of media. Portrayal of rampant corrupt practices, use of torture, and other brutal crimes which are tolerated and regarded as acceptable behavior contribute to the building of a culture of impunity.
- The existing media structure, characterized by hegemony and ownership by big business, and the globalization of media are trends that must be examined for their potential impact on content and practices. The incessant drive for ratings, contractualization of human resources, and factors that hamper the creation of a favorable environment for professional communicators are some of the consequences.
- The home, the school, and the workplace could reinforce each other in building ethics as well as social, cultural, political, economic, and technological literacy. The role of parents, teachers, and peers in the workplace should be one of “active bystanding” during acts of intimidation such as “bullying” or other violations of human rights. Character Education and Citizenship training in the formal education curricula must be strengthened.
- Support for the Anti-Bullying Act and similar bills that address the issue of impunity such as safeguarding the rights of journalists and members of the media profession, and freedom of expression (Freedom of Information Act).
- The government must complement the private sector initiative in providing adequate safety nets through appropriate policies that protect their freedoms to report objectively and without fear. In other

words, the government must not abdicate this responsibility to the private sector which today is primarily accountable in the provision of adequate physical security and safety nets for their media personnel.

- Lobby for bills and policies that would enhance the accountability of personnel involved in law enforcement and security such as the Philippine National Police, the Armed Forces of the Philippines and similar agencies.
- Laws and policies on whistleblowers need to be strengthened. Safety nets and other protection mechanisms should be provided to whistleblowers.
- Further research on the political economy of the media industry, social and economic costs of impunity against journalists and media workers, as well as cultural and historical studies on impunity should be supported and encouraged.
- Continuing restructuring of existing social, economic and political institutions – in the form of adequate sanctions, effective delivery of justice, professional development of government personnel involved in the delivery of justice, restructuring the system of incentives, and providing adequate mechanisms for public feedback and participation.

Making and Unmaking A Culture of Impunity: Anthropological Perspectives

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Absence of rule of law, whether due to political corruption, judicial incompetence or political indifference, not only endangers journalists, it imperils democracy and compromises hopes for peace and development” (IFJ 2011:2)

Numbers numb. We hear of the mounting toll of lives, more than a hundred and still counting, of Filipino journalists from assassins’ bullets. Who would have known, too, that the Philippines would gain another dubious global distinction of the most massacres of journalists in one day, a total of 32 in Maguindanao on November 23, 2009.

Problematique of study

I start with this case because it represents, in all its gruesome details, the problematique of our study on the culture of impunity and the killing of journalists in the Philippines. An Al-Jazeera documentary aired in September 2011 and hosted by Philippine-born Veronica Pedrosa includes an interview with Lakmodin Jerry Saliao, who worked in the household of the elderly Andal Ampatuan, Sr., one of the defendants in the case. Saliao says he was at a dinner where Ampatuan and his sons planned the massacre. He also overheard a cellphone conversation, with the loudspeaker on, between the elderly Ampatuan and his son Unsay (Andal Ampatuan Jr.) as the latter lies in wait, with 100 police and militia men, for their victims.

“Ama” (Father), the elderly Ampatuan is quoted as saying: “*Nakakahiya ang angkan natin na may kumakalaban.*” (It is a disgrace to our clan that someone will run against us.) Ama instructs his son to spare the media

members but Unsay argues, "*Lubus-lubusin natin at patayin natin silang lahat. Kapag may isang mabuhay at magsalita yun ang makakapaghamak sa atin.*" (Let's go all the way and kill them all. If one of them lives, and talks, that will endanger us.")

Ama agrees: "*Kung yun ang nakakabuti, patayin na silang lahat.*" (If that's for the better, then kill them all.)"

Pedrosa asks Saliao if he does not fear for his life and he replies, trembling with tears in his eyes, "*Hindi po ako natatakot, totoo po. . .*" (Really, I am not afraid) and says if he had not spoken out, he would as well be one of the wanted, "*para na akong wanted.*"

The interview is chilling, and touching, raising many questions about the nature of impunity in the Philippines. What has led us to a culture of impunity where a massacre can be planned and discussed over a meal? Why is there ambivalence in our perceptions of journalists, reflected by Ampatuan's initial plan to spare them from the massacre, then going into a "kill them all" order? How is this culture of impunity propagated, reinforced? For someone like Saliao, working so closely with a warlord family, what does it take to overcome the fear that allows impunity to thrive?

This UNESCO-sponsored project to look into impunity, as it relates to the killing of journalists, offers an interdisciplinary examination of this age-old problem. The potential contributions of anthropological analysis are especially important, given that we are looking at culture, or cultures, of impunity.

There are as many definitions of culture as those offering the definitions, with references to material objects as well as to the intangible. My use of the term will emphasize concepts, perceptions and attitudes, as well as emotions, that are shared by a social group and which are passed on inter-generationally. My report centers on the making of, as well as the possibilities of unmaking, the culture of impunity.

McSherry and Molina (1992) proposed three types of *la impunidad*, the Spanish term for a culture of impunity: (a) structural impunity, or the mechanisms and structures, institutionalized and legalized in the state, that serve to protect those who abuse state power; (b) strategic impunity, the active measures taken by state officials at specific moments, including laws, decrees, amnesties, or pardons to derail processes of, or demands for, truth and justice; and (c) political/psychological impunity, a dimension resulting from state terrorism, by which political options in a polity are restricted and controlled through the state's manipulation of fear.

I will focus on political/psychological impunity since this is the most relevant for anthropological analysis but note that this impunity is itself a deliberate outcome of structural and strategic impunity. Structural impunity thrives because there is psychological impunity, people – not just direct victims but those around the victim – who become paralyzed by fear, who become distrustful of their friends and neighbors and, ultimately, helpless.

I will use a socio-historical framework to examine the following:

- a. the broader social contexts of this culture of impunity, mainly its relationship to concepts of power;
- b. the making of this culture of impunity, particularly the way it is essentialized;
- c. the relationship between this culture of impunity and the killing of journalists/mass media workers;
- d. the possibilities of challenging and interrogation of this culture of impunity.

No Filipino word for impunity

I will begin with a linguistic analysis of impunity and an almost strange lexical absence in the Philippines. This linguistic analysis allows me to move into a socio-historical analysis of impunity, which includes a cross-cultural comparison of impunity in Latin American, Asian and African countries, drawn from published journal studies.

As with the other members of the team, I draw on the case histories around the assassination of Filipino journalists who were commissioned for this project. This included an excellent four-part series from the Philippine Center for Investigative Journalism on what they call “work-related murders of journalists.”

As a mass media practitioner myself (and son of a former journalist in the 1950s), I wanted to dig deeper into this vulnerability and turn to historical accounts and information on mass media in the Philippines to try to piece together the way journalists have been regarded in the Philippines, from the Spanish colonial period to the present.

To understand impunity it would have been useful to interview the assassins or the masterminds, but this was impossible given that only one assassin has been convicted so far. However, toward the end of February, I was told about the *Al-Jazeera* documentary featuring the Ampatuans, which had been uploaded on YouTube. The documentary was entitled “Imelda and Me,” the first half dealing both with martial law and the Marcos era (and an interview with former First Lady Imelda Marcos) and the second on the Ampatuan massacre. The documentary was extremely useful in shedding additional insights into the bigger picture around impunity, including the links between the martial law era and our current culture of impunity.

I did an online search for references and found there were voluminous articles on the culture of impunity throughout the world, but scholarly literature was surprisingly sparse, particularly from anthropologists. In the end, I found the most useful materials for my analysis came from the work around corruption in the Philippines and its relationship to patronage ideologies.

The vulnerability of journalists in the Philippines was problematic. Other countries where the number of murdered journalists was high were usually those in armed conflicts (e.g. Afghanistan, Iraq) or where there were very powerful drug syndicates (e.g. Mexico). In my search for additional information, I used my op-ed column in the *Philippine Daily*

Inquirer (“Secrets, a mystery,” *Philippine Daily Inquirer*, February 2, 2012, <http://opinion.inquirer.net/22301/secrets-a-mystery>) to conduct modified “crowd-sourcing” (Howe 2006). Crowd-sourcing involves soliciting the public through mass media to solve a problem.

In this case, *Inquirer* readers were asked why journalists figure so prominently in the lists of victims. I used this method last year to solicit readers’ views on the use of “Intsik” as a label for a Chinese language course in UP and 86 readers responded with email, mostly protesting the use of the term. In this case of journalists’ murders, I only received seven responses, the small number itself being instructive. Either people are not interested, or felt they were not capable of answering the question on journalists’ vulnerability. Numbers aside, three of the readers did offer fresh insights on the vulnerability, besides the usual ones about the murderers not being brought to court. The newer insights are discussed later in this report in the section about journalists as targets of assassinations.

Problematizing the Culture of Impunity

Do a search on the Internet on the “culture of impunity” and you will have millions (6,600,000 to be exact, on one search engine) of results. The French “*culture de l’impunite*” yields fewer results, but still runs to some 3.8 million. The Spanish equivalent is much shorter, the word “culture” taken out to refer to, almost brutally in its succinctness, *la impunidad*, a term that yields a staggering 32.6 million results. (Searches were conducted February 27, 2012.)

The concept of a culture of impunity has entered the mainstream of several languages, a reflection of how the word impunity is in the public’s consciousness. In the Philippines, the English newspapers and news broadcasts, as well as talk shows, constantly refer to this culture of impunity, including the way the Philippines has come to epitomize the brazen disregard for the rule of law. My search for “culture of impunity” did in fact have the Philippines in many of the leading entries, the first one being a reference to a *BusinessWorld* article where lawyer Harry Roque estimates it will take some 55,000 years to try the cases related to the Ampatuan massacre in 2009, where 32 journalists were among the victims.

Journalists are among the most vulnerable when it comes to impunity on the Philippines, the Ampatuan massacre considered as the worst example, worldwide, of this kind of vulnerability. Yet what's striking is that the popular discourse in the Philippines around this topic is still mainly in English. We have not come up with a Filipino phrase that corresponds to culture of impunity, *culture de l'impunite* or *la impunidad*.

That lexical absence is telling, with two possible explanations: either the concept of impunity has no relevance at all to Filipinos, or instances of impunity are so pervasive in Philippine society, and possibly accepted as another inevitable part of social life, that no term has been coined for it.

I am inclined to accept the second explanation of impunity being so widespread that it becomes almost normative. This is not to say that Filipinos do not react negatively to impunity; on the contrary, Filipinos use very strong terms in reaction to the perpetrators of impunity, in particular *hayop* (animals) and *berdugo* (butchers), accompanied by expressions of powerful feelings of bitterness and anger. In the *Al-Jazeera* documentary I mentioned at the beginning of this report, Luisa Subang, the widow of one of the slain journalists comments about the Ampatuans: "They are really powerful," then shifts to Filipino "*Pero kung tutuusin, mga monsters sila.*" (But when you think about it, they are monsters.)

There is, however, a sense of helplessness in the rage, which means that after the initial grief subsides, people tend to turn away in collective amnesia. This response has been found repeatedly, in particular with the Japanese atrocities during the Second World War and those of the martial law regime. We see then a vicious cycle of impunity of raging and forgetting, reflecting the sense of impotence that further fuels impunity.

I used this linguistic analysis to underscore the need to look into the cultural contexts of impunity, rather than assuming a universal culture of impunity. Impunity, *la impunidad*, is universal, but our interest should be the social and cultural forces that shape and perpetuate this impunity. What lies beneath the uneasy acceptance of acts of impunity, the short memories of victims which in fact further emboldens the perpetrators of impunity?

As I mentioned earlier, there is a dearth of scholarly literature analyzing the culture of impunity. In the end, it was the work on corruption and rent-seeking, both in the Philippines and in other countries, that I found most useful for understanding impunity.

Small group loyalty and impunity

I propose that an anthropological and sociological analysis of the culture of impunity must start with our social networks and relationships, which can be described as being strong on small-group affiliation, meaning, strong loyalties are confined to kin, peer groups and one's "tribe" (as in the Filipino "tribo"), defined by geography, ethnicity, language or religion. It is this small-group loyalty, one epitomized by the Italian mafia, that leads to impunity because one has to protect that small group, right or wrong.

Tribalism dates back to the precolonial period, where polities revolved around a "big man," (or possibly woman), who is expected to protect the tribe. He/she is *primus inter pares* in one sense, recognized for particular skills and wisdom essential to the tribe's survival but recognition of that primacy is transformed into a recognition of power. This is not power in the Marxist sense of coercive force, but a power based on the accumulation and display of symbolic capital. A striking example would be dazzling gold artefacts found in numerous archaeological sites in the Philippines, from bowls and household items to jewelry and personal adornments, all the way up to chastity belts, suggesting opulence and extravagance. The intent was clearly to impress, and to intimidate.

Symbolic capital can also include religious and quasi-religious forms to signify power, for example, the use of *anting-anting* or amulets and talismans. Well into recent times, Filipino politicians, notably Emilio Aguinaldo and Ferdinand Marcos, claimed they had amulets that protected them from harm (Steinberg 2000:89).

Coercive power did exist with larger polities and with the rise of debt peonage in the system of *aliping saguiguilid* and *aliping namamamahay*. The *alipin* were either captives from wars or raids, or were people who had incurred debts and had to pay off the debt through indentured labor. This

meant close contact with a master, even living in the household, rendering services and, most importantly, being totally loyal to the master.

In such a social set-up, a person – even freemen– had very little “power” of his own and instead had to rely on borrowed or transferred power from “big-man” chiefs. Much like the use of *anting-anting* (amulets and talismans believed to ward off misfortune). The “*maliit na tao*” (small people) had to rely on reflected or transferred power of the “*malaking tao*” (big people) for protection from harm and evil.

The theory of moral exclusion has been used to explain injustices and impunity (see Oporow 1990, 2001). Impunity is reinforced by emphasizing in-group membership and the need to defend “us”, while creating moral exclusion by “othering” those who are not like us. Someone who is not of our tribe, someone who does not share our values (no matter how distorted the values may be), is less than human, and therefore can be mistreated, harmed, even killed.

The Spanish colonizers found it to their advantage to keep the Indio divided and to utilize local chieftains and feudal lords. An anthology edited by McCoy (1994) showed how kinship, “an anarchy of families,” reconfigures the State in the Philippines, and how some of these ruling-class families date back to the Spanish colonial period.

Feudal past and impunity

It is not surprising the Spanish word “*amo*” is used to refer to a master (and, in a more light-hearted vein, the English “boss”). Impunity was inevitable in this feudal set-up, landlords and friars having almost complete control of the lives of the Indio. Even more significantly, impunity became normative. Loyalty to the landlord, and to one’s clan and in-group, was unswerving and was based on the concept of a “*mabait*” leader who was at once feared for his ruthless suppression and extermination of enemies, resented because of his greed and corruption, and yet loved for his benevolence and womb-to-tomb welfare programs for loyal tenants. The *alipin* system remained, taking many new forms. Some became tenants or serfs. Others hanged on as bodyguards, as “*alalay*,” still living on transferred symbolic power.

I feel it is important to address the influence of Catholicism, introduced by the Spaniards, on political culture and impunity. Catholicism, with its strong triumphalist notions of being the only path to salvation and its being the only path to truth, often contributes to moral exclusion. This is clearly shown in an exchange of letters between the 19th century national hero Jose Rizal and his former teacher and Jesuit, Pablo Pastells. The letters included many claims by Pastells to the infallibility of the Catholic Church and his diatribes against the *indio* (including of course Rizal) for daring to question this infallibility. Such claims applied to secular issues as well, including Spain's "right" to continue to occupy the Philippines. (See Bonoan, 1994 for the full texts of the letters and an analysis.)

This sense of a divine mandate and moral exclusion was to continue into the American occupation (with McKinley's alleged message from God to annex the Philippines) and into contemporary politics with politicians' claims to God's calling. We cannot underestimate the power of these claims, including anointing from religious leaders, in trying to control dissent and opposition.

Christianity emphasizes forgiveness, a virtue that should certainly be encouraged. But in the context of feudal relations, this has been distorted to mean tolerance of the abuses of the powerful. Spanish colonialism certainly used this to their advantage, and we see this "forgive and forget" mentality returning to haunt us repeatedly, in relation to the excesses of American colonialism, Japanese occupation, and the local ruling classes.

To return to our socio-historical review of impunity, the Americans took over the Philippines with visions of benevolent assimilation. American educators referred constantly to, and decried "caciquism", but played the game with feudal lords, introducing a political system which further tolerated the accumulation of power and symbolic capital, of politicians and their bebies of bodyguards and modern-day *alipin*.

McCoy (2011) proposes that many of the problems we have today go back to a colonial state established by the Americans. To protect their interests they bestowed privileges on local elites, like political benefits and access to

the Philippine Constabulary, which could serve to safeguard the interests of both the Americans and the local elites as a tool for intensive surveillance, as well as a repressive force.

Transactional politics and impunity

Moreover, American democracy, its electoral politics already disposed to theater and performance, further created political entrepreneurship and rent-seeking, where political power was seen as a tool to maintain and expand wealth. On the surface, that political power came from democratic processes of voting but was, in reality, the product of guns, goons, gold and glitter, a term used to describe wheeling and dealing, vote-buying and intimidation. Another term, transactional politics, captures the system of alliances and exchanges of political favor but we should not forget the transactions still depended on patronage relations, and concepts of immunity from accountability.

We should not forget, too, that the American administrators themselves accumulated considerable landholdings and businesses while in the Philippines and therefore were, in a sense, also contributing to the rent-seeking norm.

Even more importantly for our understanding of the culture of impunity, those in power build up a strong sense of entitlement, tied to *amor proprio*, loosely translated as “love of self” but referring to a more complex system of self-esteem, power and face.

Well into the Philippine Republic, we have seen how cacique families have maintained power, and impunity. McCoy’s edited anthology, *An Anarchy of Families*, shows how some of these families date back to the Spanish period (or, for some Muslim families, even in the precolonial period), but there were also families, including Marcos’, that rose to power only in recent times.

The Ampatuans were an example, favored by Marcos to help keep Muslim insurgencies under control and allowed to continue to amass power even after Marcos, and eventually becoming untouchable warlords during Arroyo’s time.

The Ampatuan massacre was an extreme and perverse example of how feudal power and patron-client relations are reinforced through networks and symbolic capital. Conde (2009), visiting the massacre site, notes how the province is filled with billboards announcing public works as projects of the Ampatuans, with the support of President Gloria Macapagal-Arroyo. The billboards speak of the links between the Ampatuans and the national government, as well as the patronage system where a powerful Ampatuan draws even more power from Arroyo.

After the massacre, the government's military and police raided the Ampatuan mansions and found thousands of firearms and ammunition caches, still in boxes with the DND (Department of National Defense) stenciled on the side, an example of feudal structures (mis)appropriating the State's own resources.

Martial law was a watershed for the Philippines in terms of creating the three forms of structural impunity mentioned earlier. Under martial law we saw a massive deployment of repressive structures and a politicization of the military (and paramilitary), catering to a middle class need for "peace and order." It is not surprising that in several of the murders of journalists, former soldiers were named as suspected assassins and in one of the cases featured in the Philippine Center for Investigative Journalism documentaries, the main suspect was a soldier in active service. Nothing came out of the case because the soldier's commanding officers issued a statement claiming that the soldier was somewhere else during the murder.

The converse side of martial law was an awakening to the need for human rights campaigns, part of a global response to the rise of authoritarian governments in Latin America and Asia. Sadly, despite this heightened awareness and the establishment of several government bodies to protect human rights, justice has been slow in coming in prosecuting those behind the violations of human rights.

Corruption, anting-anting and impunity

Many years after martial law, under the presidency of Gloria Macapagal Arroyo and in a supposedly democratic set-up, we saw an unprecedented

resurgence of corruption, rent-seeking and low-intensity conflict tactics with arrests, disappearances and extra-judicial killings or salvaging. A UN Rapporteur, Philip Alston, turned out reports confirming widespread violations and strong impunity on the part of the military. In his first report, Alston (2007) had this observation that relates to the matter of psychological impunity:

While the estimates vary from 100 to 800 or more, I concluded that it is not productive to play the numbers game and seek to confirm any definitive number. No one disputes that large numbers have been killed. Especially problematic is the fact that the impact has been to intimidate vast numbers of civil society actors, to send a message of vulnerability to all but the most well connected, and to severely undermine political discourse.

All this should not be surprising. Arroyo, like many other politicians, was benefiting from a US colonial legacy of a military and police force, one which she further expanded without having to use martial law. In 2006, Arroyo issued Executive Order 546 creating “Civilian Volunteer Organizations” (CVOs) supposedly to help local governments fight insurgency. In reality, the CVOs allowed warlords to legitimize their private armies. A study by the UP Center for Integrative Development Studies (CIDS) (cited in Jimeno 2008b) found minors being used as CVOs, sowing terror even as the children themselves were subjected to harrowing brutality as part of these organizations’ machismo.

Arroyo’s power play with the Catholic Church may have actually contributed to impunity. Arroyo was able to create her own anting-anting, and a degree of impunity, by claiming allegiance to the conservative Catholic Bishops’ Conference of the Philippines. This alliance has reinforced Catholic exceptionalism, where clergy and lay people proclaim themselves as divinely mandated and therefore exempt from criticism and dissent. This has come about in relation to debates around reproductive health, with conservative Catholics displaying growing hostility to the mass media, who are accused of being propagators of “false” and “materialist” values. This exceptionalism has led to violent incidents in the US, including assassinations of doctors

providing abortion. We need to watch out for this sectarianism in the way it could create a potential for “holy wars” to be waged against people who dare to think differently, and to speak their minds.

Why Journalists?

The first newspaper in the Philippines was *Del Superior Gobierno*, published by the Spanish Governor General. Literacy was low so newspapers catered mainly to the elite, but even in the 19th century, some of the newspapers did stir controversy. *Diario de Manila*, founded in 1848, was suppressed by the Governor General in 1886, allegedly for inciting the Filipinos to rebel against the Spaniards.

Rizal and other members of the Propaganda Movement were, in a sense, journalists, producing *La Solidaridad* in exile. The Spaniards’ fear of Rizal’s writings was reflected in the way they first exiled him to Dapitan but later subjected him to trial and execution in what could be the first fatal act of impunity against journalists in the Philippines.

The Americans, for all their talk of democracy, were intolerant of newspapers that espoused nationalism and independence. Section 10 of The Sedition Act, passed in 1901, made it unlawful “for any person to advocate orally or by writing or printing or by like methods the independence of the Philippine Islands or their separation from the United States, either by peaceful or forcible means.” The first prosecution under this law involved an American, E. F. O’Brien, editor of *Manila Freedom*, who wrote a “critical editorial” and was fined \$1000 and sentenced to six months in jail. (McCoy 2006:175)

When *El Nuevo Dia*, Cebu’s first newspaper, published articles critical of the Americans, the response was censorship. Its publisher, Rafael Palma, responded by coming out with large blacked-out pages in his newspaper.

Early history of harassment of journalists

The most infamous case of harassment of journalists occurred in 1908 when *El Renacimiento* denounced an unnamed American official for taking advantage of his office for personal gain, an example of the rent-seeking of American administrators that I referred to earlier. Dean Worcester, the

Secretary of Interior, took offense and filed a libel case against Teodoro Kalaw, the editor, and Martin Ocampo, the publisher. Both Ocampo and Kalaw were found guilty, given jail sentences, imposed a \$30,000 fine, and ordered to pay moral damages to Worcester. They brought their case up to the Supreme Court, which upheld the lower courts' decisions. The journalists did not end up in jail because Governor General Francis Harrison pardoned them in 1914, but the newspaper went bankrupt. (See McCoy 2006:342)

After the restoration of independence in 1946, we were described as a showcase of democracy in Asia, with a free press as a hallmark. But a report on Philippine mass media in 1971 is astute in this observation: "A casual visitor to the Philippines, who stops over only in Manila will leave with a wrong impression of the Philippine mass media. From reading the Manila newspapers and magazines, he will go away thinking that the Philippine press is outspoken, unbridled, and impossible." (Maslog 1971:7)

The author of the report, Silliman journalism professor Crispin Maslog, argues that this press was Manila-centered, using English, and largely controlled by big business and therefore not reaching the majority of Filipinos.

Admittedly, there was no outright harassment, much less murder, of journalists, even at the height of the red scare and the witch-hunt investigations of Congress' Committee on Anti-Filipino Activities. But a notable exception was the harassment of two Philippine-born Chinese journalists, Rizal and Quintin Yuyitung, whose pro-mainland China sentiments were clear in their *Chinese Commercial News*. It was during the Macapagal administration in 1962 that proceedings were initiated against the brothers but charges were dropped under Marcos in 1968 for lack of evidence, only, ironically, to be revived by Marcos in 1970, resulting in their deportation (de Quiros 1997:176-177).

After Marcos declared martial law, his first general order decreed the "take over and control of all privately owned newspapers, magazines, radio and television facilities and all other media communications." Journalists were among those who were arrested but most were released after brief

detention. The press remained muzzled under Marcos, which may have been one reason why journalists were not targeted by the martial law regime. An underground press existed but consisted of mimeographed materials with limited print runs. A “mosquito press” emerged toward the end of the Marcos dictatorship, openly selling newspapers and magazines (*WE Forum, Pahayagang Malaya, Veritas, Mr & Ms, Inquirer*) that were highly critical of the government, but was tolerated to some extent, with publishers – largely women – occasionally being threatened with arrest.

This growing awareness of human rights may have contributed as well to the negative view of journalists as accomplices to the dictatorship. In an article about the funeral of Benigno Aquino Jr., journalist Joel C. Paredes (2008) recalls the hostility of the crowds toward journalists, who he said was “being seen as villains and pawns of the powers-that-be”:

We also became targets of the public’s outrage. As my team and I prepared to return to Manila after covering the convoy to Tarlac, a group of young men blocked our service vehicle. The men began hitting our Land Cruiser, demanding that we report the “real news,” that we all get out of the vehicle. I told the driver and photographer Johnny Villena to just stay inside, while I did the “negotiating.” Luckily, the youths allowed us to leave after I asked them to give us a chance to do our work as newsmen. But as we drove away, we could hear them shout, “Sa totoo lang (Be on the side of truth)!”

The restoration of civil liberties after the fall of the Marcos dictatorship was reflected in a free-wheeling press. With the restoration of democracy, there has been a tendency to be lulled into complacency, even to react against a “noisy” mass media or, worse, to see mass media practitioners as corrupt.

I use “noisy” in a literal sense because much of the fire and fury has been in the broadcast media, in radio in particular. From statistics furnished by Maslog, it seems that Filipinos may even have leapfrogged the print newspaper era and into radio and television. Maslog cites figures for

newspaper circulations from 1968, with the largest daily newspaper, *Manila Times*, having a circulation of 220,000 followed by *Manila Chronicle* with 74,000, *Bulletin* with 69,000 and *Philippines Herald* with 65,000. These numbers do not seem to have grown too significantly, given that the *Philippine Daily Inquirer*, now the leading broadsheet, only has a print run of about 250,000.

Contrast this almost insignificant growth in newspapers with that of television and radio. Maslog gave figures from a Robot-Gallup survey in 1966 that found television penetrated only 4% of Filipino households nationwide and radio, 48%. Today, according to the 2008 National Health and Demographic Health Survey, 65% of households have radios and 71% a television set.

Most of the assassinated journalists had radio programs, which reaches many more people than newspapers and television. Radio also lends itself to a more “bombastic” tone, a kind of broadcast tabloid format. The attacks can be sustained, lurid and personal. One assassinated journalist, Herson Hinolan, was noted for his “*golpe de gulat*” style, where he would interrogate his guests and confront them with “evidence” of wrong-doing, all live on the air.

Given our shame-focused society, targets of the radio attacks could be more prone to being “pikon,” another important Filipino socio-cultural response. Pikon is defined by Panganiban (1973:802) as “easily provoked to anger by jokes; touchy” with synonyms of *naunget* in Ilokano, *marangit* in Maranao and *kabliton* in Cebuano.

There is more thought to *pikon* than being touchy. Because *amor propio* is a norm in the Philippines, sustained attacks on politicians, no matter how “deserving” they may be of exposes, can backfire and transform the targeted politicians into underdogs. The term “pathological altruism” has been used by psychologists to describe how people will take sides even with criminals if the criminal takes on this underdog image.

Sense of entitlement and impunity

Unfortunately, in a feudal society those in power have a strong sense of entitlement that includes a “right” to be immune from any kind of dissent or criticism. The entitlement is far-reaching, as we saw expressed in the elderly Ampatuan’s resentment of a possible opponent in an election. This entitlement is extended to include a distorted sense of duty to defend the clan at all costs, including exterminating the opposition.

We also need to look at the pattern of killings of journalists, which is skewed toward smaller town and cities. This vulnerability relates to the stronger sense of impunity in the many fiefdoms outside of Manila. In more remote areas, warlords have almost absolute control over their constituencies, making it more difficult and dangerous for journalists.

Yet, we do find courageous journalists in these frontier areas and a possible explanation comes from Maslog’s 1971 report: “An average community newspaper editor is middle-aged, married, Catholic, finished college (most likely with an A.B. degree), has not travelled abroad, does not hold a government job but occasionally works in public relations or advertising for others, is active in community work, and works only part time at running the paper.”

That description can still apply today, to the many journalists in smaller communities in the Philippines, with three characteristics that are especially important: (a) the journalists having finished college, (b) their involvement in public relations or advertising for others and (c) their involvement in community work.

Many of these community journalists did not train in journalism and instead came in from other fields. Marlene Esperat is a striking example, having trained as a chemist, and becoming an activist when she uncovered corruption while working in a government office. She pursued her anti-corruption crusade by going into broadcast media.

The second important characteristic of many community journalists is their involvement in public relations and advertising, as well as community

work. The journalist doing public relations is of course not limited to small communities; large newspapers in urban centers also have journalists doing this kind of work, with questions on ethical propriety. But in smaller communities, this public relations link could lead to a perception that the journalist is a “paid hack,” and could “demote” him or her to a status that brings vulnerability.

The involvement of journalists in community work has expanded into community activism and advocacies. Community journalists, particularly those in radio, offer assistance for medical, legal and even financial needs. Besides offering assistance, community journalists fight for particular causes, often display more passion for their causes because these are hometown issues, mainly around corruption, unethical business practices and environmental destruction by corporations. It is not surprising that besides journalists, there is an emerging and disturbing trend of assassins going after foresters, Bantay Dagat volunteers and guards and others concerned with the protection of the environment. Gerry Ortega, a veterinarian by training but who was a recognized and respected leader in the environmental movement, also used a radio program for his hard-hitting advocacy.

The most painful irony about impunity and the killing of Filipino journalists is that most of these assassinations occur in the most underdeveloped and neglected areas of the country, where democratic institutions and processes are most crucial. Local dynasties act almost like cult leaders, keeping people barely surviving, yet perpetually loyal. Underdevelopment holds people hostage, preferring not to antagonize fanatical leaders and trying to curry favors (and impunity).

Recommendations

I will not deal with the obvious need to bring the killers of journalists to justice. Since the focus of my report is on the making of a culture of impunity, my recommendations will deal with how we might want to unmake this culture, and to create and sustain alternatives.

Name the evil

First, we need to name the “evil” that is impunity. I have mentioned the absence of a word or phrase to refer to the culture of impunity and instead vent our anger on the perpetrators. The anger is, however, often impotent. We must find words to describe the impunity. The Chinese use 有罪不罰 which translates as “crime committed, without criminal conviction.” The Spanish *la impunidad*, The Impunity, is forceful.

Political mourning

Second, we need to exert greater pressure on government through what Humphrey and Valverde call “political mourning,” mobilizing and transforming public grief into public political action. We stand to learn from the experiences in Argentina of sustained mass actions from groups such as *las madres de Plaza de Mayo*, mothers of the disappeared who kept up, for many years, their quiet protest processions in the center of Buenos Aires, raising public consciousness not just in Argentina but in the world. Humphrey and Valverde describe many forms of this public mourning, including one that could appeal to journalists’ organizations: *radio abierta* or open-air radio, where a public meeting is set up, simulating a radio broadcast, with an announcer, families giving testimonies and musical interludes.

Highlight role of journalists

Third we need to highlight the role of journalists in fighting corruption, which Filipinos complain about endlessly. Too little is said about the courageous journalists living up to a tradition first started in the 19th century by Rizal and other reformers, extending to Rafael Palma, Teodoro Kalaw and Martin Ocampo, through the Japanese occupation, into the Republic, the fight against the Marcos dictatorship and the present. Sadly, the pervasiveness of corruption leads to more mistrust, including suspicions that journalists themselves are corrupt, so that when an assassination occurs, public protests are not as strong or sustained as it should be.

Decode roots of impunity

Fourth, we need to educate the public to “decode” the roots of the culture of impunity. The power of a culture of impunity lies mainly in the way it insinuates itself into our institutions through narrow loyalties, rent-seeking

behavior, and the fetish for modern-day amulets of power. Filipinos have to learn to understand, for example, how the *ninong and ninang/ inaanak* system, or clan loyalties, has mutated into a system of political warlordism and special favors. They have to learn to appreciate how the campaign against the use of *wang wang* (police sirens) in fact relates to impunity, as is the move to ban “political billboards” advertising a building or infrastructure project as the project of a local politician linked to the president or a national leader. Finally, they have to see the links between the culture of impunity and the ongoing impeachment trial of Supreme Court Justice Renato Corona.

Counter revisionist history of martial law era

Fifth, we need to counter the new fictions and myths that cover up past atrocities and propagate impunity. Visit the Youtube site where the *Al Jazeera* documentary “Imelda and Me” is posted and you will find a frenzied exchange of views about martial law and Imelda Marcos, many actually defending the Marcos dictatorship, including rationalizations that they did so much for the Philippines. It is almost as if they had missed out on all the exposes, all the grievances of human rights victims, featured in the documentary.

Building a culture of accountability

Sixth, we need to create a culture of tolerance and accountability, educating the public to understand that there is no room for *pikon* in a democracy, even as citizens have a right to demand responsibility and accountability from journalists. This culture of tolerance and accountability must include a reexamination of our religious values, including exposing how “forgive and forget” policies are in fact “un-Christian” because it excludes the notion of repentance and restorative justice.

Seventh, further research needed in many areas, mainly to probe impunity through the perspectives of the perpetrators of the impunity, from the assassins and executioners to the masterminds, to the ways they rationalize their brutality.

Eighth, if impunity emerges from our tribalism and *amor propio*, then a counter-culture needs to be built out of other values. We need to show how relevant the popular saying “*bato bato sa langit, ang tamaan huwag magalit*” (stones thrown to the heavens, if someone’s hit, don’t be angered) is to a democracy, where one is free to express opinions, and that no one should take criticism personally.

Promote sense of *kapwa*

We need as well to promote the sense of *kapwa*, described by the late Virgilio Enriquez as a core value in Filipino psychology. *Kapwa* can and should be mobilized here to refer to the social networks of trust that look outwards, that translates into a concern for a larger in-group called *bayan*, whether community or nation. It is in Saliao, the Ampatuans’ household help, that we saw *kapwa* as a potent force that can and will challenge impunity. As Enriquez explains: “A person starts having *kapwa* not so much because of a recognition of status given him by others but more because of his awareness of shared identity.”

I used a socio-historical approach for this report to show how the culture of impunity we have today traces its roots several centuries back. We need to keep remembering and invoking the past, including the many instances of impunity and the way journalists have been at the forefront in fighting that impunity. Deny our memories, and we deny our future.

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The Culture of Impunity: A Psychological Perspective

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Exploring the psychodynamics of impunity – how does it happen?

This paper is part of a multidisciplinary team effort to do an in-depth analysis of the culture of impunity in relation to the killing of journalists in the Philippines. The team will look into the topic from the point of view of political science, anthropology, political economics, mass communication, law and psychology. My paper will take the psychological perspective.

Over the past ten years more than 500 journalists and media workers have been assassinated and an even greater number have been injured whilst exercising their professional duties. The vast majority of these attacks did not concern international war correspondents but journalists working in their home countries, often in times of peace, and covering local stories. The instigators of these crimes, for the most part, remain unpunished (UNESCO, 2010).

Over the past few years, then UNESCO Director General Koichiro Matsuura had regularly issued strong press statements calling on Philippine authorities to act on the murder of Filipino journalists. As aptly described by Philippine Ambassador and Permanent Delegate to UNESCO Rora Navarro-Tolentino in her letter to the UNESCO National Commission of the Philippines (NatCom), “because of the number of journalists killed in the country, the Philippines has the unenviable reputation in UNESCO media circles of being the second most dangerous country in the world for journalists, after Iraq” (UNESCO, 2010).

It was noted that previous and ongoing initiatives to address the problem at the national and regional levels have focused on political interventions (e.g., protest actions, public statements, meetings with government officials) and media-related activities (e.g. training of journalists on safety and ethics, support to families of slain journalists, monitoring and documentation). These useful actions were initiated by various groups including the Philippine Press Institute (PPI), Center for Media Freedom and Responsibility (CMFR), Kapisanan ng mga Brodkaster ng Pilipinas (KBP), National Union of Journalists of the Philippines (NUJP), National Press Club (NPC), Center for Community Journalism and Development (CCJD), and the umbrella organization, Freedom Fund for Filipino Journalists (FFJ).

To complement the above initiatives, the NatCom task force has proposed the conduct of an in-depth, multidisciplinary inquiry into the killing of Filipino journalists. To jumpstart the conduct of the multidisciplinary inquiry, the Asian Institute of Journalism and Communication (AIJC) with the Philippines Communication Society (PCS) and Philippine Association of Communication Educators (PACE) convened two roundtable discussions on the proposed research project. The November 2009 massacre of 30 journalists, along with other 27 civilians, in the province of Maguindanao in Mindanao, southern part of the Philippines, brings to the fore the significance and urgency of the study.

In these discussions, many agreed that “Impunity arises from a failure by States to meet their obligations to investigate violations; to take appropriate measures in respect of the perpetrators, particularly in the area of justice, by ensuring that those suspected of criminal responsibility are prosecuted, tried, and duly punished; to provide victims with effective remedies and to ensure that they receive reparation for the iniquities suffered; to ensure the inalienable right to know the truth about violations; and to take other necessary steps to prevent a recurrence of violations” (in Quintos-de Jesus, 2008).

It was also pointed out that among the indicators of impunity are disregard for the rule of law, violations of existing regulations that govern everyday life (e.g. traffic and waste management, time management, transparency

and accountability in government procedures and transactions), and continuing violations of human rights and democratic processes.

But the concept of impunity has yet to be further examined as a behavioral construct that is also manifested in other areas of the social, economic and political life of the nation. Thus, the proposed multidisciplinary study is expected to contribute immensely to the understanding of the concept.

Impunity can be defined as “Freedom from punishment or discipline; exemption from punishment harm or loss.” Collins dictionary puts it this way, “If you say that someone does something with impunity, you disapprove of the fact that they are not punished for doing something bad.”

In common layman’s language it simply means “getting away with murder.”

Impunity and discipline: let's get down to the basics

In a most basic and fundamental way, impunity can be understood in connection with the concept of DISCIPLINE. Discipline is saying YES to appropriate or “good” behavior, and saying NO to inappropriate or “bad” behavior. It is SETTING LIMITS. It means punishing wrong or bad behavior.

In behavioral analysis literature, it is reinforcing or rewarding good or right behavior, and punishing or administering an aversive stimulus after a wrong behavior. Reinforcers can be concrete or material, such as the use of toys, computer, money, etc. They can also be “social reinforcers” such as a smile, a hug or praise. Punishment or administering aversive stimulus can be physical such as spanking (corporal punishment) or withholding a desired object or event such as confiscating toys or computers or not allowing the viewing of a favorite TV show. Discipline assumes that a behavior must be followed by its logical consequence, either positive or negative. Impunity happens when the negative consequence or punishment that should follow “bad” behavior is not given.

The role of reward and punishment in shaping behavior is discussed in basic psychology books (Feldman, 2005).

Discipline starts in the family

The family is a microcosm of society. Discipline starts in the family. It is a necessary factor in the healthy, normal development of a child. The roots of discipline start in early childhood and continues through middle childhood, adolescence and adulthood, as the child's radius of significant relationships expands from the family to the school, neighborhood, community and country, and even the global community (Papalia & Olds, 1998).

The transcendent-interactive process by which values are absorbed in the family starts very early and it is very powerful and long-lasting (Carandang, 1991). This is because the process is subliminal, effortless and unconscious. Values are absorbed by the child primarily from the older family members. The child learns from the example of the parents, the stories they tell, and most especially from the way they treat each other. Role modeling is a most powerful tool by which children absorb or learn values.

Therefore, these values are very deeply ingrained and are transmitted from generation to generation (intergenerational patterns) (Minuchin, 1977) until the person develops critical thinking and becomes aware of them and how he/ she acquired them; he/she may realize that his parents/family members were not necessarily effective in inculcating the right values and have, in the past, taught him or modeled undesirable behavior. This awareness gives the person a choice to continue these patterns or to stop them. With awareness there can be a choice.

Impunity, in its most basic sense, starts in the family when a child or adult family member gets away with wrong or bad behavior by not being punished. The logical or "just" consequence of the bad behavior does not happen. To understand this process better, let us look at the developmental stages that every person goes through.

Developmental stages (how we develop self-discipline)

It has long been proven that contrary to the past popular belief, children are not blank sheets of paper or "*tabula rasa*" (Stella, Chess, & Birch, 1960).

Children have been observed to have the innate ability to see the truth and speak the truth until they are suppressed and “taught” to lie as they go through the different developmental stages.

In my three decades of practice as a clinical psychologist working with Filipino children and families in all levels of society, I have observed these innate abilities and have come to believe in children's truth-telling and innate wisdom. Many examples of these are documented in “Self-Worth and the Filipino Child” (Carandang, 2004).

An example:

A mother (professor) was reading the master's thesis of her advisee when her two-year old toddler put his dirty shoe on the bed. The mother looked at him but kept reading. The toddler put another dirty shoe on the bed and said to the mother, "Mom, you have to scold me."

In other words please be consistent in teaching me the right and wrong, do your job! (I will never forget this example because I was the mother.)

The great psychoanalyst and developmental psychologist, Erik Erikson in his "8 Ages of Man," says that the parent must consistently repeat the do's and don'ts until the child "becomes his own parent." Which means that he has internalized these rules through consistent discipline and has developed "self-discipline" (Maier, 1988).

One example that illustrates the innate truth-telling of children comes from the work I did with my research team in a poor barangay in Quezon City where there is a large incidence of child abuse and family violence (Carandang & Sison, 2004).

We studied the myths and beliefs of parents who were abusers and not just the external factors such as poverty, crowdedness, etc. We also used

the family systems approach wherein the family is the unit of analysis and intervention.

Here's what each family member said in one of the families we studied:

Father (35, abuser): *"ok lang bugbugin ang bata, basta walang dugo, disiplina lang yun."* (It's ok to beat up your child in order to discipline him or her, as long as it is not bloody)

Mother (35, non-abusive parent): *"Bugbugin na niya ako, waglang anakko."* (let him beat me up, but spare my son.)

Abused child, 7: *"Patayin na niya ako, wag lang si Nanay."* (Kill me but spare my mother)

Sibling, 5: *"Mali ang ginagawa in Tatay. Hindi dapat nanakit ng tao."* (What my father is doing is wrong. It's not right for a person to hurt anyone.)

Now where did the five-year-old sibling get that truth and that wisdom? Remember the "Emperor's New Clothes?" Many more case examples (anecdotal though they may be) have made me believe and advocate for the child's truth-telling and innate wisdom.

Children have the need as well as the basic right to be disciplined properly. That's why the toddler asked the mother to "scold me." They will ask for it. Punishment must follow wrongdoing or bad behavior from very early in the human being's developmental stage. This must continue to be practiced and reinforced as the child moves from toddlerhood to early and middle childhood, to adolescence and even adulthood.

At this point let me talk about THE 5 C's Of EFFECTIVE DISCIPLINE.

I have formulated the 5 C's of effective discipline, (Parenting is Nation building, Newsbreak, 2003) which can be applied to all levels of society

including the family, schools, business organizations, and the government offices. The 5 C's of effective discipline are:

1. **Conviction:** Parents who want to put up house rules and implement them, as well as those who are in charge of crafting and implementing our laws, must have absolute belief or conviction that the law or rule is a good one and must be implemented. There should not be any doubt about its value and usefulness because tentativeness on the part of the authority figure leads to weakness, inefficiency and ineffectiveness. In the family, the child is very good at sensing indecisiveness in the parent and knows who will allow him to do what he wants: *“kung sino ang malulusutan”* (whichever parent succumbs). I always say that a child smells tentativeness as a “dog smells fear.”
2. **Clarity:** The rule and law must be very clearly understood and stated by both the implementers and the ones who should obey the rule. No room here for vagueness or confusion. Applied to the larger political arena, this can be an aspect of what we call “political will.”
3. **Consistency:** The rule or law must be enforced equally and consistently, applied to all, regardless of status, position, gender, race, etc. Punishment must be administered consistently to all violators and every time there is a violation of the rule or law.
4. **Consequence:** The consequence or punishment for violating the law or rules must be clearly stated and consistently implemented and carried out. Punishment must follow wrong doing. This is another aspect of the “political will” we expect from our national leaders.
5. **Communication:** the rule/law and the consequence that will follow its violation must be communicated to all concerned.

From toddlerhood to adolescence and on to adulthood, individuals go through the process of being disciplined by an authority figure until they learn “self-discipline.” When the above factors of effective discipline are not put in place, a person may go through the developmental stages without

learning self-discipline. If there are no social structures such as schools, organizations, government agencies to reinforce the 5 C's of discipline, this lack of self-discipline is carried through adulthood. This lack of self-discipline can very well describe the situation in our country today. It seems that we need a strong authority figure to instill discipline in our citizenry. It can start with punishing the wrongdoers.

Child-rearing practices

In the Filipino family, there are child-rearing practices that are directly related to impunity. One is "*pinagtatakpan*" (covering up). This is a common practice. A typical and familiar example is when the mother makes sure that the father does not hear or get to know about a child's wrongdoing so that the child is protected from the "wrath" or harsh punishment that the father is expected to administer to the child. In this manner, behaviors such as lying, stealing, truancy, etc. remain unpunished. The mother protects the child from the punishment coming from the father.

Another common practice is "*pinagbibigyan kasi kawawa naman.*" It means just let it be or loosely translated "just forgive him, forget it, give him another chance." To be "*mapagbigay*" (giving) or "*maawain*" (sympathetic) is considered as a virtue and is equated with compassion or "having a kind or soft heart."

One recent event in the news which shows how this practice of "*pinagbibigyan*" (giving in or succumbing, "being compassionate") has seeped into our consciousness on a large scale is the execution of the drug mules in the Middle East. When three Filipinos were scheduled for execution because they were caught bringing prohibited drugs, which are punishable by death, people rallied to spare them. This brought our current Vice President Binay to that country to appeal for pardon. People were angry that the violators would be punished. They should be spared ("*pagbigyan*"). There is no awareness that they should be given the due punishment for the act they clearly committed. The fact that they committed a crime and must be punished is not even considered. This has also made the Vice President very popular with the people. He was echoing their sentiment.

Another practice in the family is “*sinasalo*” or “rescuing.” One common example is when a parent rescues a child from being scolded by the teacher by making an excuse for the child’s absence and misbehavior; or the older sibling doing the homework of the younger one so that the latter will not get too taxed and will not be punished for not submitting his homework. These practices are common in our families. They start in the family but continue to be practiced in different forms in schools, in corporate organizations, in government agencies etc. until some authority figures put a stop to it or until some kind of intervention is done.

Impunity and entitlement (vs. accountability)

If a child or adult habitually gets away with wrongdoing (impunity), another psychological dynamic happens - that of entitlement. The person begins to believe that he is exempted from punishment without necessarily knowing why. This exemption leads to a feeling of being special, being exempted and protected from the consequences of his wrongdoing, thus developing a “sense of entitlement.” I can get away with it while the others cannot. “I don’t get punished but they do.” The person then does not learn to be accountable for his misbehavior or wrongdoing. He does not develop a sense of responsibility. “I can get away with anything while others are punished for wrongdoing.

This entitlement can then lead to a sense of **power**, of having the privilege that others do not. This is what is called **power over**. Power over is the dynamics found in **bullying** or intimidation. It is not inner power that implies a sense of efficacy or competence, but rather a sense of power derived from being exempted or entitled by an external force, usually by someone in a position of authority. It is power associated with wealth, position, or physical strength or force. In short, it is "power over" one with a lower position or less money.

This kind of thing was subtly repeated during the past administration of Gloria Macapagal-Arroyo (GMA) at the height of a corruption issue in the headline of a major Philippine broadsheet: “GMA Allies Ask for Compassion.” In other words, “rather than punish us for our wrongdoing,

have compassion on us – “*pagbigyan na lang.*” It is a way to get the people to be on their side and to sympathize with GMA so that the due punishment will not be given. It is telling the authorities that they have no compassion if they punish her.

Entitlement exempts people from the due punishment from wrongdoing. These people are usually those who have “protection” from people who are in power or they themselves are in a position of power and influence. In the family, it may be the “favorite child” who is exempted from punishment or from difficult chores, who starts to feel entitled.

A Culture of intimidation or bullying

Another practice that is closely associated with impunity is intimidation or bullying. It is a very common practice in our political arena. People intimidate or bully by means of having power over them due to having higher position, greater wealth, and stronger connections to the powers that be.

A clearer understanding of the culture of impunity arises when we understand the phenomenon of intimidation or BULLYING.

Bullying is a system

Bullying can be understood and prevented or controlled only if we look at it as a SYSTEM: in the system, you have the bully, the bullied and the bystander. There is a rapid rise in the incidences of bullying in our society, particularly in the schools. Within the last two years, I have received requests to give talks and workshops regarding this topic in at least five schools in Metro Manila alone. In the last annual convention of the Child Protection Network, Inc., an international organization, the theme was “creating a caring environment in our school communities” (as a response to the rampant bullying in schools) (Child Protection Network, Inc., 2011).

In the schools I have consulted with, anti-bullying programs emphasize that there must be a system and we don’t just deal with the bully and the bullied, but there has to be a bystander. Let me cite examples of this in different settings in schools and in the government.

Schools - If a student bullies another, the bystander, usually the teacher must intervene. The bully and the bullied both need to be dealt with and helped psychologically. There are rules of observing, reporting and implementing and consequences for breaking the rules. The program involves all stakeholders: the students, parents and all school personnel.

Outside the school setting and on a national scale, a very good example of bullying which clearly illustrates the "culture of impunity" is the recent massacre/murder of journalists and civilians involving the Ampatuans, the political family of the province of Maguindanao in Mindanao. Let me put this in context. In recent government meetings, Philippine officials have stressed the difficulty of reversing our record of impunity where 56 journalists have been killed with impunity over the past decade. The most well known case is the 2009 politically-motivated massacre in Maguindanao province in which 32 journalists and media workers were killed and the perpetrators have not (yet) been punished, although the case is still pending in court.

Applying the concept of bullying as a system, in this case, the bullies are the Ampatuans who were given power by the past administration. The bullied are the journalists and civilians who were actually killed. This serves as a warning to all journalists in general. So all journalists are indirect victims of bullying. Who is the bystander? In this case, it should be the justice system, the courts. But the courts did not act as bystanders for a long time, but rather as allies of the bullies and a cover up took place. Witnesses who could tell the true story have disappeared and are suspected to have been killed.

When this happens, there is no entity to act as bystander to administer the just punishment. In cases like this, the people must act as bystanders but they must be empowered and protected in order to function as such. If the people who attempt to tell the truth (witness or bystander) are also intimidated, then the punishment for the murderers will not be given and impunity happens.

An example of a truth-teller can be seen in in the case of the murdered investigative journalist and whistleblower to one of the Arroyo-related

corruption cases, Marlene Esperat. Because of her family upbringing, she relentlessly pursued the truth and exposed the cover-ups. In the process, she was gunned down in her home, right after discovering and exposing an alleged large-scale anomaly known as the “fertilizer scam.”

In Zimbabwe, a case of impunity was observed when the ones behind the killings and injustice are the government officials, who are supposed to be the bystanders. The bystanders have become the bullies! In this case, again, the people need to be empowered in order to act as the bystanders by not allowing the government officials to get away with their wrongdoing. But the report reveals that the people have also become fearful and disempowered.

However, we must also take into account reversal or change of roles wherein the journalist can become the bully. For example, the journalist, whether print or broadcast media, insults or berates an innocent citizen or honest government official to destroy the reputation of the latter. The journalist uses his power over the innocent citizen and bullies him. The helpless citizen is the bullied and the journalist is the bully. Who is the bystander? It should be the government or government authority who should act as bystander and punish and stop the journalist bullying. But that may not happen, or it has become a rare occurrence if the journalist is paid by an anonymous powerful, rich, entity (who is actually the real bully) so we can see how impunity gets complicated and how it is perpetuated or how corruption is deeply embedded in the system.

Impunity and lying

The cover-ups being done in the above examples and many more examples in the past decade are all acts of lying. One act of lying is usually followed by more lies. “Oh what a tangled web we weave, when first we practice to deceive,” as Shakespeare has put so well. It is a common belief and observation that in the past decade lying has become so prevalent that it has become normal and a way of life. To tell the truth was dangerous to one’s life, as illustrated in the case of Jun Lozada (another whistleblower to the Arroyo-related corruption cases) and Marlene Esperat, and many others.

Lying is also a behavior that is subliminally learned through modeling, especially by examples set by the leader or the authorities that govern an institution or a nation or a family.

Transition (Uncovering the lies)

It must be noted that the Philippines is now under Benigno Aquino III, the new President who was elected largely because of his fight against corruption which is captured in the slogan "*Kung walang corrupt, walang mahirap*" (loosely translated as, "if there is no corruption, there will be no poverty"). Aquino is generally perceived to be honest and not corrupt. It is also common knowledge that he absorbed or learned the values of honesty and integrity from his family upbringing. But the corruption is so deeply rooted and lying has become a habit that is still palpable at the present time. The 1st Presidential Decree creating a Truth Commission (as the starting step towards uncovering the lies to start a clean and honest governance) was declared unconstitutional. But one big step which has had a tremendous impact on the people is the arrest of the previous leader of the past administration. The arrest of a "big fish" or "biggest fish" (a moniker used by the people to refer to the Arroyos, who were perceived to be the root cause of corruption during her term) can mark the beginning of the end of the culture of impunity.

New system: Beginning of new culture?

Even more recently, the Chief Justice, whose appointment by Gloria Macapagal Arroyo was largely perceived to be questionable and even unconstitutional, has been impeached and convicted. This has led to a greater sense of hopefulness in the nation. It is proof that wrongdoing can be punished no matter how powerful the wrongdoer may be. The impact of this conviction on the minds of our people cannot be underestimated. It is a powerful statement by this new government because it has the ability of rousing us from the attitude of complacency and slowly lead us into action as we ask ourselves, "Could this be the end of a culture of impunity and a start of a culture of integrity?"

How can we personally join this fight against a culture of impunity and start building a culture of integrity?

Here are some concrete recommendations:

1. Start with the family (the most basic and powerful social unit one can belong to) by conducting workshops all over the county on “Parenting is Nation-building,” focusing on how to instill discipline, understand justice, and integrity.
2. Use all forms of media – in TV, radio, print – to advocate discipline and truth-telling, respect, and other core values for all ages including children.
3. Bring back subjects such as Character Education and Good Conduct in the school curriculum as required subjects through the Department of Education.

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The Killing of Journalists in the Philippines with Impunity: The Political Prism

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Why are journalists in the Philippines killed with impunity? Do these killings reflect the state's failure to protect the human rights of the victims? What state institutions have proven inadequate to bring to justice the perpetrators of these crimes against journalists? Has the Filipino public become inured to these killings of journalists amidst the sea of many other heinous crimes that happen almost from day to day?

These are some of the questions that this essay will attempt to answer viewing it through the prism of who gets what, when and how in this country and attempting to answer the whys and the so whats, in the process.

For the purpose of this paper, we shall use the concept of impunity from the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity submitted to the United Nations Commission on Human Rights, to wit:

Impunity defined

“Impunity is the impossibility, de jure and de facto, of bringing the perpetrators of violations to account – whether in criminal, civil, administrative or disciplinary proceedings – since they are not subject to any inquiry that might lead to their being accused, arrested, tried and if found guilty, sentenced to appropriate penalties and to making reparations to their victims.”

“Impunity arises from a failure of states to meet their obligations to investigate violence; to take appropriate measures in respect of the

perpetrators, particularly in the area of justice, by ensuring that those suspected of criminal responsibility are prosecuted, tried and duly punished; to provide victims with effective remedies and to ensure that they receive reparations for the inequities suffered; to ensure the inalienable right to know the truth about the violations and to take other necessary steps to prevent the recurrence of violations.”

Based on the above definition, we shall now examine through the political prism the case of a woman journalist in the Philippines whose unrelenting pursuit of truth and unwavering campaign to root the corruption in her midst led to her murder on the night of Maundy Thursday, seven years ago today, on March 24, 2005. This is the case of the murder with impunity of journalist Marlene Esperat.

Marlene Esperat, 45, mother of four children, a chemist by profession, wrote for the *Midland Review* exposing among others many cases of corruption and misuse of public funds by the officials of government, specifically those of the Department of Agriculture where she had worked as a chemist.

Esperat, as chemist of the Department of Agriculture of Region 12, first discovered a discrepancy between the amount received by her office for laboratory equipment and the amount actually appropriated for that office. She accordingly made a report. Not surprisingly, the building housing the records of such financial transactions was burned after her expose. Two employees in the same office attested that the fire was deliberately set by a finance officer of that office in an attempt to destroy the evidence of the wrongdoing. Esperat was subsequently placed under the Witness Protection Program of the government.

As a journalist and a columnist of a provincial newspaper, Esperat, through her many exposes of government wrongdoing, did not engender many friends, but created many enemies as a result. Among the things Esperat exposed were a non-existent irrigation project funded by millions of taxpayers' money, a rigged public bidding for what turned out to be overpriced speedboats and smuggling of agricultural products. Note that in every expose she made, Esperat filed cases with the Ombudsman accordingly.

The Ombudsman is the office in charge of cases involving public officials. It is the office that ensures the integrity of the individuals who comprise the leadership in the government.

Subsequently, Esperat named two officials of the Department of Agriculture-Region 12 as two of the perpetrators of the corruption. These two were identified and subsequently accused as the masterminds of her killing in March, 2005.

To date, the gunman and two lookouts have been convicted and sentenced to 40 years imprisonment while one who had turned state witness was acquitted. Meanwhile, the two principals accused of masterminding Esperat's murder have filed with the Court of Appeals a motion for reconsideration so their arrest warrants will not be served. Seven years after Esperat's killing and at the time of writing, such motion has yet to be resolved by the Appellate Court preventing the commencement of the trial of the two principal accused.

It is evident from this brief account of the Esperat killing that justice has yet to be served to the family of the slain journalist. It is also plain from the above account that there is delay and that non-action by an institution of the country's justice system has prevented the perpetrators from paying for the crime that has been committed. It is equally clear that Esperat's family may count years before justice is finally served, if at all.

Now, what makes the journalist's killing with impunity so unacceptable in a so-called liberal democratic regime that we are working under?

Political theory

Perhaps, a short excursion in political theory is in order.

John Locke declares that the state is obligated to serve the needs of the citizens as a matter of natural right of the citizens. Locke avers that the state is obligated to preserve the lives, liberties and estates of the citizens. The state, further, has no inherent rights save those granted to it by its constituents, the citizens. Thus, enshrined in our own constitution is

the fundamental principle that “sovereignty resides in the people and all government power emanates from them.” Thus, too, the principles of recall, referendum and initiative reinforce the view that the citizens’ rights are paramount and whatever right has been granted to the state can be taken away by the citizens from the state.

Recalling this fundamental principle that underpins our democracy is crucial because it stresses the political obligation of the state to protect the lives, liberties and estates of its citizens. Failure of the state to do so breaches the social contract between the citizens and the state.

But why do we pay so much attention to the killings of journalists when there are just too many killings happening around us?

Journalists have a special place in democracies. Democracies work because of the pillars of transparency, accountability, responsibility, predictability and the rule of law. These attributes, not surprisingly, are the hallmarks of effective governance. So, when journalists’ lives are taken or when journalists’ voices are silenced and muzzled by various means, then, we effectively remove the very basis for democracy to work, and we may just as well call our political system by another name but certainly not a democracy.

Role of journalists

Journalists provide us, the reading public, the first cut of history. Journalists report immediately the “who, what, when, where and how” of any event which leads, many times, to analysis at a later time. The social scientists, in turn, tandem with the journalist by providing the necessary analysis of events, the “whys and the so whats” with the benefit of time, distance and deliberation which the journalist is short of on account of the demand for the now-ness and the immediacy of the profession. But this does not mean that the journalist’s account is bereft of analysis or reflection of the event being reported.

Over time, the journalist acquires the investigative focus and perspective that allows him/her to discern patterns in the narratives being told. Over

time, too, with diligence and perseverance, the journalist is able to dig deeper into a story and provide the public with information that otherwise may be deliberately withheld from their knowledge. In this sense, we can understand why the journalist is considered as the Fourth Estate with the executive, legislative and the judiciary forming the rest of the troika that constitutes our governing institutions.

Thus, the killing of any journalist effectively subverts the very reason for having a democratic government. The journalist is the voice of transparency. He is the avenue for exposing government functionaries and their wrongdoings. The journalist is the voice of accountability and responsibility. It is the journalists who, with his stories, will demand accountability and responsibility of our public officials.

Many public officials had failed reelection or have been recalled because the journalist has exposed their wrongdoing and the discerning and maturing public has dutifully voted them out of office or had them recalled. The journalist ensures the rule of law because he exposes the breaches in the law. The journalist tells the stories of those who have crossed the line and have taken the law and bent them according to their desires. The journalist becomes the guardian of the rule of law. You kill the journalist or silence him in some ways, and, you effectively remove the very reason for why democracy should work.

So, what in the political sphere are the factors or forces that lead to the killing of journalists with impunity?

Maybe, we can start by viewing the shortcomings of our political system that lead to these killings of journalists with impunity by identifying them through the prism of democratic deficits.

Once upon a time in the recent past, the Philippines was touted as the “showcase of democracy” in the region. Having been under the tutelage of the United States for nearly 50 years, after Spain’s colonization for nearly 400 years, the United States provided us with many institutions echoing if not replicating altogether the democratic systems and norms which were also the hallmarks of American liberal democracy.

Sadly, over the 65 years of its existence as a republic, Philippine democracy, as promised, has failed us in many, many ways. The gaps between the promise and the fulfilment are what we call the “democratic deficits” in our political system.

Democratic deficits

Let us start with the deficits of our party system. The Philippines has a highly fractious political party system. The phenomenon of party switching or turncoatism has become the main feature of our party system. Thus, every election year, candidates promise the electorate so many things that ostensibly may improve their lives. After elections, the voting public regularly discovers such promises perish on the sword of party switching and the frequent changing of political color of government officials. Thus, accountability and responsibility go out of the window in a flash.

During the election campaigns, the candidate promises the public that corruption will be reduced, if not obliterated altogether. The candidate promises that the heinous killings of many individuals, including journalists, will find justice when they acquire their position and have the authority to change things. Alas, once elections are finished, those promises become futile as the now elected government official is free to renege on his promises as his political party not only may not have backed up those promises but had failed to obtain the majority in the legislature that will enable it to translate those promises into laws.

It may seem far-fetched, at first, to think of the deficits of our party system as one of the factors responsible for the killing with impunity of the journalists. And, yet, when we think about it, it is because our public officials are not made to account and be responsible for their promises to the voting public that these killings continue and rarely, if at all, are they laid on the door of the public official who has promised that such acts will not be repeated when they assume power. Has anyone heard of a public official who has not been re-elected because he reneged on his election promises?

The utter difficulty of pinpointing responsibility for the continued perpetration of crimes against our people, of crimes against journalists in particular, comes from our continuing inability to make our public officials account for their failure to effect executive, legislative or judicial changes to bring about the rule of law and bring to justice those who have violated our laws. It is only when political parties become accountable for their actions that they, as a group, either get re-elected and rewarded by the electorate with votes, or they are kicked out of office for failure to uphold our laws. Neither happens because of the nature of our highly fractious political parties and the unabated changing of party colors without consequences for the political life of the government official.

The Esperat case also demonstrates the inadequacies of the bureaucracies of our judicial system. Under the Witness Protection Program, Esperat was assigned a security officer who was allowed to go on leave because of the Holy Week holidays but who was not replaced by another. Of course one can argue, that eventually, Esperat would have been eliminated by some other means if not that Maundy Thursday on some other day. But that begs the question of why, in the first instance, the Witness Protection Program did not provide adequate protection to one journalist whose life was clearly endangered by many attempts to silence her. The Esperat case may be just one case in point but we can enumerate many similar cases where this so-called protection program has failed to protect those who risk their lives so wrongdoings are not left unpunished.

The failure of the state's responsibility to protect witnesses and its responsibility to prosecute the perpetrators until finally convicted and sentenced in the case of Marlene Esperat is so evident in this case.

Then, too, the Esperat case highlights the abject difficulty of bringing to the bars of justice those who have misspent the people's tax money through invisible projects, rigged public bidding and massive corruption.

The deficits of the 120,000 strong Philippine National Police may also be identified as one of the factors for the continued deterioration of our crime situation and the many times unimpeded activities of criminals. While

many of them perform their tasks as guardians of peace and order in our communities, the many reported inadequacies of personnel, equipment and training have rendered many crimes, including those against journalists, difficult to bring to their resolution and get the perpetrators to pay for their crimes.

As noted earlier, seven years after the killing of Esperat, the justice system has yet to work in her favor as the two principal accused continue to exhaust the “due process” principle of our justice system. With various motions of reconsideration, they are able to stave off their arrest, subsequent trial and final conviction.

Our elected government officials have the power to prosecute the killers and stop these killings of journalists with impunity. That they continue to fail is an indictment of our democratic promises.

The Culture of Impunity: A Political Economy Perspective

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Introduction

Over the past years, the murder of journalists and political activists in the Philippines has almost become routine given the huge number of victims. Parreno (2010) listed 305 incidents and 390 victims of extrajudicial killings from 2001 to 2010. He cautions, however, that the real number of extrajudicial killings in the country escapes exact determination. Of the reported total of 390 victims, 15 percent or 59, are journalists.

Thus if one focuses just on journalists as victims, the Philippines reportedly earned the reputation of being the second most dangerous country in the world, after Iraq, for media persons. In 2006, the international press freedom watchdog Reporters Without Borders (Reporters Sans Frontieres, RSF) ranked the Philippines at the bottom 20 of the World Press Freedom Index (WPFI) or at the 142nd place, the same rank as the Democratic Republic of Congo. The dismal rating for the Philippines is largely due to the unresolved spate of murders and harassment of journalists.

Given the frequency, the alarming number of victims, and the apparent inability of government authorities not only to stop the murders, but also to resolve pending criminal cases, the notion of a “culture of impunity” was repeatedly raised.

The Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, submitted to the United Nations Commission on Human Rights defines impunity as “the impossibility, de jure or de facto, of bringing the perpetrators of violations to account –

whether in criminal, civil, administrative, or disciplinary proceedings – since they are not subject to any inquiry that might lead to their being accused, arrested, tried, and if found guilty, sentenced to appropriate penalties, and to making reparations to their victims” (UNESCO/AIJC, 2011, p. 3).

The same document continues: “Impunity arises from a failure by States to meet their obligations to investigate violations; to take appropriate measures in respect of the perpetrators, particularly in the area of justice, by ensuring that those suspected of criminal responsibility are prosecuted, tried, and duly punished; to provide victims with effective remedies and to ensure that they receive reparation for the inquiries suffered; to ensure the inalienable right to know the truth about violations; and to take other necessary steps to prevent a recurrence of violations” (Ibid.).

However, the concept ‘culture of impunity’ has yet to be fully elaborated. Searching the Internet, I stumbled upon this definition:

The term “culture of impunity” refers to a situation in which people in a society have come to believe that they can do whatever they want with impunity (which means believing they will not have to face any punishment or adverse consequence). Retrieved February 15, 2012 from <http://www.enotes.com/history/q-and-a/what-culture-impunity-how-does-relate-rule-law-135419>

It is clear that a culture of impunity is a belief, a very strong one at that. It is also clear that the people who behave with impunity, who believe they can do whatever they want, are criminals. Among the indicators of impunity are disregard for the rule of law, violation of existing regulations that govern everyday life (e.g., traffic and waste management, time management, transparency and accountability in government procedures and transactions), and continuing violations of human rights and democratic processes. A culture of impunity exists in weak and corrupted states that are unable to enforce their own laws.

As a discipline, political economy was started systematically in the 18th century by the likes of Francois Quesnay and Adam Smith as the study of

the economies of states (polities) in response to what were perceived to be erroneous mercantilist (trade-restricting) practices. In its contemporary meaning, political economy refers to different, but related, approaches to studying economic and political behaviours, ranging from the combination of economics with other fields to the use of different, fundamental assumptions that challenge orthodox economic assumptions. In this chapter, we see the killing of journalists as motivated by economic and political reasons or the result of economic and political calculations.

Now, political economy most commonly refers to interdisciplinary studies drawing upon economics, law, and political science in explaining how political institutions, the political environment, and the economic system, whether capitalist, socialist, or mixed - influence each other. "Traditional" topics include the influence of elections on the choice of economic policy, determinants of electoral outcomes, the political business cycle, central bank independence, redistributive conflicts in fiscal policy, and the politics of delayed reforms in developing countries and of excessive deficits.

From the late 1990s, the field has expanded to explore such wide-ranging topics as the origins and rate of change of political institutions, and the role of culture in explaining economic outcomes and developments. When more narrowly construed, it analyzes such public policy as monopoly, market protection, institutional corruption, and rent-seeking. A more classical-liberal approach that dates from the 1970s that denotes "public-choice" theory type approaches questions the benevolence of social planners to maximize the utility of a representative individual and instead stresses how political forces affect the choice of policies that may not be so benevolent after all.

Culture of impunity from a political economy perspective

It is quite difficult to undertake an inquiry into the culture of impunity in the killing of Filipino journalists from a political economy perspective. It stems largely from the rather unelaborated nature of the concept—culture of impunity—itsself as well as the relative weakness of political economy in the study of intangibles such as beliefs and cultures. If political economy is a study of the interaction of political institutions, the political

environment, and the economic system, then perhaps our approach is to explain how such an interaction generates a general disregard of the law that emboldens criminals to behave without restraint or with impunity, if you will. Having mentioned this difficulty, a less arduous task is to do a politico-economic analysis of the murder of Filipino journalists. In this sense, political economy may be used to eventually help explain why a culture of impunity arises and why it stays in a society.

In the next section, the notion of a weak and corrupted state as applied to the Philippines is discussed. The third section is devoted to a discussion of the political economy of crime and punishment in general, since the murder of journalists is a crime in all jurisdictions. The fourth section outlines the ideas of Nobel laureate Gary Becker, the first economist who argued that an economic approach can be brought to bear on non-traditional (economic) issues (usually thought to be sociological) such as crime and punishment and racial discrimination. This section also touches on dilemmas faced by societies wishing to punish or reduce criminality. The fifth section is a discussion of the political economy of murdering journalists in the Philippines—including immediate and social costs, industrial anatomy and modus operandi, and the socio-economic context. The discussion of the assassins' modus operandi is culled from the case studies. The last section concludes the paper.

Weak and corrupted states

When we talk of strong or weak states, we are interested in state strength or capacity as well as state autonomy. State capacity is understood as the ability of the state to formulate and implement strategies to achieve political, economic, and social goals. It is a function of a number of variables including the state's fiscal resources, political autonomy, legitimacy, internal coherence, and responsiveness. Among these variables, we focus on autonomy, fiscal resources, and legitimacy. Autonomy refers to the extent to which the state can act independently of non-state actors, both domestic and international, and coopt those that would alter or constrain its actions. A state that is not independent of these actors or is coopted by the same is a weak state. If a state is obeyed by the populace out of a sense of allegiance and duty, it is a strong one. A weak state's rule is brittle since people obey as a result of coercion or bribery.

Mann (1988) introduced the term “despotic power” and “negotiated power” and argued that weak states rely on despotic power while strong states rely on negotiated power. And the financial capacity of the state is a function of both current and reasonably feasible revenue streams as well as demands on the same. A strong state has adequate fiscal resources to meet current and medium-term expenditures.

These variables are not independent of each other but rather go together. A weak state has problems in legitimacy and in penetrating and extracting fiscal resources from society. In comparison, a legitimate and coherent state has a greater capacity to raise resources in support of its goals. The latter also has a better capacity to manage conflict and unite the people behind a national vision and program.

What was debated upon in the literature is the impact of state autonomy on state capacity. Older statist theories (Migdal, 1988; Skocpol, 1985) stipulate that greater state autonomy leads to greater state capacity. That is, if a state is independent of external actors, it is better able to formulate and implement state policy. On the other hand, newer theories (Evans, 1995) introduced the notion of “embedded autonomy” which suggests that being rooted in society provides states with crucial information regarding problems of development while their autonomy enables coherent implementation of policy. Weiss (1998) talks of “transformative capacity” or the ability to devise and implement policies that increase society’s surplus and this depends on the state’s ability to delegate authority and work to social actors. Following the newer theories, states gain capacity by losing autonomy up to a threshold. Below this threshold, capacity is weakened due to state vulnerability to particularistic interests in society. Above this same threshold, capacity will deteriorate as the state becomes too autonomous and coercive.

Rotberg (2003) offers a more nuanced understanding of strong, weak and failing states. States are supposed to provide a broad range of public goods to their citizens. Strong states undoubtedly control their territories and deliver a full range of public goods and a high quality of public goods. Meanwhile, weak states show a mixed record, fulfilling expectations in

some areas and performing poorly in others. The more poorly weak states perform across several categories, the weaker they become and teeter on failure. Hence, a new sub-category of weakness that is termed ‘failing’ or ‘failed states.’ Somalia is considered a failed state as its territory is subdivided under the control of warring clans.

Basic test of state: monopoly of armed force

Most political scientists understand the state through the conceptual lens of Max Weber. By Weber’s definition, the basic test of the existence of a state is empirical rather than juridical—that is, whether or not its government can lay claim to a monopoly of armed force in the territory under its jurisdiction (Jackson and Rosberg, 1982). Given Weber’s basic test, the Philippines fails. Apart from the government’s security services, non-state armed forces co-exist within the Philippine territory. These include armed insurgent groups, private armies associated with local politicians (known through the colloquial term warlords), and criminal gangs. The insurgent groups apparently have control over some territory, more specially with the Moro Islamic Liberation Front (MILF), with its camps. Private armies run loose within the political jurisdictions of their political overlords such as the Ampatuans in Maguindanao.

If we apply the fiscal capacity test (the capacity to penetrate and extract resources from society), the country also fails. In his presentation before the Committee on Appropriations of the House of Representatives, Congress of the Philippines, Secretary of Finance Cesar Purisima testified that the country’s tax effort (total tax collection as percentage of gross domestic product (GDP) ranged from 8.0% in July 2007 to 12.3% in May 2011 (Purisima, 2011). While Purisima’s testimony points to a rise in the tax effort from 2007 to 2011, the recent achievements pale in comparison to previous efforts and the performance of our neighbors in Southeast Asia.

The downward trend in the national tax effort was noticed during the last years of President Fidel Ramos up to the early years of President Gloria Macapagal Arroyo. It dropped from 16.9% in 1996 to 12.4% in 2002 (Mendoza, 2004). If compared to its Southeast Asian neighbors, the country’s dismal record stands out. Manasan (2003) reported that the

Philippines had the worst tax effort compared to Indonesia, Malaysia and Thailand from 1996 to 2000 (Manasan, 2003).

Political economy of crime and punishment

The murder of anybody, journalists included, is a crime in all jurisdictions. Thus, an inquiry into the murder of Filipino journalists from a political economy perspective, rests on the political economy of crime and punishment. This perspective was pioneered by Nobel laureate Gary Becker (1968), the economist who first argued that an economic approach can be brought to bear on (at the time) the non-traditional (usually thought to be sociological) subjects such as racial discrimination, family life, and crime and punishment.

The fundamental premise of a political economy perspective on crime is that it is a rational human activity. Sociologists and psychologists have usually considered criminals as sociopaths and maladjusted individuals. This may be true but not entirely true. As rational actors, criminals are guided by a rewards vs. costs calculus. Criminals do crime because they obtain material and non-material (such as enhanced prestige or status within certain social circles) gains. When somebody commits a crime, he believes that rewards are greater than costs.

The costs of committing a crime (from the viewpoint of the criminal as well as society) include the following:

- Cost of being detected
- Cost of being arrested
- Cost of being indicted (equivalent to “a finding of probable cause and the filing of an information” in the Philippines)
- Cost of being found guilty
- Cost of being punished

The costs of crime are qualified by legal due process, particularly by the Constitutional provision that a person is presumed innocent until proven guilty beyond reasonable doubt, as well as the infirmities of the state’s authorities. The detection of a crime (or a criminal) does not automatically

lead to the arrest of the suspect. In the same manner, the arrest of a suspect does not lead to an indictment. In the peculiar language of lawyers, there must be a finding of probable cause against a suspect so an information could be filed against her/him in court. Even if indicted, a suspect is not automatically found guilty unless proven beyond reasonable doubt during the court's processes. And a suspect pronounced guilty may not necessarily be punished. Sentences could be suspended for a number of reasons including pleas for insanity or health reasons.

The economic analysis of crime is also mindful of the costs of crime prevention and punishment as well as the costly impact of crime on society. Becker believes that making a distinction between two tasks—crime prevention and apprehension of criminals (or police work) and punishment of criminals (through courts and penal systems)—is useful for analytical purposes. The incidence of crime, crime prevention, apprehension and punishment of criminals imposes costs (or entails expenses) on society. While it is desirable to reduce the incidence of crime or increase the rate of punishment, society must spend more on law enforcement (for police, courts, and prisons). If society does not have such additional resources, it may have to accept a crime rate which may rise as population grows.

Building on these prior ideas, Becker notes that if (costly) apprehension does not automatically lead to (costly) punishment such as jailing, then cheaper punishment alternatives should be considered. The payment of fines is the least costly mode of punishment and incarceration can be seen as a “fine” since the criminal incurs foregone income. Becker is apparently unaware of “prison economies” where demand for “contraband” such as cigarettes, alcoholic beverages, illegal drugs and prostitutes is satisfied by a network of prisoner-trustees and jail guards. Such prison economies exist in Philippine prisons as elsewhere.

Furthermore, fines as punishment for heinous crimes such as murder and rape are not morally and ethically acceptable. Generally, that is. In certain societies in the Middle East, however, a convicted killer may be set free provided a fine (called ‘blood money’) is paid to the victim's relatives. Some of these instances involved overseas Filipino workers (OFWs)—the

most famous of which was Sarah Balabagan. Nonetheless with these type of crimes, society must decide on the resources to use for law enforcement and for punishment of criminals.

In a playfully inquisitive mode, Becker poses this question: Suppose you reduce the resources expended for crime prevention and apprehension of criminals and increase the severity of penalties, will the incidence of crime be reduced? The reasoning behind the question is as follows. Society may not have enough resources for both crime prevention and punishment of criminals. It must therefore make a decision where resources are to be concentrated. However, it does not make sense to reduce resources for punishment of criminals and concentrate resources to prevent crime and capture criminals. It leads to an absurd situation where society is saddled with a great number of criminals in police precincts but with inadequate courts and prisons.

However, increasing the severity of punishment may not ultimately redound to society's good. It will simply increase the incentive of the police (especially in weak states like the Philippines) to set suspects free in exchange for bribes or to actively arrest fall guys again for monetary gain (the so-called *hulidap*, or, roughly translated, arrest and shake-down).

Murdering journalists in the Philippines

If we are to apply a political economy perspective regarding the murder of Filipino journalists, we should analyze the costs of the murders to the victims' families and to society (local communities particularly), the industrial anatomy of the crime, and the *modus operandi* of the criminals. The discussion of the last two points will be qualified by the relative dearth of data since murder is after all a *sub-rosa* activity. A further note of caution is that our data comes from cases still being tried in court. In this sense, our discussion is *sub judice* (under judgment) and risk possible contempt of court. While conscious of these constraints, the approach is to take the position: "if the allegations were true, then this was how the crime was committed and these were the parties involved."

The "costs" to the family of the murdered journalist are a mix of economic and non-economic costs. The sudden cut in the family's income stream is

obviously an economic cost. So too are the costs of funeral wakes, masses, and burials. However, personal bereavement and emotional stress induced by the loss of a loved one are, though non-economic, costs just the same. They may have an economic dimension if members of the bereaved family go on leave without pay from work to attend to funeral/burial concerns.

The most apparent loss to the local community is a diminution in the diversity of “voice.” Voice is freedom of expression and diversity of voice is good for a democratic society so citizens get to hear as many views and opinions before they decide on political issues and select their political leaders.

It is here where we address the question whether a radio block-timer is indeed a journalist or not. A radio block timer is not a regular employee of the radio station. He usually “buys” a “block” (usually an hour) of the radio station’s broadcasting hours. As block timer, he now owns the block, and uses it for whatever purpose, including reselling its use to interested third parties. This is a common practice as block timers seek to augment their incomes. It is also evidence of the demand for the services of block timers.

Generally, block timers are looked down upon as being nothing more than “paid hacks.” For this reason, block timers are not expected to adhere to the code of ethics of journalists. Technically, however, a block timer is like an op-ed columnist in print media. While the column may be under the columnist’s name, one cannot guarantee that all the views expressed are the columnist’s personal views.

On balance, the deprecation of block timers has the minor effect of reducing the number of murdered (genuine) journalists. However, it does not reduce the number of murders in the country. Ultimately, the responsibility for prevention of similar murders in the future and the punishment of the murderers rests on government (local and national). The same remarks apply to observations that some journalists were killed not for being journalists but for being embroiled in land and marital disputes. Again, this may be true but murders were still committed.

Another possible loss to the community is the loss of a venue for seeking assistance. Mass media practitioners in the country have long moved away from the old restrictions of just informing or communicating with the public into public service. In this vein, ordinary people use the mass media as “voice amplifiers” or “multipliers” for government to accede to their requests or demands. In many other instances, journalists are a direct source of financial, legal and medical help.

Industrial anatomy and modus operandi

An understanding of the political economy of murdering journalists is not complete without a discussion of the industrial anatomy and modus operandi. The political economy approach assumes that as in all other crimes, murder is an economic activity, an industry. Costs and expenses are incurred but some gains accrue. An industrial anatomy is thus the identification of all industry participants or actors, their motivations, and their profit-and-cost calculus. They include masterminds of the murders, a middle layer of facilitators, and the bottom layer composed of assassins (and back-up gunmen), surveillance persons and lookouts. The modus operandi is a clinical discussion on how the murder of journalists is done. The modus operandi is constructed both through logical analysis and case material and situates all the industry actors within the context of the murder.

The discussion that follows below melds industrial anatomy and modus operandi and will make use of material from specific case studies. The simplest industrial anatomy of the murder of journalist involves a mastermind and an assassin. The mastermind has a “grievance” against the victim and he has adequate resources to hire and equip the assassin. Usually, the mastermind is a local strongman who has accumulated power, wealth and influence through various means—including criminal activity. This is possible through (either or both) weakness of the central state apparatus or toleration by central rulers. The “grievance” arises when a journalist denounces, exposes or criticizes the mastermind of graft, participation in illegal activity and other sins of omission or commission. These activities of the journalist hurt the core interests of the mastermind so the former must be stopped. The elimination of the journalist thus represents a clear gain to the mastermind.

A more complex anatomy involves a middle layer that supposedly insulates the mastermind from the assassin(s). The more complex organization is adopted so the masterminds can evade prosecution in the event that the assassins get arrested. The assassins and lookouts are in the bottom layer of the industrial anatomy. They participate in the crime for money and equipment (such as motorcycles for so-called tandem riding killers). In a labor-surplus economy like the Philippines, it is not too difficult to recruit these “operators.” Middlemen participate also for money by taking a cut of the operations costs that would be entrusted to them. They may also do so because of personal relationships or debts of gratitude to the masterminds. The singular objective of the mastermind is the death of a targeted journalist. Again, the death of the journalist is the ultimate gain of the mastermind.

The murder of Herson “Bombo Boy” Hinolan on November 13, 2004 in Kalibo, Aklan is an atypical case where the alleged mastermind is also the alleged killer (for the full story, see Manriquez, 2012, this volume). While Hinolan was alive, one of those he repeatedly criticized in his radio program for being involved in illegal gambling was Mayor Alfredo Arcenio of the town of Lezo, 6.2 miles away from Kalibo. The friction between the two apparently escalated to harsh verbal exchanges where the two challenged each other to a gunfight.

Three witnesses surfaced immediately after Hinolan’s murder. All three positively identified Mayor Arcenio as the gunman. Two of the witnesses have since retracted their statements for unknown reasons. Still, if we take their original statements as factual, Hinolan’s murder is an atypical one. Here, we have a prominent individual who simply used the cover of darkness and treachery (Hinolan was shot while urinating). Arcenio must have thought he can simply get away with the crime. This is a pure case of impunity. His only defense is that of alibi: that he was in his bar in Lezo when Hinolan was shot. Most lawyers would opine that the defense of alibi is weak especially if ranged against eyewitness accounts.

Instead of a case of murder, a case of homicide was filed against Arcenio in 2005 which was a bailable offense. Arcenio posted bail. After a

reinvestigation, however, the information was upgraded to murder. An arrest warrant was issued against him in September 2006 and the Philippine National Police (PNP) offered reward money for his capture. Notwithstanding the warrant, hold departure order, and reward money, Arcenio remained free until he surrendered to the authorities in March 2008. Hinolan's family requested a transfer of the venue of the case to the Cebu City Regional Trial Court (RTC) from Aklan and it was granted. The request was made out of fears that the remaining witnesses and other stakeholders in the case would be vulnerable to access, influence, and intimidation (NUJP, 2012).

The killing of Bombo Boy Hinolan presents the simplest industrial anatomy and modus operandi. Without inquiring into his thought processes, Arcenio apparently decided to kill Hinolan himself. He did not bother to go through intermediaries or to hire assassins. He took a big risk but apparently the risk paid off. A huge thorn on his back is gone and the eyewitnesses are slowly recanting their earlier statements. It can be argued that the modus operandi continues after the murders so the masterminds will not be punished. We will see this same pattern in the murders of Marlene Garcia-Espert and Gerry Ortega, which will be discussed fully below.

The massacre of 32 journalists together with members and friends of the Mangudadatu political clan and some "innocents" (who happened to stray into the crime scene), for a total of 58 victims, allegedly by the Ampatuans last November 23, 2009 represents the blackest mark of impunity in the country (for the full story, see Chapter on Case Studies, this volume). The only "offense" of the victims: for the Mangudadatus, it is to help file a certificate of candidacy in behalf of a relative, Esmael "Toto" Mangudadatu, who planned to run against an Ampatuan. How about the journalists? For providing media coverage for the unprecedented political bid of the Mangudadatus. And for agreeing to act as "human shields" to help protect the Mangudadatus. The idea was the presence of media persons will prevent the Ampatuans from harming the Mangudadatus. This thought was proven wrong by the end of that fateful day.

For the Ampatuans, the response to the situation was simple. They have never been opposed in any election. The Mangudadatu bid is

sheer temerity. Long accustomed to being in power in that part of the country, the Ampatuan clan leaders apparently decided that everybody in the Mangudadatu convoy must be killed to prevent the filing of Toto Mangudadatu's certificate of candidacy. No witness must be left alive. It is for this reason that six persons who were not part of the Mangudadatu caravan but witnessed the massacre were also murdered. Like Arcenio, the Ampatuans and their armed followers were all gunmen. The Ampatuan clan leaders may have directed the operations and gave the order to fire. However, they also fired their own firearms and shot the victims. In this sense, the Ampatuan clan leaders were both masterminds and gunmen even if they were not the only gunmen. The other gunmen were, after all, under their command. In this massacre, there were no middlemen.

However, if we locate the Ampatuans within the national political economy, they are actually at the bottom of the political "food chain." They enjoy local power on the say-so of the powers-that-be in the Presidential Palace. What must they deliver for Malakanyang and the middle layers? Votes for the administration candidates and a percentage of the proceeds of the illicit activities in Maguindanao province and the Autonomous Region for Muslim Mindanao (ARMM) (Lara, 2010). In 2007, Maguindanao delivered a 12-0 count in favor of the administration's senatorial slate. Together with two Ampatuans, former President Gloria Macapagal Arroyo, former Commission on Elections (COMELEC) chairman Benjamin Abalos, and other COMELEC officials face "electoral sabotage" charges. Their participation in anti-insurgency campaigns is another bonus. In this manner, the Ampatuans were supplied with arms and supplies from the Philippine Army and the Philippine National Police. In short, the Ampatuan private army was financed and equipped by taxpayers' money.

As chief executive and commander-in-chief, former President Gloria Macapagal-Arroyo bears the ultimate responsibility for the massacre. She and her associates have coddled and profited from the Ampatuans' activities for too long that they cannot evade their share of the blame.

The murder of Marlene Garcia-Esperat on March 24, 2005 in her hometown, Tacurong City, Sultan Kudarat, is a more conventional case. Esperat was a

journalist and a hard-hitting columnist for the *Midland Review* (for the full story, see Chapter on Case Studies, this volume). Her career as a journalist started when she discovered that her office (Department of Agriculture, Region 12) was not receiving the money it was entitled to and that these same monies seem to have been used elsewhere and by other persons within government. She soon became the resident DA whistleblower. She named DA Region 12 officials Osmena Montaner and Estrella Sabay (finance officer and accountant, respectively) as part of the corruption.

The year before she was killed, Esperat filed a case against top DA officials including then DA Secretary Arthur Yap and Undersecretary Jocelyn “Jocjoc” Bolante. She claimed that the DA had bought over-priced fertilizer and used the excess funds in the 2004 presidential campaign of then President Gloria Macapagal-Arroyo.

One of the means resorted to by targets of whistle blowing and criticisms is to threaten the whistleblower. This would include the receipt of a small package with a black ribbon or a bullet in it. In Esperat’s case, the message was not so subtle. A grenade was reportedly hurled at her house before she was murdered.

The assassin reportedly walked into the house while Esperat was dining with her family. After greeting her, the assassin shot her once in the face. She was killed instantly.

Two weeks after the killing, Randy Grecia (one of the lookouts) surrendered to the police. Murder charges were filed against him and three others (Estanislao Bismanos, Gerry Cabagay, and Rowie Barua). Grecia, Bismanos and Cabagay subsequently pleaded guilty. Barua (at the time, a sergeant of the Philippine Army) turned state witness and confessed that he served as middlemen between the masterminds and the hired guns. He identified Montaner and Sabay as the ones who ordered Esperat killed. Grecia, Bismanos and Cabayag were eventually convicted and sentenced to reclusion perpetua (maximum 40 years imprisonment). Notwithstanding the issuance of several arrest warrants, Otaner and Sabay evaded arrest through forum shopping (or filing petitions seeking a temporary hold on

the service of arrest warrants before different tribunals in the hope of securing a favorable decision from any of these tribunals).

In the Esperat killing, we have the three levels of our industrial anatomy: the lower level “operators” (gunmen and look-outs); middlemen/coordinators; and masterminds. The “operators” did not have access to the masterminds. Only when the middleman (Barua) surrendered and confessed were the alleged masterminds, Montaner and Sabay, identified. However, identification of the masterminds does not and did not in this case automatically lead to punishment of the crime’s masterminds. Esperat’s filing of cases against Department of Agriculture Secretary Arthur Yap and Undersecretary Jocelyn Bolante suggests that there may be other parties interested in silencing her.

The assassination of Dr. Gerardo Ortega in Puerto Princesa, Palawan on January 24, 2011 was allegedly due to his anti-mining advocacy (for the full story, see PCIJ, 2012). Ortega was a veterinarian by training and once served on the Provincial Board of Palawan and was director of the Crocodile Farming Institute. As Palawan board member, he reportedly learned about the widespread corruption in the provincial government and became the foremost critic of Governor Mario Joel Reyes. In 2004, he ran for the governorship but lost to Reyes. After 2004, he became project director of Bantay Kalikasan Palawan (under the auspices of the broadcasting company ABS-CBN) and anchor/commentator in a number of radio stations in Palawan.

By late 2009, Ortega had begun regularly receiving death threats. Undeterred, Ortega, together with Bantay Kalikasan, started a broadcast campaign against mining in the province after the Palawan Council for Sustainable Development (PCSD) approved the conduct of large-scale mining operations. The idea was to gather 10 million signatures in support of a ban on mining in Palawan.

Ortega was assassinated after he finished his morning show on January 24, 2011. He was shot from behind. However, the alleged murderer, Marlon Recamata, was caught by CCTV cameras on the scene and was arrested

by police and firemen in hot pursuit. Recamata pleaded guilty to murder charges on February 11, 2011 and implicated three others in his sworn statements: Rodolfo Edrad, Dennis Aranas, and Armando Noel. Former Philippine Marine soldier Edrad allegedly coordinated the whole operation on the ground. Edrad and Noel confessed to their participation in the crime before the National Bureau of Investigation (NBI) headquarters in Manila.

The police found the .45 caliber pistol Recamata had allegedly used to assassinate Ortega in a garbage can along the road where Recamata threw it while trying to flee. The gun was found to be registered in the name of former Palawan provincial administrator Romeo Seratubias. Seratubias claimed he sold the gun to another person, presenting only a handwritten note as evidence of the sale. A man named Arturo Regalado later surrendered to the authorities claiming he had purchased the gun from Seratubias.

Edrad, Seratubias and Regalado appear to be in the middle layer of facilitators between the alleged masterminds and the actual “operators” (gunmen and lookouts). In his confession to the NBI in Manila, Edrad reportedly admitted he was a former bodyguard of former Palawan Governor Mario Joel Reyes and former Marinduque governor Jose Antonio Carrion. He supposedly implicated both former governors, former Coron, Palawan mayor Mario Reyes, Jr., and Regalado in the killing of Ortega.

In June 2011, the criminal charges filed against Carrion, the two Reyeses, Seratubias, and Regalado were dismissed by a panel of prosecutors from the Department of Justice for insufficiency of evidence. Criminal charges meanwhile were sustained against Edrad and the other “operators.” After an outcry and appeal by the Ortega family, Justice Secretary Leila de Lima formed another special panel of prosecutors to study the case. As a result of this new panel’s study, criminal charges were filed in March 2012 against the Reyes brothers, Seratubias and Regalado. However, Carrion was cleared. In addition, the Reyes brothers are in hiding (as of June 2012).

Concluding remarks

Is the killing of journalists (and political activists) a national state policy? There seems to be circumstantial evidence that that is the case for political activists but not for journalists. Local powers-that-be appear to be responsible for the murder of journalists. The journalists concerned had a limited local ambit and the targets of their criticisms were in the locality. In this vein, the most likely masterminds and beneficiaries of their death would be in the locality. Of the cases discussed above, the only exception is Esperat, who filed cases against top DA officials. Local and national government authorities are not blameless. That the murder of journalists (and political activists) over the past years happened is proof of the failure of local and national government authorities to prevent crime.

Government authorities have a mixed record in apprehending the killers of journalists. Of the cases of individual murders discussed above, only Recamata who killed Ortega in Palawan was captured by pursuing policemen and firemen almost immediately after the crime. In the other cases, the suspects gave themselves up and confessed to their crimes. In some instances, they pointed to other accomplices and identified the masterminds. The identification of masterminds after a middleman confesses illustrates dilemmas in recruitment. It is expected that masterminds will recruit middlemen from within trusted circles. However, they run the risk of being exposed if the middlemen are arrested or decide to confess voluntarily. If masterminds recruit middlemen from outside, they will still need a layer of confreres to recruit these outsiders. The risk in this case is whether these untested facilitators will deliver on their “contractual” obligations or will just run away with the money.

The scandalous scale of the Ampatuan massacre forced President Gloria Macapagal-Arroyo to abandon her erstwhile political allies and to order the deployment of adequate government troops and arrest leaders of the Ampatuan clan and members of their coterie.

It is on the punishment side where state performance is relatively dismal. At best, it is the small fry or the lower level “operators” that get charged in court. Masterminds are either able to post bail, downgrade charges, remain

at large even with pending arrest warrants. As powerful locals, they have access to material resources and good legal services. These developments also suggest that the masterminds enjoy the support of patrons, friends, and clients they have cultivated through the years.

On the whole, this suggests a nuanced balance of power between the central state and local power. It is the Weberian ideal that the central state has a monopoly of armed violence and that even if the armed forces are decentralized, they will still follow the bidding of the central state and act according to the law. In this picture, it is the central state that has the upper hand in relation to local power. What happens when the central state is unable to ensure its monopoly over arms? What if local powers have arms of their own? What happens when the central state cannot raise enough material resources to meet its objectives? What if local powers have resources they can share?

The result is a power- and resource-sharing arrangement the terms of which may differ from one locality to another. The terms of reference of the GMA-Ampatuan arrangement may not be duplicated elsewhere. The central state's "weakness" on the punishment side may not be a weakness after all but rather an accommodation for needed allies at the local level. Perhaps, the murder of a Hinolan, an Esperat, and an Ortega can be tolerated. But the message could be: Don't do an Ampatuan! We will be so embarrassed we will be forced to act.

When a state compromises in this manner, it helps perpetuate not only a culture of impunity in murdering journalists (and political activists). It also encourages disrespect of the law. Ultimately, it weakens itself. In that sense, the killing of journalists may not be a state policy but it is a failure of the state.

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A Structural Approach to the Problem of Impunity

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Twenty six years after we ousted a dictator and regained our freedoms, we appear to have acquired all the trappings of a democratic state:

- We have courts that are open, functioning and run by civilian judges.
- We have a Constitution that guarantees human rights as a fundamental principle of government.¹
- We have ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and other major international human rights instruments.²
- We have state-of-the-art legal remedies like the writ of *amparo* and the writ of *habeas data*, and progressive laws like the Anti-Torture Law and the Philippine Act on International Humanitarian Law.³
- We have a civilian police force, and a military mandated by the Constitution to respect civilian supremacy at all times.⁴
- We have an Ombudsman whose job is to investigate and prosecute high-ranking public officials and stop graft and corruption.⁵
- We have a pro-active Commission on Human Rights.
- We have highly committed human rights organizations and civil society groups.
- And we have a “free” and active press.

But the human rights situation remains as bleak as ever. In the eyes of many it has gotten worse, not better. And it has reached a point where human rights are being violated not just with regularity but with impunity. As Mr.

Philip Alston, the Special Rapporteur of the United Nations on extrajudicial, arbitrary and summary executions observed in 2008:

There is impunity (in the Philippines) for extrajudicial executions. No one has been convicted in the cases involving leftist activists, and only six cases involving journalists have resulted in convictions. The criminal justice system's failure to obtain convictions and deter future killings should be understood in light of the system's overall structure....⁶

Why has the situation reached the point of impunity? And what can we do about it?

To answer these questions, I propose that we view the situation from the perspective of the developmental legal advocate. This perspective requires that we identify the social and legal causes of impunity and the social and legal structures that sustain it; and come up with solutions at the structural level to transform these institutions of injustice into instruments of accountability.

Developmental legal advocacy was conceptualized by the late Jose W. "Ka Pepe" Diokno in the 1970's as a new and different form of legal aid. It emerged during the darkest, most repressive days of martial law, when human rights were being violated on a national scale. The emergence of this type of legal aid was neither intended nor expected by the Marcos regime; but it was to have a profound and lasting impact not only on that regime, but on the practice of legal aid in the Philippines and other developing countries for generations to come.

Before martial law, legal aid in the Philippines was apolitical. It served as a way to help the poor as individuals in their private disputes with others. It assumed that the law was "fundamentally sound, and therefore only needed improvement, not radical change."⁷ But as Jose W. Diokno observed, martial law transformed legal aid and brought it, so to speak, to a higher level:

Martial law changed that. By destroying all semblance of democracy, by abolishing Congress and impairing both the independence and powers of the Judiciary; by controlling all communications media and managing the news; by stifling criticism except when it is ineffective; by outlawing strikes peaceful public meetings and student councils; by hounding and harassing lawyers, leaders and organizations of trade unions and of student, peasant and slum dweller organizations; by resorting to arbitrary arrests, prolonged detention under inhuman conditions without charges or trial, torture, degradation and execution....; by substituting military commissions for civil courts.... **in short, by spreading a chilling climate of fear over the nation and by steadily militarizing social institutions, martial law has led lawyers and laymen to question not only the political system of martial rule, but even the social, economic, military and cultural structures—national and international—that led to martial law and nurture, sustain and prolong it. As a consequence, martial law added a new dimension to legal aid: by politicizing lawyers and laymen, it politicalized legal aid.**⁸

Martial law led Jose W. Diokno and other progressive-minded lawyers to question the value of legal aid to development and the relationship of law to social change. They saw that traditional legal aid was of limited value to development because it accepted without question the soundness of the legal order and of the social structures comprising it. They realized that development would require “a different kind of legal aid, intent on changing instead of merely upholding existing law and social structures, particularly the distribution of power within society,”⁹ which for want of a better term Ka Pepe Diokno called “developmental legal aid.”

Legal aid has traditionally viewed its function as providing legal solutions to the legal problems of the poor by vindicating their legal rights. This is a valuable function in itself: every triumph of justice is a cause for celebration.

Unfortunately, legal aid limited to this traditional function contributes little, if anything, to development. The reason is not that legal aid of this type operates entirely within the existing legal order; legal aid of all types must do so to remain legal. **The reason is that traditional legal aid accepts uncritically the basic rightness of the legal order and of the social system and institutions within which it operates. Its premise is that injustice is caused by the frailties of the men who make or enforce law, not by the inequity of the social system itself. Its thrust is to uphold the law, not to transform society. Its method for legal change is gradual and incremental, not abrupt and radical. But development is social change, often fundamental and rapid. So traditional legal aid is of limited value to development.**

x x x

To contribute effectively to development, legal aid should politicalize its traditional function. Legal aid lawyers should determine whether their client's legal difficulties are personal problems or social problems, that is, whether they affect only their clients or an entire social sector or community. If the latter, they should involve their clients in seeking to find the specific social cause of the legal problems, the particular social structure and social forces that generated them, and together attempt to work out both legal and social solution. The resulting awareness of the social causes of injustice will evoke the determination on the part of lawyer and client alike to change law and society to correct injustice. And that is the beginning of development.¹⁰

Impunity from a developmental perspective

Impunity exists when a State cannot meet its obligation of holding human rights violators accountable for their misdeeds in fact or in law.¹¹ Impunity, therefore, cannot occur without the cooperation or cooptation of the government agencies that comprise our justice system: the law

enforcement agencies, prosecution service, and the courts. To identify the causes of impunity, we must examine these institutions and identify the structural flaws that inhabit them.

What then do we see when we look at the existing legal order?

1. We see a judiciary that is perennially slow and plagued with delay;¹² a judiciary that cannot function properly because over 25 percent or at least 1 out of every 4 trial courts have no judges;¹³ a judiciary that follows rules of procedure and evidence designed for juries when we have no juries;¹⁴ a judiciary whose members are appointed not necessarily because they are good but because they are seen to be good to the powers that be;¹⁵ a judiciary that does not even bother to monitor if convicted felons actually go to jail and serve their sentences.¹⁶
2. We see military and police forces who still believe that membership in the Communist Party of the Philippines is illegal when it was legalized 20 years ago.¹⁷ And we see soldiers and police officers conditioned to operate on the belief that communism---and lately, terrorism--are evils so terrible that they can be stamped out by any means, fair or foul.
3. We see a prosecution service that protects witnesses but cannot preserve or perpetuate their testimonies—so that the witnesses end up languishing for years in safe-houses awaiting their trials, while the perpetrators roam free;¹⁸ a prosecution service that allows the filing of John Doe cases against human rights defenders, and tolerates their baseless prosecution.¹⁹
4. And we see an Ombudsman’s office that has yet to prove that it can do its job of putting corrupt and abusive government officials behind bars; an office that has, ironically, developed its own reputation for corruption and delay;²⁰ an office that, in the past at least, has become an obstacle to, rather than the instrument for, enforcing public accountability.

To effectively address impunity, therefore, we must make radical changes in the structures and institutions that generate and sustain it. These changes,

from my perspective as a developmental legal advocate, must include the following:

1. ***A shift from conviction rates to time served.*** The Ombudsman and DOJ evaluate their performance on the number of convictions they secure, without considering if the persons convicted actually serve their time in jail.²¹ The Ombudsman and DOJ generate tons of statistics on conviction rates, but none on service of sentences. Conviction rates, however, only tell us half the story. The Ombudsman and DOJ should focus on the other half: they should gauge their performance not on convictions but the number of persons who are actually serving their sentences.

At present, no government body monitors service of sentences, and no database exists where one can determine if persons convicted by final judgment are actually behind bars. Public accountability can never be attained without a mechanism for monitoring service of sentences. The Ombudsman and DOJ should establish this mechanism, and they should do it now.

The DOJ and Ombudsman, moreover, should be transparent in their monitoring of sentences. The data that they generate should be open and accessible to the public because it pertains to a matter of public interest.

2. ***Amendment of the Witness Protection Act and Rules of Court to allow witnesses under threat to preserve and perpetuate their testimonies.*** Since it was established in 1991, the DOJ's Witness Protection Program has devoted much of its resources to providing physical protection and financial assistance to admitted witnesses. Because of the usual delays in litigation, however, witnesses end up languishing in safe-houses for years waiting to testify, while the perpetrators of the crime roam free. Many of them, as a consequence, get so discouraged that they leave the program without taking the witness stand.²²

The government's Witness Protection Program cannot work without a procedure for perpetuating the testimonies of witnesses. Congress

should amend the Witness Protection Act precisely for this purpose. The Supreme Court should do the same with the Rules on Criminal Procedure.

The amendments, moreover, should be broad enough to cover whistleblowers and other witnesses in danger, even those from the ranks of the military and police who cannot avail of witness protection under the present law.²³

In 2008, the Free Legal Assistance Group (FLAG) proposed that the Supreme Court amend Section 15, Rule 119 of the Rules of Court by adding a provision allowing the conditional examination of prosecution witnesses who are in danger or under threat.²⁴ This proposal, however, is still pending with the Court.

- 3. *An Immediate and Permanent Stop to the Practice of Filing John Doe Cases against Human Rights Defenders and Using John Doe Warrants to Arrest Them.*** The practice of using John Doe cases to neutralize human rights defenders and others perceived to be “enemies of the State” dates back to the 1970s. Even if it was outlawed by the Supreme Court in 1988,²⁵ and banned by the Secretary of Justice in the 1990s,²⁶ the practice continues. It has outlasted Presidents and political administrations.

The practice is very simple: criminal cases, usually non-bailable such as rebellion, murder, robbery, are filed against a group of persons, including several John or Jane Does whose physical descriptions are not mentioned. Later on, often years later, when a human rights defender or other perceived “enemy of the State” is blacklisted or placed on the Order of Battle, his name is substituted for the John Doe in the information. A warrant of arrest is then issued, and the human rights defender ends up in jail.

A recent example of this practice involved a human rights lawyer, Atty. Remigio Saladero, known for his advocacy of labor rights. In 2008, Atty. Saladero was arrested, detained and charged with multiple murder and multiple frustrated murder on the basis of a John Doe information. While the charges were initially dismissed by the trial

court, they were revived by the police last year and are still pending. The DOJ Secretary can easily stop this practice by re-issuing DOJ Circular No. 50 prohibiting the filing of John Doe cases. This circular, issued in 1988, provides:

The attention of this Department has been invited to the practice of some prosecutors of filing informations against persons who, apart from merely being identified as "John Does", are not otherwise particularly described to distinguish them or set them apart from other persons.

This practice has resulted in instances where the names of persons who are subsequently arrested are substituted in place of the "John Does" in the information even though the evidence extant in the records of the case does not show any substantial identity between the former and the latter.

Warrants of arrest against "John Does", the witnesses against whom could not or would not identify them, are in the nature of general warrants and belong to a class of writs long proscribed and anathemized as "totally subversive of the liberty of the subject." It is violative of the constitutional injunction that warrants of arrest should particularly describe the person or persons to be seized. (*Pangandaman vs. Casar*, 159 SCRA 599).

Henceforth, as a matter of policy of this Department, whenever a complaint implicating a "John Doe" is filed, you are hereby directed to:

1. Elicit from the witnesses other appropriate descriptions to particularly describe a "John Doe" to distinguish him or set him apart from the others; and
2. To place a new name in the information in lieu of a "John Doe" only when the description of this "John Doe" as appearing in the sworn statement of a witness substantially tallies with the description of the person placed in "John Doe's" stead.

For your strict compliance.

4. ***Make CHR clearance an essential prerequisite to appointment and promotion in the PNP and AFP.*** Congress should enact a law requiring members of the military and police to secure clearances from the Commission on Human Rights as an essential prerequisite to their appointment or promotion.

While members of the PNP and AFP are required by the CHR to secure a clearance before they can be promoted, the requirement is merely an administrative regulation that is not strictly followed. It should be incorporated in a statute, which should clearly impose it as an indispensable requirement for appointment and promotion.

5. ***Return the PNP to the disciplinary jurisdiction of the Civil Service Commission.*** The 1987 Constitution provides that “the civil service embraces all branches, subdivisions, instrumentalities and agencies of the Government, including government owned and controlled corporations with original charters.”²⁷ It also created a Civil Service Commission to administer the civil service and act as the government’s central personnel agency. By law, the Civil Service Commission is empowered to hear and decide disciplinary cases involving government officials and employees. But it has effectively been stripped of its disciplinary power over members of the PNP by Republic Act 7160,²⁸ Republic Act 8551,²⁹ and a series of circulars issued by the National Police Commission.

R.A. 7160 and R.A. 8551 transferred disciplinary power over PNP personnel from the Civil Service Commission to NAPOLCOM and established a system where the PNP essentially regulates itself. Rather than promoting accountability, however, this system has made it much harder to hold PNP members accountable for committing crimes and violating human rights.

The “Ortigas rubout” case is a good example.

The “Ortigas rubout” occurred on 7 November 2005 when three young men were gunned down by members of the Traffic

Management Group of the Philippine National Police. The incident was caught on videotape by UNTV, a television outfit whose office was right in front of the crime scene. The video footages were shown on television and caused national outrage.

Administrative charges were filed against the PNP officials involved in the killings. The charges, however, were dismissed by the PNP on the ground of “forum shopping” because of the pendency of a similar case before the Office of the Ombudsman.

The dismissal of the case had no basis, since the complainants (the mother and grandmother of one of the victims) were not a party to the Ombudsman proceedings. Despite its obvious flaws, the PNP stood by the decision and refused to set it aside.

To aggravate the situation, the complainants (private offended parties) could not appeal the ruling because the Supreme Court, in the case entitled *National Appellate Board v. Mamauag*, G.R. 149999, 12 August 2005, held that private offended parties have no legal personality to appeal the dismissal of an administrative case against a member of the PNP. The victims, in short, could do nothing to hold the policemen accountable.

The only solution, from a structural perspective, is to return disciplinary power over members of the PNP to the Civil Service Commission where it belongs.

- 6. *Re-educate our military and police, and exercise civilian oversight of intelligence funds.*** The crime of “subversion” or membership in the Communist Party of the Philippines was removed from our statute books in 1992.³⁰ Despite its repeal, however, our military and police still hold firmly to the belief that membership in the Communist Party of the Philippines is illegal, and that communism is an evil to be destroyed by any means. This belief—which is now being applied to “terrorists” as well—is the source of many human rights abuses.

To eradicate this way of thinking, the government should conduct intensive re-education within the PNP and AFP. Congress, moreover, should vigorously exercise its powers to oversee the use of intelligence funds by the PNP and AFP.

Conclusion

Impunity is the dark side of accountability. It short-circuits the entire criminal justice system by placing the perpetrators beyond the reach of the law. But it cannot exist without the cooptation of three institutions: our law enforcement agencies, our prosecution service, and our courts. Unless we make radical changes in these institutions, we will never be able to eradicate impunity.

Impunity arises from the failure by a State to meet its obligations “to investigate violations; to take appropriate measures in respect of the perpetrators, particularly in the area of justice, by ensuring that those suspected of criminal responsibility are prosecuted, tried, and duly punished; to provide victims with effective remedies and to ensure that they receive reparation for the injuries suffered; to ensure the inalienable right to know the truth about violations; and to take other necessary steps to prevent a recurrence of violations.”³¹ Impunity, in short, is the result of a systemic failure in our existing legal order. Ending impunity, therefore, requires a structural approach.

While there are many things that can be done to address the problem of impunity, solutions that do not consider the structural flaws of our existing legal order will only be palliative at best. The only effective solution is to destroy the problem at its roots, and starve it of the soil it needs to grow until it withers away and disappears.

Ending impunity is no easy task, but it can be done. It must be done, if we are to save our society from a total breakdown of the rule of law. It must be done, if we are to build a nation where we can raise our children in peace and prosperity, instead of dreaming of a better life on distant shores.

END NOTES

1. PHIL. CONST. art. II, sec. 11 provides that “(t)he State values the dignity of every human person and guarantees full respect for human rights.”
2. The Philippines has ratified the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and its first Optional Protocol, the International Convention on the Abolition of All Forms of Racial Discrimination ([ICERD](#)), the Convention on the Elimination of All Forms of Racial Discrimination Against Women ([CEDAW](#)), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ([CAT](#)), the International Convention on the Protection of All Migrant Workers and Members of their Families ([CMW](#)) and the Convention on the Rights of the Child(CRC).
3. RULE ON THE WRIT OF AMPARO, A.M. No. 07-9-12-SC, 25 September 2007; RULE ON THE WRIT OF HABEAS DATA, A.M. No. 08-1-16-SC, 22 January 2008; ANTI-TORTURE ACT, R.A. 9745, 10 November 2009; PHILIPPINE ACT ON INTERNATIONAL HUMANITARIAN LAW, R.A. 9851, 11 December 2009.
4. PHIL. CONST. art. II, sec. 3.
5. PHIL. CONST. art. XI, sec. 13; Ombudsman Act, R.A. 6770, Section 13.
6. Par. 45, Section X, Report of the Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, Philip Alston, on his Mission to the Philippines (12-21 February 2007).
7. Jose W. Diokno, *Legal Aid and Development*, an unpublished paper submitted to the Seminar on Human Rights and Development Cooperation, called by NOVIB in the Netherlands in December 1980.
8. *Id.*
9. Jose W. Diokno, *Developmental Legal Aid in Rural ASEAN: Problems and Prospects*, an unpublished paper submitted to the Seminar on Human Rights and Development in the Rural Areas of South East Asian Region in 1981.
10. *Id.*
11. Impunity has been defined as “the impossibility, de jure or de facto, of bringing the perpetrators of violations to account—whether in criminal, civil, administrative or disciplinary proceedings—since they are not subject to any inquiry that might lead to their being accused, arrested, tried, and if found guilty, sentenced to appropriate penalties, and to making reparations to their victims.” “Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity,” Addendum to the “Report of the independent expert to update the Set of principles to combat impunity, Diane Orentlicher” (Distr. GENERAL E/CN.4/2005/102/Add.1, 8 February 2005, COMMISSION ON HUMAN RIGHTS, Sixty-first session, Item 17 of the provisional agenda).
12. In its Explanatory Note to the Proposed Rules for Hearing and Adjudicating Disputes, the Supreme Court Sub-Committee on the Revision of Rules on Civil Procedure observed: “The dockets of first and second level courts (lower courts, collectively) remain heavily

congested especially in big cities where most people live. Cases are postponed because judges are unable to hear the thirty to sixty cases on their calendars each day. These delays cause parties to simply give up and forego their remedies. Forty percent of persons accused of crimes walk away free because complainants and witnesses stop coming after too many postponements.”

13. The Philippine Judicial Academy, in its official website, citing data from the Office of the Court Administrator of the Supreme Court, pegged the national vacancy rate for trial court judges at 26.9% as of 31 December 2010.

14. Our rules on evidence were taken from the Code of Civil Procedure of California. Most of the provisions of our Rules of Court were taken from Federal Rules of Procedure of the United States and the Rules of Civil Procedure for the District Courts of the United States. The problem is the source of the rules per se but the fact that they were designed for bifurcated system where the judge applies the law and the jury determines the facts of the case. These two functions, in Philippines courts, are merged in the judge.

15. The 1987 Constitution created a Judicial and Bar Council with the principal function of recommending appointees to the judiciary. PHIL. CONST. art. VIII, sec. 8(5). Section 9 of the same article provides that the members of the Supreme Court and judges of the lower courts “shall be appointed by the President from a list of at least three nominees prepared by the Judicial and Bar Council for every vacancy” and that “such appointments need no confirmation (by the Commission on Appointments).” While the process was supposed to insulate judicial appointments from politics, it has been heavily criticized because it has become highly politicized. A 2009 briefing paper commissioned by the United States Agency for International Development (USAID) observed: “Unqualified judges who owe their positions to political patronage, or even corrupt acts, pose an enormous obstacle to achieving a judiciary that will reflect high standards of independence, integrity, accountability, and transparency. A merit-based appointment system is a high priority.”

16. See discussion *infra*.

17. In 2007, the Philippine Daily Inquirer newspaper reported that President Gloria Arroyo had echoed the military’s call for the revival of the Anti-Subversion Law in a public speech she gave in Masbate province. “Congress against, AFP pushes Anti-Subversion Law revival,” by Veronica Uy, Maila Ager, Joel Guinto, first posted on INQUIRER.net 18:35:00 12/14/2007 (http://newsinfo.inquirer.net/breakingnews/nation/view/20071214-106904/Congress_against_AFP_pushes_Anti-Subversion_Law_revival).

18. The Free Legal Assistance Group (FLAG) has handled a number of cases where witnesses who had been admitted to the DOJ’s Witness Protection Program left the program without testifying. The best example is the Kuratong Baleleng case, where key witness Eduardo de los Reyes, after several years of living under NBI custody, suddenly left the program and departed for another country. In a news article written by journalist Christina Mendez and published in the Philippine Star newspaper on 30 May 2002, it was reported that de los Reyes and Corazon de la Cruz, according to their lawyer, had lost interest in the case and preferred to maintain their “quiet lives” in Canada. See <http://www.newsflash.org/2002/05/hl/hl015788.htm>

19. See discussion *infra*.

20. On 30 June 2011, Inquirer.net reported that then Acting Ombudsman Orlando Casimiro had filed criminal and administrative charges against Mark Jalandoni, former Deputy Ombudsman for Luzon for alleged wholesale tampering of official Ombudsman documents. Casimiro accused Jalandoni of superimposing his signature over Casimiro's in several decisions of the Office of the Ombudsman. "Acting Ombudsman files raps against colleague," by Leila B. Salaverria, Philippine Daily Inquirer, posted 7:49 am | Thursday, June 30th, 2011 at <http://newsinfo.inquirer.net/19403/acting-ombudsman-files-raps-vs-ex-colleague>.

21. In its 2007 Annual Report, the Office of the Ombudsman reported a 55% conviction rate in its cases before the Sandiganbayan. The report, however, did not mention anything about time served or the number of convicted persons who were actually serving their sentences.

22. The witnesses in the Kuratong Baleleng case, discussed in footnote 18, are just some of many witnesses who have left the DOJ's Witness Protection Program without complying with their obligation to testify.

23. Section 3 of R.A. 6981, the Witness Protection, Security and Benefit Act, excludes members of the PNP from coverage under the DOJ's Witness Protection Program.

24. FLAG proposed that the following paragraph be added to the existing rule in its letter Chief Justice Reynato S. Puno dated 12 June 2008: "Conditional examination of witnesses for the prosecution may also be granted where it satisfactorily appears to the court that: (1) Based on the totality of the facts and circumstances of the case, there is substantial danger that attempts and/or efforts will probably be made to silence, compromise, threaten, intimidate or scare the witness, or otherwise violate his free will; (2) There is substantial evidence showing that actual threat/s and/or attempt/s have already been made to silence, compromise, threaten, intimidate or scare the witness; (3) Based on the facts and circumstances of the case, the interest of justice would best be served by allowing the conditional examination of the witness."

25. Pangandaman v. Casar, G.R. No. 71782, 14 April 1988.

26. Department of Justice (DOJ) Circular No. 50.

27. PHIL. CONST. art IX, sec. 2.

28. The Local Government Code of 1990.

29. The PNP Reform and Reorganization Act.

30. In 1992, Congress passed R.A. 7636 repealing the Anti-Subversion Act, R.A. 1700, as amended.

31. "Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity," Addendum to the "Report of the independent expert to update the Set of principles to combat impunity, Diane Orentlicher" (Distr. GENERAL E/CN.4/2005/102/Add.1, 8 February 2005, COMMISSION ON HUMAN RIGHTS, Sixty-first session, Item 17 of the provisional agenda).

Killing of Journalists, Mass Media and the Culture of Impunity

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Whatever else it may be, media killings are considered a political phenomenon of our time: there should be democracy and freedom, but those who deliver news and opinion are killed. Due to the long history of media killings, the method of killing has been conventionalized: open, brutal, hurried, and sure. The method of killing media people follows that of the more widespread political killings: the killer is on a motorcycle, often with face uncovered, he attacks at any time, and often in the presence of the family as a reminder of retribution should they choose to file charges. The most horrible similarity: in many instances, the community knows the killers and the mastermind, but is afraid to testify, and the police does little to apprehend the killers.

Because of the long history of these media killings, the response from the ranks of media is sure: at the outset the response is widespread, it starts from the very city or the nearest city from which the media person worked, until it resonates in national newspapers and media; the sharpest statement comes from the media organization with equal parts anger and sigh, "Here we go again;" there are symbolic protests, which politicians will take advantage of; and in many instances, insufficient response; and what is saddest, the death will add to the growing statistics of killings. On the level of the individual journalists, the killing has a chilling effect: a reminder of the dangers of his chosen profession and the vulnerability of the individual and his family in this situation.

Along with political killings, media killings are a substantial part of the discourse on the culture of impunity. It has become systemic: no case

has been won against the hidden wealth of the Marcoses; widespread corruption has become an ordinary business in the government; the primary suspect in the forced disappearance of activists, Jovito Palparan, remains in hiding; former president Gloria Arroyo has not been charged, so far, with violation of human rights.

I think the culture of impunity has already impinged on the everyday lives of the people. There are new colloquial words on the kinds of corruption in various activities: *drakula* (corrupt official), *doktor* (faking documents, fixer), *horrorable* (corrupt judge), *bendisyon* (with approval of higher officials), for officials' use only (pun on "for official use only"), *consuholtant* (person you consult because of their expertise in corrupt practices), *bubukol* (padding), and ATM journalism (separate account for deposit of illicit payments), among others (Ilagan, 2010).

The people prefer game shows, *telenovellas*, and reality shows on television that have moved the airing of the evening news to even earlier and the news magazine shows to near midnight. This was done to make prime time longer for entertainment shows. After the indignation on the Ampatuan massacre—and the legal battle that has bogged down—the people have lost interest in it. The people have become numb to the news about the killings. They want to escape in entertainment fare.

And this is the role of media studies in the study of the phenomenon of media killings and culture of impunity: to make the phenomenon being studied cultural to give a wider context to its understanding, including the linking of the history of the idea to political, economic, and cultural aspects of its source. There is teaching in a discourse on media studies. And this is what this study will attempt to map out.

Hegemony of Commercial Media

Commercial media has a big role in framing the method of production, dissemination, and reception of news. Often, this is where the knowledge and views of the people regarding news and issues are molded. Like most popular knowledge, many of the perceptions seen in media are believed by the people to be true. Nonetheless, a person uses popular knowledge to

view his social relations with issues that he has chosen to be interested in. And this is the power of media: knowledge brought by media is viewed by individuals as their own truths.

According to Nielsen, “Filipinos spend only 13.3 hours every week watching television; 6.3 hours listening to the radio; and 3.6 hours reading newspapers, magazines, and other print media.” (Ordinario, 2011). This is sufficient for the people to have popular understanding of what they view in media. Media not only serves to disseminate but it also performs substantial mediation with what is disseminated (what is spread) on the side of the giver (media as business and its contradictory position as Fourth Estate) and the receiver (viewer and listener, citizen). Add to this the transmedia character of disseminating the news, for example, and what is disseminated becomes all the more familiar—there are individual and social links.

The primary problem with media is its transfer to the hands of big businesses that stress ratings, which translate to income. They compete for audience by news scoops and more “entertaining” programs for the “least common denominator” (the public that will bring ratings that will translate to income from advertisers). Spending on advertising was valued at \$5.034 billion in 2011 compared to \$4.353 billion in 2010, and the Philippines is the second largest spender on advertising in the region (Ordinario, 2011). The increase is due to additional spending on television and newspapers (Ordinario, 2011).

The need to dominate the ratings has resulted in a global reorganization of media toward conglomerates or the lining up of media as one of other owned businesses. The class interest of media is now often identified because of the political economy of its ownership. In television for example, ABS-CBN is owned by the Lopez family; GMA by the Jimenezes, Gozons and Duavits; and ABC by businessman Manuel Pangilinan. Aside from media, the Lopezes are in telecommunications, power and energy, power distribution, real estate, and infrastructure. Menardo Jimenez is in agro-industrial development, finance and investment, and even food, and sits on the board of many corporations including San Miguel Corporation,

Purefoods, and Magnolia. Pangilinan has a large interest in Meralco, Smart, Metro Pacific, hospitals, and schools.

As the largest media conglomerate in the country, ABS-CBN also has businesses within that have to do with an integral area in the media business: SkyCable, the largest cable company; Studio 23, a youth-oriented channel; channels in cable, ANC, Balls, Cinema One, Cge TV, DZMM Teleradyo, Hero, Knowledge Channel, Lifestyle Network, Myx, Tambayan TV, Velvet; international networks, Mxy TV, TFC, and BRO; a film company, Star Cinema; a record company, Star Records; a visual effects company, Roadrunner; a publications company, ABS-CBN Publishing; a new media company, ABS-CBN Interactive; and many more (ABS-CBN Investor Relations, 2008). A film, for example, will be made by Star Cinema, which controls the pool of talents and actors; the soundtrack will be produced by Star Records; the lead stars will be in the covers of the magazines of ABS-CBN Publishing; The actors and the movie trailer will promote on Channel 2, TFC, and its other cable channels; and after the cinema run, the film will be aired in its cable shows.

Added to the efficient vertical reorganization and integration of business within media conglomerates is the intensification of the ratings war for audience and household shares. What the media conglomerates in the country do is to head for more commercial quality and form of programming. This is what is often referred to as “infotainment” or the trade of delivering news and opinion as also entertainment. The news, for example, for the first time is announced in a singsong manner of reading the news: heartfelt, hyperbolic, and performative. Compared to the deadpan rendition of news in Western media, the country’s broadcasters are emotional, participative, and coaxes a particular affective reception from the listener. The news segments use special effects and musical backgrounds that are geared toward the desired emotional response from the people. Show business news—about actors who get pregnant, the rise and breakup of love teams, lawsuits, and intrigues—are given a serialized feature at news time.

The ratings become a magnet for advertising. Often, the rational delivery of news and opinion is sacrificed. There is no completely critical literacy in

media because the primary focus is the search for ratings. In many instances, and in spite of the saturation of entertainment programs targeting the largest number of viewers, it is the programming itself that encourages this emphasis: prime-time news was moved earlier and the late evening news moved later to allow more insertions of prime time shows that are more obviously entertainment; in fact, in Channel 5's attempt to eat at ABS-CBN and GMA's market share, Willie Revillame's game show was placed in the same time slot as the other networks' prime-time news. So Channel 5's prime-time news was moved even earlier.

The effect of the competition for income is the loss of quality. The result is the depoliticization of the people by treating them as a pool of audiences who can deliver the needed ratings and income for the shows and programming, even services, of the conglomerate. This leads to a dumbing down of media fare and an uncritical media audience.

The broadcaster at ground level – Poor compensation leads to lack of quality and corruption

Because of the motivation to increase income, media conglomerates have a track record of scrimping that is detrimental to the good of their employees. In 2010, for example, the union of ABS-CBN staged a rally after rejecting management's offer of contractualization that meant a pay cut (Olea, 2010). The "regularization scheme" indicates that "Those who do not sign the contract will lose their jobs... [You] either resign or find another job. That's the only choice you have," according to Gabby Lopez, ABS-CBN chairman (Olea, 2010). According to Antonio Perez, president of the union, the new contract offered only 1/3 of the salary being earned by the workers, and only 100 of the 1,400 employees were offered the new contract (Olea, 2010). It is common practice in media that employees are always on call, coverages go on for up to three days straight, the employee's contract is co-terminus with the program, and employees are considered "talents" who are not entitled to the privileges of a regular employee.

In print media, the reporters, especially those who are just starting out, are considered apprentices and as such, are paid depending on the length

of the article that appears in the newspaper (per column inch), and on the assignment to a particular agency or district as needed by the article submitted. These media people work “to death” to scoop news, even looking for angles that have more potential of getting published. Because of the requirement of quotas and deadlines—that an article has to reach the editorial office at three in the afternoon—some rudiments of research that result to in-depth reporting are neglected.

Media will also not deny that corruption is a leading trade in the press work and media relations of politicians and businessmen. Common practice is “envelopmental journalism,” or the system of giving and receiving of money and even gift certificates in an envelope in exchange for favorable writing and fixing of news. Only in ethics classes can a prospective journalist formally learn about the corruption of this practice. But many of these journalists do not have a degree in journalism. And because it is widespread, many think that it is a normal and natural trend.

Because the journalist is sometimes not treated as a regular employee in his place of work, there are corrupt practices that are spreading as normal practice. There is a radio broadcaster who does not have a salary, and his “ex-deals” (collected solicitations at 'ex-'changes) are the expected replacement for his salary. The mound of water gallons in his station, for example, is an indicator of what the journalist has solicited.

In addition, the journalist—especially in print—is a magnet for libel cases, and many of the country's journalists have pending libel cases. The criminalization of libel in the country is rooted on the law imposed during the Spanish colonial period, which was revised by the Americans through Act No. 227, which, according to journalist Luis Teodoro, is anchored on racism: “It was put in place because Filipinos, said Governor William Howard Taft, are a strange people unused to freedom of the press” (Teodoro, 2012). According to the International Federation of Journalists, “The libel laws in the Philippines are outdated, excessive and unreasonable, and they are often abused by those with power to silence journalists (in Zumel.com, 2007).

The condition of the journalism profession in the country is not favorable to journalists. From the top, his workplace is treated as a business with a need to earn from journalism. Also, because it is businessmen who own journalistic institutions, journalists are not treated as regular employees with rights. Journalism is practiced in an environment of widespread envelopmental journalism on one hand, and the threats of libel on the other. On top of this is a third risk in the dangerous work of journalism: the killing of people in his ranks.

Regularization of *golpe de gulat*

In Len Manriquez' case study on radio journalist Herson "Bombo Boy" Hinolan, she mentioned the *golpe de gulat* style of Hinolan and many other broadcast journalists in the country (2013). In truth, this is not a phenomenon only in the provinces but also in Metro Manila stations. The difference is that there is still no reported case of a killing of a Metro Manila journalist. All incidents of media killing occurred outside of the metropolis.

The media landscape encourages a culture of impunity because media's potential to develop critical citizenship is not exploited.

In the video, *Staying Alive: Safety for Journalists*, which was reissued by the Philippine Center for Investigative Journalism in 2011, the do's and don't's for a journalist to protect himself against incidents of violence were listed.

The survival video collected the views of a security expert, a journalist who continues to experience danger, a lawyer for the prosecution, an editor, and a representative of a media organization that systematically gave advice on how to stay alive - protect yourself from danger, change your movements, log instances of extraordinary incidents, etc. The important video is symptomatic of the understanding of the discourse on media killings: the placement of the professionals' security into their very hands because of the lack of faith in the government's ability to resolve the matter.

Have we reached this point? The continued *golpe de gulat* assault of journalists had its use reversed and turned into an assault on human rights and journalistic rights. The absence or lack of action by the authorities

and government is part of the culture of impunity. What is created is a weak state incapable of completely addressing the absence of social—even individual—justice.

The suggestion of *Staying Alive* that individual security is the individual responsibility of the journalist causes alarm. To kill the messenger is to kill the truth.

The 'Truth' in killing the messenger

In Prima Jesus Quinsayas' case study on slain journalist Marlene Garcia-Esperat, the writer states the words “When truth is bane” in her sidebar (2013). This was mentioned because Esperat earnestly supported evidence and investigation so that public personalities who go against their duties were charged in court. This is truly the general basis why the slain are slain: they supported the truth, and this is the ultimate sacrifice for truth. This is the truth that must be considered by media and the quality of governance in the country. But it isn't.

According to *Staying Alive*, after freedom of the press was again achieved in 1986, some 170 journalists were killed, and 120 of these were killed because of the practice of their profession. There was public outcry on the issue because it was more than an ordinary crime. Killing of journalists is a systemic and systematic violation of the truth and the right to expression. The issue is “value-added” because it is a violation of human and journalistic rights on the one hand and an assault on the goal of a functioning liberal democracy – that the truth is liberating – on the other. For as long as the messenger of truth is being killed, there is no liberal democracy to speak of.

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PROLOGUE

The Early Martyrs of Philippine Journalism

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Introduction

The year 1986 seems to be the accepted timeline--the time to start the gruesome exercise of counting the number of journalists killed in the Philippines, once a bastion of press freedom in the world. This was the year when democracy was restored to the Philippines by the People Power Revolution at EDSA, after 14 years of martial law.

Media organizations in the Philippines and international agencies like UNESCO and Amnesty International have been using this date as the dividing line between past and present in terms of press freedom in this country. So the Center for Media Freedom and Responsibility has counted 118 Filipino journalists killed in the line of duty since democracy was restored in the Philippines.

Why? There are a couple of assumptions that go with this. One is that before 1986, there was martial law, mass media were under government control, and therefore no one exercised press freedom in the Philippines. No journalist was foolish enough to report the truth, criticize and get killed.

The other assumption is that despite martial law, some journalists still chose to report the truth and got punished for it but we don't know who they were because they were tucked away in safe-houses and there was no free press to report about them. The reality is probably somewhere in between. While there have been hundreds, even thousands, of documented extrajudicial

killings of human rights activists, few if any prominent journalists were among them.

The mainstream journalists were simply jailed for a while and set free. Among them were *Manila Times* publisher Joaquin “Chino” Roces, *Manila Chronicle* publisher Eugenio “Geny” Lopez, *Philippines Free Press* publisher and editor Teodoro M. Locsin, *Manila Times* columnist Max Soliven, *Manila Bulletin* publisher Napoleon Rama, and prominent Manila journalists Jose Burgos, Armando Malay, Amando Doronila and Juan Mercado.

There were reports of killings of community journalists, whose names have been forgotten because they were not documented. They were usually lumped with the subversives and human rights activists and labeled as communists by the military. So far, we have no record of who they were and what exactly happened to them. Their history awaits to be written.

And so we do not count them for now to add to the list of post-1986 killings of journalists which are more flagrant because we are supposed to be a democracy now. But what about the post-war years starting with 1945, when the Japanese occupation ended, and before Martial Law was imposed by Ferdinand Marcos in 1972? Our research has come up with three names of journalist martyrs during this period.

Who were they? It is interesting to note that they were all print media community journalists; experienced, educated and dedicated to their professions; very much involved in service to their communities; and ardent and fearless crusaders against corruption and human rights abuses. And they received death threats which they ignored before they were killed, each of them shot three times by hired assassins. We wonder if there is a meaning hidden somewhere in these three-bullet assassinations.

These martyrs were Antonio Abad Tormis of the now defunct *Republic News* in Cebu City, Ermin Garcia Sr. of *Sunday Punch* in Dagupan, Pangasinan, and Jacobo Amatong of the *Mindanao Observer* in Dipolog City.

Case I. Antonio Abad Tormis: First Post-War Journalism Martyr

“For services in the name of press freedom, above and beyond the call of duty. To demonstrate that honest journalism at times may be rewarded only by death with honor; to remind a free people that the price of their freedom is the blood of martyrs.” -- Elijah Parish Loveloy Award given to Antonio Abad Tormis, 1969

A Cebu community journalist—murdered for his exposes of local government corruption-- was probably the first postwar martyr of Philippine journalism. But his name is most likely unknown to today’s generation, since he died half a century ago, when most of today’s Filipino journalists and journalism and mass communication students were not yet born.

But his name and achievements were introduced to fellow Cebuanos just recently, after the *Museo Sugbo* put up an exhibit in its Cebu Journalism and Journalists Gallery. His name: Antonio Abad Tormis.

Tormis, editor and columnist of Cebu’s daily *Republic News*, now defunct, was a fearless critic of local corruption. Without fear or favor, Tormis exposed in newspaper editorials and in his daily column “For Amusement Only,” anomalies in government, particularly those at Cebu City Hall and Provincial Capitol, City Police Office and City Prosecutor’s Office.

A year before his death on July 3, 1961, Tormis, who was also a lawyer, started in earnest his exposes, relentlessly following up stories of corruption at the Cebu City Treasurer’s Office, particularly those concerning payroll padding, kickbacks, hospitalization loan anomalies and overpricing of office supplies and garbage cans.

Death threats ignored

Death threats soon followed. His widow, Lux Murphy, now 86, remembers receiving warning calls for Tormis to back off, or tone down his hard-hitting columns and editorials. But the crusading journalist, who was once Cebu Press Club president, refused to back down and instead continued his exposes.

“It was his way of doing service to the public, of upholding the principles that he believed in,” the *Cebu Sun Star* quoted Tormis’ only daughter, Atty. Maria Lux Berciles, chief of Administrative Services of the Central Bank of the Philippines in Cebu. She was only 12 years old when her father died.

“He loved to write and to make exposés. And I never interfered in his work. I told him that as long as you can back it up, write it. Just tell the truth and nothing but the truth,” Lux Murphy told *Sun.Star*.

Tormis’ eldest son Lamberto, now 60, was also quoted in the *Sun Star* story: “There were also other writers at that time who wrote or wanted to write similar exposes,” but they lacked facts and expertise. “Since Daddy was a lawyer, he always had his way of getting his own sources, evidence and documents to substantiate his stories. His attacks, though, were never personal. They were always based on performance and anomalies,” Lamberto added.

Finally, Tormis earned the ire of Felipe Pareja, then the Cebu City treasurer, for his exposes, particularly those about alleged irregular purchase of garbage cans costing P63 each at that time.

As narrated in the *Sun Star* story, quoting court records, in May 1961, Pareja asked his driver-bodyguard Avelino Monzolin to kill the lawyer-journalist, but the latter refused. He then told him to look for someone to do the job.

The following month, upon Pareja’s constant prodding, Monzolin contacted a certain Fernando Frecillas, a notorious character in the Cebu pier area. Frecillas refused the offer and instead referred them to one Cesar Orongan, another waterfront character. Gaspar Mesa, who was just nearby, accompanied Monzolin to Orongan who accepted the assignment for the price of P400, a princely sum at that time. Monzolin gave Orongan the gun Pareja handed to him.

The assassination

The *Sun Star* story continued in detail, because it was based on court records: On July 3, 1961, coming out of his law office at the Masonic

Temple building along Borromeo St. in Cebu City, Tormis went inside Esquire Barbershop, beside his office's stairway, for a haircut. At 6:45 p.m., Tormis stepped out of the barbershop and walked to his car parked across the street, at the corner of Borromeo and Leon Kilat Streets.

With Mesa as lookout, Orongan immediately walked alongside the lawyer and greeted him courteously. Tormis acknowledged the greeting, and just as he was about to start his car, Orongan fired three shots, two of which went straight into the 45-year-old journalist's heart. He died instantly.

The following day, Orongan returned the firearm to Monzolin who, in turn, returned it to Pareja. Over a week later, police arrested Monzolin, 30; Mesa, 20; and Orongan, 24. All three suspects signed sworn statements admitting to the crime and pointed to Pareja as the mastermind.

With this information and armed with a search warrant, policemen searched Pareja's house and office on July 12, 1961. Recovered from his safe was a .32 Colt revolver, which was later proven to be the weapon used in killing Tormis. Pareja was arrested and charged with murder along with Monzolin, Mesa and Orongan.

Only Orongan pleaded guilty, and was immediately sentenced to life imprisonment on Aug. 11, 1961 by Court of First Instance (CFI) Judge Amador Gomez.

"Orongan told the court that he even attended my husband's burial and it was only then when he saw the huge crowd at the cemetery that he realized that what he did was not an ordinary crime because the person he killed was a somebody," said Lux Murphy.

The trial continued against the three other suspects, with Pareja still denying the charges, claiming that there were other public officials who were also subjects of Tormis' attacks and who could have instigated the murder. In an attempt to subvert the case, Pareja tried to switch the murder weapon with another firearm during the trial, recalls Lux Murphy.

On September 12, 1963, the CFI (now Regional Trial Court) found all three accused guilty of murder, sentencing them to life imprisonment and to pay the victim's heirs P131,785.65 in indemnity, the *Sun Star* article went on, based on court records.

Pareja appealed the case to the Supreme Court, which affirmed the CFI ruling in November 1969. Lamberto said Pareja languished in the National Penitentiary in Manila, but was later pardoned due to health problems, which eventually led to his death.

Tormis is honored

Tormis was survived by his wife Lux Murphy and four children: Lamberto, Antonio Jr., Maria Lux and Patricio, who were then 19, 16, 12 and 10, respectively.

The Cebu City Council, on July 13, 1966, named a road from P. Del Rosario Extension passing Aznar Coliseum to the TB Pavilion as Antonio Abad Tormis Street in honor of the martyred journalist.

Also, the Cebu City Council only last September 3, 2012, approved a resolution to reinstall a marker on Borrromeo St. where Tormis was slain in 1961. The marker was first installed many years ago, after his death but it disappeared recently and had to be replaced.

It is interesting to note that except for the shooting to death of Tormis in 1961, there has been no work-related killing of a journalist in Cebu. All other five postwar killings, according to former *Cebu Sun Star* editor Pachico Seares, were shown in police investigations to have been motivated by personal grudge that had nothing to do with the victims' media functions or ties.

And, Seares adds, most other "media" killings in Cebu weren't as tidily solved, with motive not firmly identified. There is no clear evidence the recent (2008-2011) separate shootings of six Cebu broadcasters were due to their radio reports or commentaries.

An interesting footnote is the impact of a media museum on the youth today. A visit to the Cebu museum, according to the *Visayas Inquirer*, has convinced Jessa Parreño to pursue a career in broadcast journalism once she completes a mass communication degree at the University of the Philippines College Cebu.

According to the paper, Parreño “wants to see herself in the photos displayed on the wallboards at Cebu Journalism and Journalists (CJJ) Gallery inside *Museo Sugbo*, the biggest museum of the provincial government,” located on M.J. Cuenco Avenue in Cebu City.

“The gallery made me realize that Cebu has great journalists who are willing to fight for fairness and truth, and this encourages me to do well in school so that by the time I graduate, I’ll be like them,” she told the *Visayas Inquirer*.

Tormis was honored posthumously with the Elijah Parish Lovejoy Award by the Department of Journalism, Southern Illinois University in 1969. The Award read:

“For services in the name of press freedom, above and beyond the call of duty. To demonstrate that honest journalism at times may be rewarded only by death with honor; to remind a free people that the price of their freedom is the blood of martyrs.”

Case II. The Only Journalist Hero is a Dead Journalist

The only newspaperman hero is a dead newspaperman. Recognition comes only with death. The complete story of the savage conflict that rages inside a newsman between truth and camouflaged falsehood, between principle and convenience, between heart and mind, between conscience and popular favor, is never told and so is never appreciated—until the newspaperman is maimed or is killed, and only then do you get an inkling of implied heroism between the lines of his obituary. — From a speech by Ermin Garcia Sr., 1962

These eloquent words, an exact quote, were spoken exactly 50 years ago by one of the early martyrs of press freedom in the Philippines. His name does not ring a bell among the young journalists and mass media practitioners or journalism and mass communication students of today, most of whom were not yet born when he was practicing his heroic brand of community journalism. But he, Ermin Garcia Sr., certainly deserves to be remembered and placed in the Philippine pantheon of heroes.

Ermin Garcia Sr., founder and editor of the *Sunday Punch* of Dagupan City, Pangasinan, delivered this speech during an induction dinner by the Pangasinan Press and Radio Club on May 19, 1962. It was an eloquent speech, above the level of eloquence of the average community newspaper editor. He was a journalist, but beyond that, he was also a creative writer who showed a mastery of the English language. He continued:

Personal heroism in the newsroom and on the newsbeats is a day-to-day routine, but in the anonymity that is the hallmark of journalism, you never get to read about these bits of heroism. The columns of your newspapers are replete with sagas of heroism of government officials, soldiers, professionals, taxi and bus drivers, but rarely a line on the heroism sometimes demanded by the gathering and writing of certain news.

Speech that foreshadowed Garcia's death

When he spoke these lines during that induction speech on May 19, 1962, little did Ermin Garcia foresee what fate awaited him almost exactly four years to the day later. On May 20, 1966, Garcia was shot in cold blood in the *Sunday Punch* office in Dagupan, as he was putting his newspaper to bed. Upon his death, he became the newspaperman hero as a dead newspaperman, and was eulogized by his mass media colleagues in Dagupan and Manila, high government officials, prominent private citizens, and even by President Ferdinand Marcos of the Philippines.

The motive for the shooting was a newspaper expose that the *Sunday Punch* was scheduled to publish in its next issue. The story exposed people

involved in a money order racket. Garcia and a reporter of his paper, Rodolfo Toledo, had been warned by telephone not to publish the story.

But Garcia and Toledo refused to suppress the story and the people involved in the racket went gunning for them. At 2 p.m. that day, May 20, a taxicab bearing four men stopped in front of the Mendoza Printing Press where the *Sunday Punch* was being published. Its four passengers alighted and inquired from the press owner for Garcia and Toledo.

The May 21, 1966 issue of the *Saturday Chronicle* of Manila narrated what happened next in graphic detail:

“Told that the two newsmen were not there, the four men reportedly boarded the taxicab again and proceeded to the *Sunday Punch* office some 100 meters away. Two of the passengers went up to the office while the other two stayed in the taxicab. There was a heavy downpour at the time.

“Garcia met the two strangers in his second floor office and told them to go home ‘because you are drunk.’ Three shots suddenly rang out. Garcia slumped to the floor. The assailants then ran downstairs.”

“The wounded Garcia was rushed to the Pangasinan General Hospital where he was given prompt medical attention. He was operated on by a battery of physicians, most of whom were his close friends. Despite efforts of the doctors, he died four hours later, at exactly 10:47 p.m. His wife, children and close family relatives were at his bedside when he died.” He was survived by his wife, Paulita Fernandez-Garcia, son Ermin, Jr., and daughters Josie, Charisse and Frieda.

The killing of the *Sunday Punch* editor, however, did not stop the expose from getting into print. On May 22, 1966, the story for which Garcia gave his life, was printed on the front page of the paper, side by side with the story of his death. The family of the slain editor thought that this was the best tribute they could give to the martyred man. Ermin became a national hero overnight. Newspapers all over the country carried the story of his death on their front pages under big bold headlines.

Eulogies for a dead newspaperman hero

The orators at his necrological rites were a who's who of Philippine mass media: Press Secretary Jose Aspiras, *Manila Times* publisher Joaquin "Chino" Roces, *Manila Times* columnist Maximo Soliven, Romulo Villamil of the *Sunday Punch*, Philippine Press Institute director Johnny Mercado, Past National Press Club (NPC) President Nereo Andolong, current (in 1966) NPC President Tirso Rodriguez, and NPC Vice-President Stephen Sergio.

Other eulogies were given by government officialdom and prominent leaders of Pangasinan society: Governor Francisco Duque, Mayor Liberato Reyna, Rep. Aguedo Agbayani, Rotary Governor Jose Barredo, Dr. Blas Rayos, Sr., Dagupan Rotary Acting President Renan Santos, Bank Executive Romeo Alegria, YPLC President Rosalynda de Venecia, Rotary Ann President Ruby Concepcion de Guzman, Jaycee President Gabriel Zabala, Boy Scout Executive Candido Guadiz, Federated PTA President Victorino Daroya, and Rev. Fr. Guido Tiong.

Max Soliven of the *Sunday Times* then, praised Ermin Garcia "as a symbol of what every newspaperman should aspire to be. Ermin could have come to Manila, as many journalists and writers of promise do, and made his mark in the metropolitan press. But he felt that his vocation lay at home, and it was to make happier and better the community in which he lived. And so he started the *Sunday Punch*, a weekly newspaper that never failed to live up to its name."

Willie Ng of the *Manila Bulletin* said: "For Ermin Garcia, we can gauge a very great respect among the newspaper community. He was a crusader, one of a vanishing breed. He was one of the few provincial newsmen who truly had the esteem of the Manila press. He belonged to that group of press elders whom cub reporters look up to. He had a fighting heart and he kept proving it."

Ermin Garcia was an influential man in Pangasinan society, but full recognition did not come in his lifetime. It came with his death, when friends came to hail him as a hero of Philippine journalism.

Ermin Garcia, Jr. the slain editor's only son who was only 18 at the time, delivered the response, a mix of nostalgia and resignation, in behalf of the family. In his own words:

“(My father) did not have to die. He could have chosen to sit back in easy leisure, just watching life go on, caring nothing for the needs of those less fortunate than himself, mindful only of his own petty, selfish interests. But no, Ermin Garcia would never consent to such a selfish, superficial life. He would rather die a thousand times than live a life of shallow mediocrity. That was his deliberate choice in life. That was his deliberate choice in death. And you who were close to him realize that he died just as he had lived—a man full of commitment, a real man of total dedication.”

Government authorities, from President Marcos down, took active interest in the prosecution of the killer and two accomplices. The killer and one accomplice were convicted the following year.

Garcia Sr., the newspaperman

Ermin Garcia Sr. was a practicing journalist in Manila before he founded the *Sunday Punch* in 1956 in his home province and became a crusading community journalist. Before he founded the *Sunday Punch*, he was editor of the *Pioneer Herald* and the *Counterpoint* and *Freedom* magazines and was a Rotary scholar at the Columbia University School of Journalism in New York.

Garcia was member, board of directors of the Philippine Press Institute, the first president of the Federation of Provincial Press Clubs of the Philippines and a member of the Philippine delegation to the 1964 Afro-Asian Journalists' Conferences in Jakarta, Indonesia. As president of the Dagupan City Rotary Club until he died, he managed the program, “Stand Up for Your Rights,” which won the Rotary International “Paul Harris Award” for most outstanding project of the year.

Looking back at his life, the surprising thing perhaps is not that he was killed in the course of exposing corruption, but that he survived that long after all the enemies he had made over the ten years after founding his paper. When Ermin Sr. died, the *Punch* was heavily in debt and his widow, Paulita

Fernandez Garcia, wanted to sell the newspaper. Ermin was a talented newspaperman but a lousy businessman. He knew the value of advertising but was not willing to compromise his ideals for money; he would not hold back criticism just because a person could bring income to the paper. This was why, after ten years of publishing, he never got rich.

In the face of the trauma that followed Ermin Sr's death and the financial difficulties, it seemed like a foregone conclusion that the paper would close after his death. But Ermin Jr., only 18 years old at that time, stepped into the picture. He was the only one in the family who wanted to continue the paper in tribute to his father whom he admired greatly.

He convinced the rest of the family about his decision, and the rest is history. If he could not be the great writer and talented newspaperman that his father was, Ermin Jr. soon became the excellent manager and businessman that his father was not.

The *Sunday Punch* continues to publish today, 56 years after it was founded—a community newspaper that serves the Dagupan and Pangasinan communities, and is both an editorial and business success. It serves as a tribute to its founder, one of the early martyrs to Philippine press freedom. Its present publisher and editor, Ermin Garcia Jr., is one of the pillars of Philippine community journalism today.

Case III. Jacobo Amatong: Human Rights Activist and Journalist

A small paper with a big mission, *The Mindanao Observer* In Dipolog City has given the Philippines one of its early martyrs to press freedom from the south—Jacobo Amatong. The man stood up to denounce military abuses in Zamboanga del Norte at a time when it was foolish to do so, because it was the height of martial law.

Because of his guts, his paper earned a reputation as a fearless, crusading community newspaper in that part of the country—and he paid the supreme price, his life.

Jacobo Amatong took over in 1975 as publisher-editor of the *Mindanao Observer*, a family-owned community newspaper in Dipolog. Under his direction, the paper expanded its area of circulation and became a crusader against government corruption and military abuses and a champion of human rights.

Then on September 23, 1984, after nine years of running the paper, he was murdered for his exposes of human rights violation by the military.

The night he died

Jacobo S. Amatong was with his comrade in arms in the human rights movement, Zorro C. Aguilar, that fateful night of September 23. After drinking beer with friends, Kubo, as he was called by them, motioned to Zorro that they were going home.

After Kubo and Zorro reached the corners of Malvar and Quezon Avenue about a stone's throw from the latter's house, Kubo bid his friend good night. Zorro, however, insisted to walk with Kubo to his home. So again, they walked the concrete pavement casually toward Dipolog City West Central School.

According to five eyewitness accounts, as gathered by investigators and reported by the *Mindanao Observer*, when Kubo and Zorro passed the first gate of the school along Quezon Avenue, two persons pulled up behind them. One of them was wearing a blue jacket.

As Zorro and Kubo reached the last gate, two men came out from a "shadowy dark corner." Two successive shots broke the stillness of the 9:00 o'clock night, followed by a single shot barely a second from the first burst of fire. The two men who were behind Kubo and Zorro took "cautiously defensive positions." The man wearing a blue jacket took out a pistolized carbine and the other a .45 caliber pistol.

One of the hit men, armed with a pistol or revolver, took up a defensive position, too. The other, brandishing a Baby Armalite rifle wrapped in a cellophane-like sheet, trained his eyes on the houses across the road.

Finding no one else on the road, the two hit men ran westward, taking the Piputak access road in their escape. The other two “back-up” men, turned back and took Tomas Claudio street, and sped away aboard a Yamaha motorcab westward.

Zorro died on the spot. Kubo, on the other hand, got help from passers-by about five minutes after the last shot was fired. Bleeding and moaning, he was taken to the hospital where he expired six hours later.

Who were the killers?

A friend of the slain publisher-editor, who reportedly has connections in the Armed Forces intelligence, told the *Mindanao Observer* that an undercover operative leaked him the information linking the military to the cold-blooded murder of Amatong and Aguilar.

The informant said his connections allegedly instructed him to tell the Amatong family about the identity of an intelligence agent who knows probably all the people involved in the brutal killing.

The informant even added that there were 18 names on the military death list, among them vocal and nationalism-oriented leaders of the Demokratikong Alyansa ng mga Makabayang Estudyante (DAME), League of Filipino Students (LFS), Coalition for the Restoration of Democracy (CORD) and some priests actively involved in the popular social justice movement. The informant also warned members of the press and radio to be careful.

The informant said Kubo Amatong, who actively dedicated personal resources to the social justice and human rights movement as provincial chairman of the Western Mindanao Alliance of Multi-sectoral Organization (WEMASO), may have incurred the ire of some people in the military whose ruthless attitude towards civilians he had denounced.

Amatong’s friend Aguilar, a lawyer of the Free Legal Assistance Group (FLAG), had been at odds with the military commanders in Zamboanga del Norte for defending indigent clients suspected as rebel sympathizers and members of the New People’s Army.

Impact of killing on the paper

The *Mindanao Observer* was shaken not only by Jacobo Amatong's death but also by the astronomical rising cost of production. Before Amatong's death, the *Observer*, carrying an average of six pages each issue, had a circulation of 1,500. But its circulation even then had started to dwindle, reaching a low of 800 copies after Amatong's death.

Amatong's murder put the *Observer* in the limelight. But the response of readers was fear. The people were afraid to buy the paper because it carried stories on investigations, ambushes and military atrocities. The military presence was strong in Dipolog City.

Even the local advertisers got scared and shunned the paper. It was only in 1986, after the ouster of Marcos, that the *Observer* began to recover.

At the time of the murder, the residents in the city and different parts of the province were in a state of terror because of military abuses, including many cases of salvaging. It was very risky to implicate the military in any crime. A few months after the murder, the principal witness who drove the motor cab used as a getaway vehicle by the gunmen, was shot dead in broad daylight.

Paper fights back

Undaunted by the risks involved, the *Observer* ran a banner story on the Amatong-Aguilar case in its October 8, 1984 issue with the bold headline, *Slay of editor, lawyer, an army plot?* The story read: "Confidential police sources said there was a great possibility that the killing was deliberately carried out in order to prevent Amatong and Aguilar from embarking on a fact-finding mission on the salvage of Ramon Sagusay and Jorge Chica in Tampilisan, Zamboanga del Norte."

As a constant reminder to the people concerned with the case and to the local public in general, the paper ran a count of the days during which the murder remained unsolved. The count appeared on the right ear of the paper's front page.

Through the crusade of the paper and with the active cooperation of the public, the principal suspect, Army Lt. Wilson Caledo, then assigned to the 44th Infantry Battalion stationed in Anastacio, Polanco, Zamboanga del Norte, was identified.

Other suspects, however, were not uncovered. As a response to public pressure, whipped up by the *Observer*, the Armed Forces of the Philippines created a military tribunal to try the murder case.

On formal appeals of the lawyers and prominent citizens in the province, President Corazon Aquino, as AFP commander-in-chief, agreed to transfer the case to the civilian court. Official reports from Manila said the President waived military jurisdiction over the case upon petition of the heirs of the victims represented by Mrs. Helen Cadavedo-Amatong, widow of the late editor-publisher.

The trial of the case was finally scheduled two and a half years after the killing, on June 24, 1987, at Fort Bonifacio in Metro Manila. But it was postponed indefinitely in view of the presidential waiver. The report said the trial of the case would be held in Dipolog City before the Regional Trial Court of Zamboanga del Norte.

It was not known, at the time, however, when the trial would start, considering that the records of the case were still with the military tribunal. The suspects, meanwhile, were detained in the stockade at Fort Bonifacio while awaiting trial by the civil court. They were expected to be transferred to the Dipolog City Jail without bail, since they were charged with a capital offense and evidence of guilt was strong.

The martyr and his paper

A law graduate, Amatong was editor-publisher of three weekly newspapers at the time of his death. In addition to the *Mindanao Observer*, he was also editor of the *Misamis Observer* and *Ang Banwag*, a sister publication published in Visayan.

He was also chairman of the Rural Media Foundation, member of the Publishers Association of the Philippines, and member of the *Sanguniang*

Panglungsod. In 1983, Amatong was awarded Most Outstanding Publisher in Region IX by the Federation of Provincial Press Clubs of the Philippines.

As a small paper with a big stick, the *Observer* became known for its crusades and exposes. It unraveled irregularities of government officials in the offices of the provincial treasurer, the city treasurer and the Bureau of Internal Revenue and in many other offices.

The exposes led to the investigation and suspension of people involved or to the dismissal of erring officials. The *Observer* also exposed the abuses of military men, resulting in their transfer or dismissal. It attacked movie houses for showing smut films and for cheating the government of amusement taxes. It waged a war against organized illegal gambling and drug addiction.

So determined was the *Observer* in its crusade for good government and clean community that it even fired one of its columnists for what it described as a “money-sucking deal” with the then Rice and Corn Administration (RCA).

The *Observer* did not spare from its stinging criticisms private individuals, including businessmen, private firms like the Zamboanga del Norte Electric Cooperative and even Church people. The *Observer*’s phenomenal growth in 1970 to 1971 was in fact attributed to its crusading deal, its fearlessness, and its intense dedication to public service.

But the *Observer* also helped the government in its program and community development projects. For example, it supported the government move in 1979 to make Dipolog a city and continued its support until it became a city in 1970.

In recognition of its services, the *Observer* received citations and certificates of appreciation from civic organizations, media establishments and government agencies in the city.

Footnote to history

As of October 6, 2012, as this chapter is being written 25 years later, the military has not remanded the records of the case to the civil courts in Dipolog City as instructed by former President Corazon Aquino.

The son of former President Corazon Aquino, Benigno Aquino III, is now the new President. The lawyer of the Amatang family has died and nobody knows what happened to the suspects detained in Fort Bonifacio. The Amatang family, after repeated attempts to have the trial transferred to their province, finally gave up.

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CASE STUDY

Marlene Garcia-Esperat: Accidental Journalist

Prima Jesusa Quinsayas

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Marlene Esperat murder case*

Accidental Journalist.

That's what some people call Marlene Garcia-Esperat. A chemist by training, she worked at the Department of Agriculture Region 12 (DA R12) from 1987 to 2004. In the early 1990s, as head of the Chemical Analysis Laboratory of DA R12, she met other DA chemists at a national conference, and there discovered her lab was not receiving the money it was entitled to.

So she requested funds from the Regional Field Unit (RFU) 12 to buy needed equipment and construct a new building for the laboratory. Following up this request, she stumbled upon RFU 12's 1991-1992 financial report, which said her lab had an annual allocation of P400,000, a far cry from the P175,000 it was receiving.

Her suspicion was aroused. Thus, began her career as an investigative journalist-cum-whistleblower.

Growing up on bullets

Marlene was born in Tacurong City, Sultan Kudarat, on August 29, 1959, the seventh child of Luis and Pacencia Garcia. They have nine other children: Hernanie Garcia, Valmie Garcia-Mariveles, Evelyn Garcia-Gentica, Charlie

Garcia, Larry Garcia, Lynn Garcia-Dagohoy, Lilibeth Garcia-Lacorte, Louie Garcia, and Virginia Garcia-Licaros.

Luis Garcia was a farmer who became the town's first chief of police. He went on to become a municipal councilor. He received threats and survived two assassination attempts. Two of Marlene's uncles were not as lucky. They were shot and killed by those believed to be guns-for-hire.

Love and family life came to Marlene in the early 1980s, in the person of Severino Arcones with whom she had two daughters, Janice and Rhyne. In 1989, she lost her partner Severino to an assassin's bullets. He was killed in front of a gasoline station. Severino was a journalist.

Love would find her again a few years after. Marlene and her husband George Esperat had two sons James Derreck and Kevin Jorge.

Her family said her work as a journalist and columnist for *Midland Review*, and crusader exposing corruption angered many and created enemies. George said, "*Sabi ko sa kaniya, tama na.* (I told her to stop.)" But Marlene shrugged it off, and once replied to similar advice, "I am not exactly new to this. *Lumaki ako sa bala.* (I grew up on bullets.)"

Stop she did not, until that night of March 24, 2005.

It was Maundy Thursday (several days before that, a grenade was hurled at her house while no one was home). Marlene told the security detail assigned to her by the Philippine National Police to go home to his family to celebrate the Holy Week.

As Marlene and her children were having dinner, a stranger casually walked in, greeted her, "*Maayong gabii, ma'am* (Good evening, ma'am)," and shot her once in the face. A single bullet finally stopped Marlene. She died in front of her youngest child James Derreck, who was then around 10 years old. Marlene was 45.

Dealing with the loss

“Sinubukan ko habulin yung bumaril (I tried to run after the gunman),” Kevin Jorge said as he remembered the evening his mother was killed. His then 14-year-old self did not succeed, having been initially too stunned to move for several moments after seeing his mother get shot. Those several moments were all that the gunman needed to get out of the house onto a waiting motorcycle and make his escape.

Rhynche recalled she was in the store and saw the gunman flee on the motorcycle. This is why, she said, she was the one who testified in court to identify the accused. (She was also the one often in the store those days initially leading to March 24, 2005, when the accused would buy cigarettes as they did surveillance on the house and the family.)

Asked how the youngest, James Derreck, reacted the night of the murder, Rhynche gave a sad smile. She described how worked up they all were that they forgot about him. She shared that James Derreck once confided in her his mixed feelings of numbness and shock seeing his mother’s head slump face down on the dining table. Her brother said no one paid him any attention... he got no consoling hug, not even a simple comforting touch.

Would any of them be a journalist? Kevin Jorge, who graduated from college March 2012 with a degree in Information Technology, was quick to shake his head. Rhynche first gave a rueful smile before saying, “No.” She was, however, quick to point out that her mother was not originally a journalist but became one because of the anomaly she stumbled upon involving her very own unit at DA R12. Speaking in the vernacular, Rhynche thought of the possibility of her being a journalist, “We don’t really know...” her sentence complete but seemingly hanging.

Stories to die for

The 1991-1992 RFU 12 financial report started it all. After finding out that the Chemical Analysis Laboratory of DA R12 had an annual allocation of P400,000, when it received only P175,000, Marlene reported the discrepancy to then DA Secretary Salvador Escudero.

A probe was ordered. In the middle of the investigation, a fire hit the DA R12 office in Cotabato City. As the fire happened a few days before the 1992 presidential elections, it was dismissed as an election-related incident.

One year after the fire, two RFU 12 employees executed affidavits stating that RFU Finance Officer Osmeña Montaner and his friends set fire to the DA office to destroy evidence of their wrongdoing. DA officials promptly placed Marlene under the witness protection program.

The next couple of years would themselves be witness to Marlene's tireless anti-graft crusade. Known as the resident DA whistleblower, her exposés included a non-existent irrigation project in Cotabato for which government poured in millions, a rigged DA bidding process for overpriced speedboats, and smuggling of agricultural products. Marlene named DA R12 officials Osmeña Montañer and Estrella Sabay as part of the corruption in DA R12. Both stand as accused and suspected masterminds behind Marlene's murder.

For almost every case of corruption she unearthed, she filed a corresponding case at the Office of the Ombudsman.

The year before she was killed, Marlene filed a case against DA officials including then DA Secretary Arthur Yap and Undersecretary Jocelyn "Jocjoc" Bolante. She claimed that the DA had bought overpriced fertilizer and used these funds in the 2004 presidential campaign of then President Gloria Macapagal-Arroyo.

Marlene also sued top DA officials for allowing a company with no proper papers to import chicken. The said company, CSP International Commodities Inc., was said to be partly owned by Surigao del Sur Rep. Prospero Pichay, whom she also sued.

Unending quest for justice

About two weeks after the killing, Randy Grecia surrendered to the police. Murder charges were filed against him and three others, Estanislao Bismanos, Gerry Cabayag and Rowie Barua. Grecia, Bismanos and Cabayag subsequently pleaded guilty.

Barua turned state witness and confessed that he served as the middleman between the masterminds and guns-for-hire. He identified DA R12 officials Montañer and Sabay as the ones who ordered Marlene killed. After democracy was restored in 1986, Marlene's murder is the first media killing case in the Philippines where the alleged masterminds are identified.

On October 6, 2006, after a trial of less than a year, Grecia, Bismanos and Cabayag were convicted and sentenced to reclusion perpetua. Barua was acquitted.

Although the gunman and the two lookouts were convicted in record time, the masterminds to this day remain free.

Several changes in the composition of the prosecution panel that initially handled the case led to the filing, dropping and re-filing of murder charges against the two masterminds. Despite the issuance of warrants of arrest by three different trial courts, Montañer and Sabay have not been arrested.

The two availed of Rule 65 of the Rules of Court. They filed joint petitions for certiorari – which may be simply defined as a remedy to cure an order issued with abuse of discretion by a tribunal – separately before the Court of Appeals (CA) in Manila, Cebu City and Cagayan de Oro City.

The appellate courts in Manila and Cebu City resolved the petitions before them in contrasting manner: the former in favor of prosecution, and the latter in favor of the accused.

Late November 2009, the CA Mindanao Station (Cagayan de Oro) issued a preliminary injunction ordering a temporary hold on the service of the arrest warrants. The injunction effectively halted criminal proceedings before the Makati City trial court.

It would take almost two years before said appellate court resolved the petition for certiorari. It denied said petition on August 2011 on the ground that Montañer and Sabay committed “forum shopping” (which means they filed more than one petition before different tribunals in the hope of securing a favorable decision from one of the tribunals).

***When truth is bane
“Laws are like spider webs
in which small ones are caught
and the big ones break away.”***

***-- Solon as paraphrased
by Leo B. Dacera III***

On October 2011, MontaÑer and Sabay filed a motion seeking the inhibition of the whole CA division even as they filed a motion for reconsideration seeking a reversal of the denial of their petition. In a January 19, 2012 Resolution, CA Cagayan de Oro denied both motions. The two alleged masterminds elevated their case to the Supreme Court. On

March 5, 2012, the High Court issued a resolution upholding the decision of CA Cagayan de Oro.

Given the speed within which the highest court of the land acted on the petition of the two accused, there may yet be hope for the case that is recognized to be the first media murder case where the alleged masterminds are known.

Following said SC resolution, prosecutors filed a second motion for the issuance of an alias warrant of arrest against MontaÑer and Sabay. As of this writing, the trial court is set to hear said motion even as the two accused are rumored to have gone back into hiding.

It took less than a year for the trial court to convict the gunman and his accomplices for the murder of Marlene Esperat... a record for Philippine criminal proceedings.

Sadly, it is a different story where the accused masterminds are concerned. As of this writing, it has been almost seven years since Marlene was killed. Despite the finding of probable cause by three different trial courts, murder charges have yet to be read in court against the accused masterminds.

As with many criminal cases in the Philippines, testimonial evidence is the most crucial form of evidence (as against documentary evidence and object evidence). The quality of police investigation work in the Philippines leaves much to be desired; thus, forcing prosecution to usually depend primarily on witnesses' testimonies.

Ex-Sergeant Rowie Barua is the state witness who identified Montañer and Sabay as the alleged masterminds who ordered Esperat killed. An enlisted man with the Philippine Army for almost two decades, Barua had little inkling that in deciding to tell the truth and reveal all that he knows, he was risking his career as a soldier.

After he was placed under the Witness Protection Security and Benefit Program (WPSBP) of the Department of Justice (DOJ), his wife and six children had to be relocated to a safer place. Barua, in turn, was placed in a safehouse.

In May 2010, the Philippine Army Adjutant General issued an Order discharging Barua “without honor” from the Philippine Army. The order was made ex-parte (meaning, without the participation of Barua). Its timing was suspect as it came in the heels of a court order denying the motion of Montañer and Sabay to have the warrants of arrest against them lifted.

DOJ WPSBP, through Secretary of Justice Leila de Lima, sought to have the order reconsidered citing that Barua was acquitted of the criminal charge. Sec. De Lima also stressed the need to encourage Barua to remain steadfast and committed to reveal the truth. (This is an indirect acknowledgment of how protracted criminal proceedings can be. Proceedings can be so long drawn out that many witnesses lose heart and succumb to monetary offers or simply refuse to stay on as a witness. This is why one of the most common tactics used by defense is to delay and prolong proceedings in order to wear out the determination of witnesses to testify in court.)

In reply, the Army Adjutant General stood firm in Barua’s discharge “without honor” and at the same time expressed continued support for the prosecutorial efforts of DOJ.

On 19 November 2010, Justice Secretary de Lima and the Freedom Fund for Filipino Journalists filed an administrative case against the Philippine Army Adjutant General charging him with violation of the Witness Protection Law, among others.

It was only late 2011 that the Deputy Ombudsman (Military and Other Law Enforcement Office) ordered the Philippine Army Adjutant General to file his counter-affidavit.

Barua's discharge from the Philippine Army meant he was no longer receiving his salary as an enlisted soldier. While the administrative case remains pending before the Office of the Ombudsman, Barua and his family have to make do with the small WPSBP monthly allowance.

Meanwhile, Montañer and Sabay remain free men.

She revealed that it was a police officer who persuaded Grecia to surrender after the latter confided in him. She said Grecia saw the news about her mother's murder and the sight of James Derreck on television looking disoriented and lost so moved Grecia he had to unburden what he knew about the murder to his relative who was a police officer.

A life for a fee
“Nakonsensiya yun siya, kaya siya sumuko
(He was hounded by his conscience, that
is why he surrendered),” Rhyne said of
Randy Grecia, who served as lookout on the
evening Marlene was killed.

With Grecia's surrender, the gunman and another lookout who drove the getaway vehicle were soon named and arrested.

Shaking her head at some image in her mind, Rhyne narrated that several days prior to that when her mother was shot and killed, Grecia often hung out at the store. During those times, he would play chess with James Derreck in front of their store.

“They were almost friends,” she said in the vernacular, her voice a mix of disbelief and regret. “Maybe that's why his conscience prompted him to surrender.”

And the gunman, Gerry Cabayag? What could have motivated him to pull the trigger on a woman in front of her children and on a supposedly “holy” day, Maundy Thursday?

According to Nena Santos, the Esperat family lawyer who served as private prosecutor in the criminal proceedings against the convicted gunman and lookouts, they agreed to carry out the “contract” against Marlene for the sum of one hundred thousand Philippine pesos. An initial payment of twenty thousand Philippine pesos was allegedly made, with the balance to be paid after the “job” is done.

One hundred thousand Philippine pesos for Marlene’s life: a measly sum for a life that was dedicated to writing about and righting anomalies in the government.

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Personal notes (interviews and conversations)

Case file

The Ampatuan, Maguindanao Massacre of 32 Journalists: Crime of the Century

Prima Jesusa Quinsayas

Counsel of the Freedom Fund for Filipino Journalists and serves as one of the private prosecutors in the People of the Philippines versus Andal Ampatuan, Jr. alias "Unsay", et al. Ampatuan, Maguindanao consolidated murder cases.

It is no accident that the International Day to End Impunity fell on November 23, 2011. Exactly two years ago from said date, 58 people were killed in the hilly portion of Barangay Salman, Ampatuan, Maguindanao. Of the 58, 32 were journalists and media workers.

The incident – also known as the Ampatuan, Maguindanao Massacre (AMM) – is a double whammy as it was an attack not only against press freedom, but also against free elections.

Free elections and a free press are vital ingredients of a stable democracy. The Philippines purports to be a peace democracy. By the end of 2009, the Philippines has been catapulted to first place as the most dangerous place for journalists, overtaking Iraq, a country at war.

"Ampatuanic"* in proportion

Around mid-day of November 23, 2009, news broke out that a convoy has been abducted in the town of Ampatuan, Maguindanao province. Then Vice Mayor of Buluan, Maguindanao, Datu Esmel "Toto" Mangudadatu

** The term was coined by national media to describe the magnitude of the crime and, later, the alleged wealth of the principal accused, the Ampatuans (the use of the term is akin to the tradition of describing the collection of shoes of former First Lady Imelda Marcos as "imeldific").*

claimed his wife called him up and told him that their convoy had been stopped by armed men led by Datu Andal Ampatuan Jr. also known as “Unsay.” By late afternoon, the alleged abduction had changed into news of a mass murder.

The next day, the nation read, watched and listened in shock to news about the discovery of 22 bodies in the hilly portion of Barangay Salman in Ampatuan, Maguindanao. Found in the crime scene were five vehicles and a PC 300 Komatsu backhoe with the markings “Acquired under the administration of Andal S. Ampatuan, Sr., Governor & Sangguniang Panlalawigan Members, Province of Maguindanao.”

On the same date, the public watched with fascinated horror as authorities, with the use of another backhoe, unearthed one body after another from what appeared to be a mass grave near the recovered vehicles. By the end of the day, 24 bodies had been dug up, confirming 46 dead in what was by then called a massacre.

The next day, 11 more bodies were excavated from the massacre site. Many thought nothing could possibly be worse than this. They were wrong. Together with six bodies, the remains of three more mangled vehicles were also dug up. One witness told the trial court the vehicles were so crushed that they fit onto one dump truck.

By evening of November 25, 2009, official reports** stated 57 dead and nine vehicles (with three of them crushed) were recovered at the massacre site. The next day, another number was added: one missing. To date, only the dentures of Reynaldo “Bebot” Momay have been recovered.

*** Initial figures on the dead and missing varied from one report to another as Philippine media struggled to keep the public updated “real-time” and in doing so had different sources of data; one report stated more than 60 dead as it was then not known that three reporters had pulled out of the convoy before it proceeded to Shariff Aguak.*

The main suspects, now principal accused in the consolidated AMM murder cases, are the Ampatuans. They are considered the leading political clan in Maguindanao and the Autonomous Region in Muslim Mindanao (ARMM). In several investigative reports on the Ampatuan wealth, the Philippine Center for Investigative Journalism found that in Davao City alone the family has 39 properties under the name of an Ampatuan. Of these, 35 are directly linked to the family patriarch Datu Andal Ampatuan Sr.

The Center for Media Freedom and Responsibility, in its Philippine Press Freedom Report 2009, describes them, “The Ampatuans ... are believed to have built a powerful private army and have had a huge influence over other politicians in the region. They are also believed to be staunch political allies of Gloria Macapagal Arroyo and allegedly helped her win the 2004 presidential elections.”

(Andal Sr. and former president Arroyo were recently arraigned separately for electoral sabotage in connection with alleged cheating in the 2007 elections. Both pleaded not guilty.)

The perceived motive for the massacre is to stop the filing of the Certificate of Candidacy (COC) of Toto Mangudadatu at all costs... at any cost.

Toto Mangudadatu lost his wife, two sisters and around 12 to 14 relatives in the massacre. His two women election lawyers and a paralegal were also among those killed. Six others were motorists who had the misfortune of being at the wrong place at the wrong time. More than half of those killed were journalists and media workers. Toto Mangudadatu is now the Governor of Maguindanao. Some say his win came at a very high price: 58 lives.

Journalists in the news

Sometime in mid-2009, there were rumors that for the first time after several elections of the Ampatuans running unopposed, someone was finally going to run against them. If true, the event was seen as highly newsworthy; one that must be given prominent coverage.

Thirty-six journalists and media workers joined the wife of Toto Mangudadatu, the late Bai Genalin “Gigi” Mangudadatu, to cover the newsworthy event of the filing of his COC. Not one among them had any idea it would be they who would make the news that ill-fated day of November 23, 2009, and the following days thereafter.

(It is not odd for journalists to join politicians when the latter file their COCs. Even in Metro Manila, journalists fall all over themselves and one another in the jostle to get as close as possible to the politicians as they file their COCs and make a speech after doing so.)

Of the 36 journalists and media workers who joined the convoy, the bodies of 31 were recovered in the massacre site. The body of one remains missing to this day. Three others backed out at the last minute because one of them, Joseph Jubelag, trusted his gut feel that something ominous was about to happen. (Jubelag has already testified before the trial court about the identities of the journalists and media workers who joined the convoy.) One other journalist allegedly was able to pass through the police checkpoint where the convoy was flagged down.

Twenty-four of the 32 dead (including the missing Momay) were working for print news organizations. Four were working for television station UNTV, and two for radio. Two others were working for both radio and print news organizations.

Of the 31 confirmed dead, four were women. Marites Cablitas, Marife Montaño, Eleanor Dalmacio and Gina dela Cruz were all mothers. Gina’s youngest was seven months old at the time of the massacre, while Eleanor’s youngest was only more than a month old then. Except for Marites who left behind a widower, the others were single mothers whose children are now with grandparents who have no stable source of income.

Two of the slain male media workers, McDelbert Arriola and John Caniban, were said to be in the middle of preparations to marry their respective girlfriends. These weddings were never meant to be. (Argie Gulipatan,

John's girlfriend, insisted on a wedding ceremony before John was buried. Sadly for her, such ceremonies carry no legal weight under Philippine law.)

Almost all of the private complainants representing the surviving kin of the media victims have testified before the trial court about the loss and suffering their families went through in the aftermath of the massacre. On cross-examination, defense counsels propounded questions about alleged payments given to the slain journalists and media workers in exchange for their coverage of the filing of Toto Mangudadatu's COC. Some answered they were not aware if indeed such payments were made; some simply answered they don't know.

With or without the alleged payments, the fact remains that by media standards, the filing of said COC was a newsworthy event that merited coverage. More importantly, payment or no payment, nothing can justify the killing of the 58 AMM victims.

Survival of the fittest

Merly was six months pregnant when her husband Ronie Perante, a *Mindanao Gold Star Daily* news correspondent, was killed. Anticipating questions in the future from her then unborn child, she started compiling AMM news articles and putting them together in a sort of scrapbook.

On February 18, 2010, Merly gave birth to her third son Ronie Perante III. Her two older sons, Ian Jay Roy and Ronie Jr., were then 15 and 8 respectively.

Merly testified in the last quarter of 2011 and presented the scrapbook before the trial court. Asked why she made the compilation, she answered in the vernacular that it was for her baby who was born without a father, and for the compilation to serve as an explanation as to why he does not have a father.

The judge allowed the marking of a machine copy of said compilation and had defense counsels stipulate regarding the machine copy being an exact

reproduction of the original. All but the defense counsel from the Real Brotarlo Real (RBR) Law Firm did so. The RBR lawyer refused to stipulate on the ground that the scrapbook included a poem written by one of Merly's older sons in memory of his dead father. He argued the poem is not an AMM news article.

Today, Merly tries to make ends meet for her and her three sons with her regular income of P3,000 monthly honorarium as "Barangay Nutrition Scholar."

Other widows, whose late husbands were the breadwinners, are in similar situation. Ma. Luisa, widow of Francisco Subang Jr., is left with three children. Mary Grace, widow of Rosell Morales, is also left with three children who are all girls now ages 12, 10 and 7. (Mary Grace is also the sister of AMM media victim Cablitas.) Estrella, widow of Fernando Razon, is left with five children: the two youngest are girls now 11 and 9.

Corazon, widow of Romeo Jimmy Cabillo, is left with four children. Her second child's May 2010 wedding was postponed because of the massacre. More than two years later, a new date has yet to be set for the wedding. The baptism of Corazon's youngest child has also been postponed indefinitely.

Ivy, widow of Ernesto Maravilla Jr., is left with five children. She had to cut short her two-year contract as an Overseas Filipino Worker in Kuwait and return to the Philippines after news of her husband's death reached her. Foreign Affairs Undersecretary Ricardo Andaya, the Philippine labor attaché in Kuwait and the Overseas Workers Welfare Administration helped bring Ivy back to the Philippines.

Today, Ivy remains in the Philippines with her children. While she can go back to Kuwait and work, she cannot do so as she feels there is no one to whom she can fully entrust her brood of five who are now 17, 15, 12, 7 and 5.

(The situation is even worse for families of the innocent motorists: the Ridaos, Palabricas and Lechonsitos. As they are not Mangudadatu relatives

or supporters, nor members of media, little attention has been given to their plight. One widow, who is left with two young daughters, is still paying for the loan that she and her late husband obtained to buy a vehicle. This vehicle was one of the three that crushed and buried at the so-called massacre site.)

It is not just families that reeled from the impact of the massacre. Various local print news organizations found themselves either closing shop or operating with zero income.

Freddie Solinap, publisher of *Periodico Ini*, lost his entire publication staff in the massacre. Caniban, Razon, Arturo Betia, Noel Decena and Rey Merisco were all part of the *Periodico Ini* news publication. Aside from news gathering and newswriting, Solinap's staff also helped secure needed advertisements for the publication. For a number of months after the massacre, Solinap had to come out with regular issues of *Periodico Ini* to honor advertisement contracts. In doing so, he had to absorb losses.

The local print media of General Santos City also suffered. Fifteen out of the 32 AMM media victims were based in the city. Two of its news publications, *Socsargen Today* and *Saksi Mindanaoan News*, have ceased operations. Their respective publishers, Subang Jr. and Montaño, were among the AMM victims.

Mary Grace, widow of Morales and sister of Cablitas, attempted to come out with a news publication in order to continue the work of her husband and sister. She got her sister's daughter, Danica Marie, to join her in the hope of encouraging her niece to be a journalist. They were able to come out with a first issue sometime 2010. But with only a small capital aggravated by a dearth of advertisers and lack of experience in news publication, the first issue remains their only issue to date.

Speeding up criminal proceedings

With the AMM case sometimes called the “Crime of the Century,” let it not be said it will also take a century for justice to be served. Yet, this is exactly what many fear with Senator Joker Arroyo saying it may take 200 years.

With 196 accused (minus Johann Draper in whose favor the trial judge has dropped murder charges), more than 200 prosecution witnesses, and more than 350 witnesses for accused Unsay alone, the fear is not without basis. But to say no effort is being done to hasten the proceedings is inaccurate.

Much of the progress in the AMM case is relatively fast when compared with other cases of media killings.

Following the inquest of Unsay on November 26, 2009, the Department of Justice (DOJ) special panel of prosecutors filed on December 1, 2009, the first batch of 25 murder cases against Unsay before the Regional Trial Court (RTC) of Cotabato City. On December 3, 2009, Unsay filed a petition for bail, which the prosecution opposed on December 7, 2009.

The prosecution filed the second batch of 15 murder cases against Unsay before the same court on December 9, 2009.

The next day, the prosecution was informed that the Supreme Court (SC) sitting en banc has granted the DOJ petition requesting change of trial venue.

Pursuant to the SC order, the AMM case was transferred to the RTC of Quezon City. The case was initially raffled to Branch 84. Citing fear for his safety and that of his family, presiding judge Luisito Cortez voluntarily inhibited himself from the case. A second raffle was held, with Judge Jocelyn Solis-Reyes of Branch 221 getting the case.

On December 21, 2009, the third batch of 16 murder cases against Unsay was filed, this time before RTC Branch 221 of Quezon City.

Meantime, another DOJ special panel of prosecutors held hearings on December 18 and 28, 2009, for the preliminary investigation charging 196 others for the November 23, 2009 massacre. The bases for the preliminary investigation were the separate case referrals from the National Bureau of Investigation (NBI) and the Criminal Investigation and Detection Group.

On January 5, 2010, with the second batch of 15 murder cases filed before the RTC of Cotabato City not yet forwarded to the RTC of Quezon City, Andal Jr. was arraigned for 41 counts of murder. To all, he pleaded not guilty.

Hearing for Unsay's petition for bail were held January 5, 13, 20 and 27, 2010, with the prosecution presenting seven witnesses including Datu Rasul Sangki and Datu Mohammad Sangki, two eyewitnesses who specifically identified Unsay as being at the police checkpoint where Gigi Mangudadatu's convoy was stopped and at the massacre site where the 58 victims were brought from the checkpoint and eventually killed.

On February 3, 2010, Judge Solis-Reyes announced receipt of 15 murder cases from the RTC of Cotabato City. Unsay was arraigned for 15 counts of murder. And like the previous 41 counts, Unsay pleaded not guilty.

The NBI medico legal officer who did the autopsy on Gigi Mangudadatus' body served as the eighth prosecution witness in opposition to Unsay's bail. Dr. Ricardo Rodaje testified on the 17 gunshot wounds suffered by Gigi Mangudadatu. She also had three lacerations on her groin below her abdomen. The doctor described her death as one that is "most painful."

On February 5, 2010, the second DOJ panel of prosecutors issued its Resolution finding probable cause against 196 others and recommending the filing of murder charges against them. On February 9, 2010, multiple murder charges were filed before Quezon City RTC Branch 221 against 196 others including Andal Sr., ARMM Governor Datu Zaldy "Puti" Ampatuan, former OIC of Maguindanao Datu Sajid Islam Ampatuan, Datu Ipi Ampatuan, Datu Ulo Ampatuan and more than ten others surnamed Ampatuan. (Unsay, Sajid Islam and Zaldy are sons of Andal Sr., while Ipi and Ulo are his grandsons.)

On February 10, 2010, in a sidebar requested by Unsay's counsel, the defense counsel asked for proceedings to be deferred until the other accused are arraigned and the cases against them consolidated with those against Unsay. The prosecution agreed.

On February 24, Judge Solis-Reyes announced the indefinite postponement of the bail proceedings pending the resolution of a motion to inhibit filed by Unsay.

(This motion to inhibit, bearing the heading "Recusation", was later followed by a "Supplemental Recusation", "Second Recusation", "Third Recusation", "Fourth Recusation", "Fifth Recusation" and "Sixth Recusation" all filed by Unsay. The trial judge denied them all, including the motions for reconsideration subsequently filed by Unsay.)

The postponement lasted until September 1, 2010, only for the proceedings to again be postponed with Unsay's counsel asking the court to postpone the September 1, 8 and 15, 2010 hearings. Judge Solis-Reyes partially granted the motion by postponing the September 1, 2010 hearing. Starting September 8, 2010, proceedings were almost regular with hearings set every Wednesday of the week.

By the end of 2010, the once-a-week hearing was perceived to be not enough. Starting early 2011, with the consent of prosecution and defense, the trial court scheduled hearings twice a week every Wednesday and Thursday. Monday was set for motions and other related incidents such as preliminary conferences and pre-trial conferences.

Still an uphill battle

Aside from transferring trial venue from Cotabato City to Quezon City, the Supreme Court issued A.M. No. 10-11-6-SC Resolution dated 28 June 2011. In said issuance, the High Court declared Quezon City RTC Branch 221 as a Special Court, granting it "full authority to resolve any matter and issue which may arise from the said cases, including issues cognizable by other special courts without need for further designation by this Court."

The said SC Resolution helped the prosecution address what the latter perceived to be “forum shopping” on the part of some accused. Petitions for indirect contempt, habeas corpus, prohibition and certiorari arising from or related to the AMM case were filed before other RTCs against public and private prosecutors, wardens, and the DOJ Witness Protection Security and Benefit Program.

Aside from these cases, various petitions for review were filed before the Secretary of Justice. As soon as these are resolved affirming the filing of charges, petitions for certiorari are filed before the Court of Appeals (CA) questioning said resolution.

(A petition for review seeks the reversal of a finding of probable cause and the resulting recommendation of filing criminal charges; a petition for certiorari seeks the annulment or modification of a decision believed to have been made “in grave abuse of discretion.”)

As of this writing, Sajid Islam whose petition for review was denied by the Secretary of Justice had just filed a petition for certiorari before CA Manila. Also pending before CA Manila, albeit with a different division, is Zaldy’s motion for reconsideration on the denial of his petition for certiorari.

Datu Akmad “Tato” Ampatuan Sr., a son-in-law of Andal Sr., is set to file a petition for review on certiorari before the Supreme Court after CA Manila denied his petition for certiorari.

(A petition for review on certiorari is an appeal from a CA judgment, and is limited to pure questions of law. Questions of fact may not be raised at this stage.)

Clearly, the legal battle remains a daunting one.

More daunting even is the battle outside and beyond the courtroom.

Despite the almost-regular (every three months) rotation of jail wardens, stories about the special treatment given to accused and detained members of the Ampatuan family continue to thrive. News reports claim said accused are allowed to have Jollibee (a famous fastfood chain) parties, hold press conferences, and even have private massage sessions in the room that serves as the courtroom whenever hearings are held in the detention compound of the Bureau of Jail Management and Penology (BJMP) inside the PNP Camp Bagong Diwa in Taguig City.

Private complainants report having received offers of settlement as high as P20M (twenty million pesos). A number report receiving threatening text messages or having unidentified men on motorcycles doing some sort of surveillance on their residences.

Witnesses are not spared. After his name was announced as the next prosecution witness, Mohammad Sangki found himself charged with five murder cases in Maguindanao. The initial proceedings for all five cases – from complaint-affidavit to preliminary investigation to filing of criminal charges to issuance of arrest warrants – were seemingly achieved within a week.

In yet another case, witness Lakmodin Saliao was sued for libel after he testified in court. Said complaint has been dismissed. In the case of a police officer whose discharge as accused was sought by the prosecution in order for him to turn state witness, a co-accused filed a perjury case against him.

In the case of another witness, Rasul Sangki, armed men set fire to houses in a barangay near his farm after he testified before the trial court. According to Police Chief Superintendent Felicisimo Khu Jr., then Joint Task Force 12-Alpha commander, those who set fire to the houses were known sympathizers of the Ampatuans. Citing the report of the town's chief of police, Khu said they were from armed Civilian Volunteer Organizations or CVOs loyal to the Ampatuans.

Armed men also allegedly set fire to the farm of another witness, Noh Akil, after he was announced as a prosecution witness.

The off-court violence extended to relatives of witnesses. On the first week of April 2010, after Rasul and Mohammad (both surnamed Sangki) testified, Datu Mohamadisa “Harris” Sangki was killed in Cotabato City. He died of a stab wound and a gunshot wound. Cotabato City police believes the murder may be related to the AMM case. Harris is the brother of Mohammad and Datu Zacariah Sangki. Zacariah is Rasul’s father.

The brother of another policeman – whose discharge as accused has also been sought by the prosecution for him to turn state witness – was luckier. After his policeman-brother refused to recant his affidavit, Engineer Esmael Ebus was shot several times outside his house. The bullets hit his internal organs including his kidney. He survived. Unfortunately, the frustrated murder case he and his wife filed was dismissed.

Zacariah, Rasul’s father, experienced a different form of harassment. Once, an improvised explosive device was delivered to his gasoline station. On the same week Harris was killed, armed men shelled said gasoline station.

In response, police said it will intensify security in Maguindanao and make sure such incidents do not snowball into more violent ones.

Rights of the Accused

In an interview with the Philippine Center for Investigative Journalism, defense lawyer Philip Sigfrid Fortun said the accused have more rights than those who claim to be aggrieved.

True.

Among the many rights of the accused are:

1. Bail, except in cases where the crime is punishable by reclusion perpetua and there is strong evidence of guilt
2. Presumed innocent until the contrary is proved beyond reasonable doubt
3. Speedy, impartial, and public trial
4. Compel attendance of witnesses and production of evidence in his behalf
5. Exempt from being compelled to be a witness against himself
6. Exhaust all remedies allowed by law and the rules of court

The rationale behind expressly providing for the rights of the accused is to give him all the opportunities and means to defend himself against the vast power of the State. As imagined by the legislators, the State has at its disposal the various law-enforcement agencies and government offices tasked to perform different public services.

Thus, the theory is that while the accused has but himself (and counsel) on his side, the State can galvanize into action the police, the military, and all those in civil service whose job description may fall within what's needed to convict the accused.

What is at stake for the accused is his liberty... for the State, it is peace and order.

In cases of media killings, there is another thing at stake for the State: press freedom. And when no one is held liable for the killings of journalists, a culture of impunity begins to take root at the expense of press freedom.

In the Philippines, the rights of the accused are availed of and fully realized usually when the accused is well-off. In many media killing cases, the suspected masterminds often belong to the rich or to the politically powerful or, worse, both.

With the accused having the right to avail of and exhaust all possible legal remedies in his defense, criminal proceedings can be long and drawn-out.

In the AMM case, six of the principal accused have been detained since December 2009 (except for Unsay who has been detained since late November of the same year). Having availed of various legal remedies, four have managed to temporarily stay their arraignment. Sajid Islam, Anwar, Akmad "Tato" and Zaldy have yet to be read murder charges against them. (As of this writing, the trial court has issued an order for Zaldy to be arraigned on April 26, 2012.)

Rule 115 of the Rules of Court enumerates the rights of the accused, and no less than the 1987 Philippine Constitution, under the Bill of Rights, provides for the same. There is simply no denying the accused his rights.

What about the aggrieved, especially the families of slain journalists? Does not the legal principle that "those who have less in life should have more in law" apply to them? Perhaps not... For we are said to be a nation of laws, not of men, and under the law, the aggrieved have fewer rights than the accused.

My protector, my aggressor

“To serve and to protect”

This slogan is prominent in almost all police outposts, stations, offices and camps of the Philippine National Police (PNP). It serves to summarize the role of PNP in its sworn duty to maintain peace and order.

While said slogan is the official PNP motto, serving and protecting the people is also the mandate of other uniformed and armed services including the Armed Forces of the Philippines (AFP). As such, being in the presence of men in police or military uniform (or just the sight of them) should inspire a sense of security.

For the so-called Ampatuan, Maguindanao massacre victims, the presence of policemen did not help. In fact, various witnesses have testified in court that it was at a police checkpoint that the victims’ vehicles were flagged down. From there, the victims were brought to the hills where they were killed and some of them buried.

A few foreign journalists have asked why members of the convoy did not call up relatives or friends when they were stopped at the checkpoint. The answer is simple: checkpoints are not unusual in Mindanao. For the traveling public, checkpoints are not a cause for alarm or anxiety. They are seen as necessary to ensure peace and order in the island.

The absence of military officers and men, on the other hand, seemed to not have helped the victims either. In the early hours of November 23, 2009, the 601st Infantry Brigade deployed in the province of Maguindanao held send-off ceremonies for two

battalions. While AFP found no irregularity in the send-off, many felt the timing was suspect.

In his testimony before the trial court, then Vice-Mayor Esmael “Toto” Mangudadatu said he had asked for security from the Maguindanao PNP and AFP’s 6th Infantry Division and 601st Infantry Brigade. None granted his request.

Of the 196 accused in the consolidated cases before the Quezon City trial court, 61* are PNP officers and men (excluding PO1 Johann Draper against whom murder charges have been dropped), 4 are AFP enlisted personnel, and more than 100 of them alleged members of armed Civilian Volunteer Organizations (CVOs), Police Auxiliary Units (PAUs) and Special CAFGU Active Auxiliary (SCAA).

Local government units usually supervise CVOs, while PAUs and SCAA are normally under the supervision of the PNP and AFP respectively. As such, CVOs, PAUs and SCAA may be considered extensions of the uniformed and armed services. Thus, they too are sworn to serve and protect the public.

As trial progresses and the roles of the members of the uniformed and armed services begin to unravel, it seems inadequate to simply lament their involvement in the so-called Ampatuan, Maguindanao massacre.

When such officers and men cease to fulfill their sworn duty to serve and to protect and – worse – participate in acts of aggression directed towards the people, on whom then do civilians rely for their safety and security?

* Only 60 PNP accused remain; PO2 Hernanie Decipulo Jr. died sometime first quarter of 2012 after he allegedly jumped off the rooftop of the BJMP building consisting of cells where the accused are detained.

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Personal notes (interviews and conversations)

Case file

The Lives and Deaths of Four Provincial Broadcast Journalists

Introduction

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Introduction

These four Filipino journalists had many things in common. They loved their profession—if you call journalism that rather than a vocation—they were young, aggressive, idealistic and perhaps foolhardy. Because despite knowing that they were stepping on big toes all over town as part of their jobs, they continued their crusades regardless of the risks. They also shared another virtue—courage—and now we honor them as brave, but dead, journalists.

The journalists we talk about in this chapter were broadcasters in the provinces—Jovelito Agustin of the program *Laoag City by Day*, *Ilocos Norte by Night*, over DZJC Aksyon Radio 747 in Laoag City, Ilocos Norte; Herson “Bombo Boy” Hinolan of *Bombohanay Bigtime* in Kalibo, Aklan; Crispin Perez of *Sa Tootoo Lang* over dwDO FM in San Jose, Mindoro; and Martin Roxas of *Targetanay sa Udto (Targeting at Noon)* over RMN DYVR in Roxas City, Capiz.

They were all reporters as well as commentators, unlike newspaper journalists in Manila who distinguish between their roles as reporters or opinion columnists. In the Manila broadcast media, there is still some distinction theoretically between reporters and opinion makers, although the distinction is becoming thin, as broadcast readers are now commenting on the news they read.

As commentators in the provincial broadcast media, these four dead broadcasters were always giving opinions on the doings, shenanigans is perhaps the more appropriate term, of politicians, and therefore were stepping on toes all the time. If you are criticizing day in and day out, you are bound to make enemies. This is part of the dangerous life provincial journalists and commentators lead.

As they went about their work from day to day, they were constantly reminded of the fact that they had many enemies, because they often received death threats. As some of them would say, “we eat death threats for breakfast.” All four of them got warnings which they did not take

seriously, until the days they died. Below are their tragic but inspiring stories.

One common thread running through the short careers of these four journalists is that they were fighting corruption, which seems to be so pervasive that it has become an accepted fact of life among local politicians and public officials.

Another observation that sticks out is that these broadcast journalists were living hand to mouth existence, and had to accept sideline jobs to supplement their meagre income as broadcasters. Now, we examine the four cases in some detail.

Case No. 1 – Jovelito Agustin: Laoag City by Day, Ilocos Norte by Night

That day, June 15, 2010, small town broadcaster Jovelito Agustin did not tarry long in the premises of the DZJC Aksyon Radyo 747, in Laoag City after his 8:30-10 p.m. pre-sign-off program “Laoag City by Day, Ilocos Norte by Night.” Usually he tarried, after long and tiring days doing his various radio-broadcast related activities.

The ambush at night

Instead, he immediately asked his nephew Joseph, who occasionally accompanied him to his evening work, to rev up his motorcycle for their 18-kilometer homeward trip to barangay Natba, Bacarra, Ilocos Norte, where he and his family resided.

The municipality of Bacarra is about 10 kilometers north of Laoag City while Natba is a seaside rural village eight kilometers west of Bacarra poblacion. Bacarra is located along the Ilocos Norte-Cagayan national road.

Midway through the well-paved but sparsely lit highway between Laoag and Bacarra, in barangay Barit, is a kilometer-long winding stretch with no houses on either side of the road and punctuated by a short concrete bridge after a sharp curve.

It was along this portion of the highway that another motorcycle, with two men riding in tandem, overtook them, and as their bikes were alongside each other, the other pair of bike riders sprayed them with bullets.

The 37-year old Jovelito was hit four times in the chest and lower abdomen. Joseph, who miraculously escaped injury, ran and hid behind a thick bush where he was able to see and recognize the perpetrators.

The seriously wounded Jovelito was rushed to the Gov. Roque Ablan Hospital where he fought for his life for a couple more hours until he expired after midnight.

Unheeded warnings

Jovelito was known to keep his problems – professional and personal – to himself. His eldest brother, however, recalled that there was an instance when their inaudi [youngest sibling] told him that if ever he gets killed, the perpetrators would be none other than their town's two top officials. Nonetheless, several incidents prior to the fatal ambush should have further forewarned him to be extra careful in the practice of his craft and in the conduct of his day-to-day life.

In the early evening of May 7, 2010, three days before the May 10 national elections, Jovelito's two-room wood-and-bamboo house located in a small family compound in Natba, was strafed by gunmen. Nobody got hurt in the incident although at that time, some of his clan elders were in a huddle under a small tree toward the center of the compound, discussing domestic concerns and local political issues. Several bullet marks can still be seen on the walls of the house.

The vehicle used by the gunmen in the strafing was identified by witnesses as belonging to then Bacarra vice-mayorality candidate Pacifico Velasco, but the local police, despite Jovelito's persistence in following up the progress of his complaint, took a couple of months before a case was filed against the suspects, until he himself was killed.

Along with then newly-elected Vice Mayor Velasco, the alleged gunman, Leonardo Banaag, who was reportedly Velasco's aide and two others – Ricky Acosta and Moymoy Baldemor – were charged with murder. But the Laoag City prosecutors' office subsequently dismissed the case against Velasco supposedly due to insufficient evidence.

Not long after, Velasco went on leave of absence and could not be accounted for by authorities, not due to Jovelito's death but because of, his supporters claimed, graft and corruption cases filed against him. Of late, Velasco has resurfaced after filing bail for the graft and corruption cases.

3rd station broadcaster killed in 6 years

Jovelito was the third broadcaster of radio station DZJC to meet a violent death within a six-year period from 2004 to 2010. In 2004, Roger Mariano, who like Jovelito was also a DZJC program host/anchor, was gunned down, allegedly by a police officer who was later acquitted of the charges filed against him.

Many of his colleagues believe that Roger's death could have been due to his stinging commentaries regarding corruption in a power-generating corporation in their province, an issue which could have involved a high-ranking local politician.

The Radio Broadcaster

An AB in economics graduate from Northwestern University in Laoag City, Roger was respected in local media circles and regarded as among the more professional broadcast practitioners in the province for his "scrupulous attention to truth-telling and fairness."

Soon after finishing his Radio Communication Operator course, Jovelito landed a job as a technician at Radyo Budyong, in Laoag City, where he was encouraged to also work as a reporter, an extra assignment that hooked him. Thus, when an opportunity to become a radio reporter presented itself, he did not hesitate to quit his work as a technician.

After learning the ropes of the trade and gaining confidence, he moved over to Angel Radio, also in Laoag City, initially as a reporter and then as a program host.

Shortly after that he learned that Radio Natin Bacarra, a small community radio station in his hometown, needed somebody who could help manage its operations. He applied and became its assistant manager. His familiarity with the municipality led to his hosting a popular “request and dedication program.” Then he met Cheryl, who became first an officer of his fans club, and then his wife.

The tense political atmosphere in Bacarra and the growing needs of his family, however, made him rethink his job options. He decided to move again to DZJC in Laoag City where he worked as reporter, commentator and program host/anchorperson.

Aside from his “Laoag City by Day, Ilocos Norte by Night” program which had a mixture of form and content—news, commentaries, live interaction with listeners and requested music-- he also hosted a 10 a.m.– 12 noon show called “Kappuros” [Freshly Plucked] which was very popular among his listeners – the common folk.

Other sources of livelihoods

To supplement his minimal salary as program host and reporter, he earned some amount from his commissions for the radio advertisements that he was able to solicit. Occasionally, he also got himself involved in the buying and selling of second-hand cars, and of farm and residential lots.

Although most of his neighbors in Natba earned their living from the shallow sea, Jovelito preferred to raise swine and chicken in a vacant space in their family compound to raise extra money for his family.

He also helped his relatives and neighbors in the filing and processing of their foreign travel documents at the regional capital in San Fernando, La Union, and sometimes in Metro Manila, for a token fee. He was quick to

explain, however, that he was not a job recruitment agent because most of his clients went to Hawaii or California as immigrants.

Another preoccupation – and passion – was his church work: he was an active lay minister of the Aglipayan church. As a lay minister, he could serve host during communion rites but could not officiate in wedding ceremonies. He is also often described as a devotee [*debosyonado*].

And during elections, he was frequently approached and hired by local politicians to help them in their public relations and media networking needs.

Long road to justice

Criminal Case Nos. 14525 and 14526 were filed against Leonardo Banaag for the murder case before the Regional Trial Court (RTC) Branch 12 in Laoag City. However, a petition for change of venue to any court in Metro Manila was partially granted by the Supreme Court which ordered that the corresponding case records be transferred to the RTC in San Fernando City, in La Union.

Grief, outrage and sympathy in the community for the killing of Agustin was immediate and widespread after the public came to know about Jovelito's murder, but this soon dissipated.

Juliet Pascual of the Ilocos Independent Media Circle, a media non-government organization, attributed this to people getting used to the killing of journalists. "They tend to easily forgive and forget," she said.

Broadcast journalist Jovelito Agustin was slain on June 15, 2010. His killer, Leonardo Banaag, was arraigned on April 18, 2012. The case against the killer is just starting, two years later. **(By Ben Domingo)**

Case No. 2 – Herson Hinolan: Warrior on the Airwaves

He was a fierce warrior on the airwaves, targeting erring government, military or police officials, even crime lords with his hard-hitting commentaries. He was a journalist people could always turn to for help. Through his radio program, they could count on him for medical or financial assistance and, just as important, for hope of justice for the abused and oppressed.

Herson “Bombo Boy” Hinolan had a brash interviewing style called *golpe de gulat*. *Golpe* is Hiligaynon for sudden and *gulat* is Tagalog for shock. Prepared with documents before airing a live interview, Bombo Boy asks his interviewee regarding issues he has evidences of, and would bombard the interviewee with follow-up questions until he puts him on the defensive. A broadcaster from Bacolod described his style this way: “The style shames the source on air.”

“Bombo Boy” Hinolan feared no one. He would call a spade, a spade. If you are corrupt, he will say you are corrupt. There is no in-between with Bombo Boy. He criticized public officials involved in anomalies especially those involved in illegal gambling.

One of the gambling issues discussed over his program “Bombohanay Bigtime” involved Mayor Alfredo Arcenio of Lezo Town, 6.2 miles away from Kalibo. The give-and-take between Bombo Boy and Mayor Fred escalated, with each eventually challenging the other to a gunfight. It was a first for Aklan.

Zaldy Germa, of Bombo Radyo Kalibo’s engineering department, said Bombo Boy did not limit his advocacy to the announcer’s booth but would go as far as filing complaints against abusive policemen before the Office of the Ombudsman on behalf of the victims. Unfortunately, Zaldy said, Boy’s generosity would often backfire when victims retracted their complaints, after pressure from the accused.

Warnings and ambush by night

According to his wife, Aphrodite, threats to Herson's life happened not only in Kalibo, where he worked, but also when he was still in Roxas City, where his family lived. Herson took precautions by hiring bodyguards and carrying a gun.

His crusading style of broadcasting earned him more than his fair share of enemies and threats. One time, said Aphrodite, they received a small package. Inside was a black ribbon and a note that said, "Condolence." Finally, the wife could no longer stand the constant danger and begged Boy to quit his job.

The resignation was not meant to be. Boy died on November 15, 2004, eight days after he made his promise. Two nights earlier, "Bombo Boy" Hinolan and a lone bodyguard dropped by a fair in D. Maagma Street, in Kalibo, Aklan.

At around 10:45 in the evening, Hinolan left his companion briefly to answer the call of nature. While he was relieving himself beside a wall, a guy came up from behind and shot him. Although wounded, he was able to run across the street but the killer followed and shot him again.

Herson was immediately brought to Don Rafael S. Tumbokon Memorial Hospital. The radio station received a call from a concerned citizen informing them that "Bombo Boy" was shot. The station had just signed off for the day, but signed back on just to air the shocking news.

His wife, Aphrodite, recalled that scores of people immediately visited Boy in the hospital, offering to donate blood. It was only then that she felt the love of the people for her husband. She only then understood the impact of her husband's work on the community, seeing the many lives that Boy touched through his work. The donations that came from various people – poor and rich alike – overwhelmed Aphrodite.

Circuitous route to justice

The Police in Kalibo filed a murder complaint against Mayor Alfredo Arcenio in 2004.

However, after the conduct of a preliminary investigation on March 21, 2005, the Provincial Prosecutor of Aklan found no probable cause for murder and downgraded the case to homicide on March 8, 2005. The case was docketed as Criminal Case No. 7457. Because homicide is a bailable offense, Mayor Arsenio posted a P40,000 bail bond on April 19, 2005.

After a delay of almost eight months, an arrest order against Mayor Alfredo Arcenio was finally issued on September 7, 2006 followed by a hold departure order on September 20. At the same time, the Philippine National Police offered a reward of P100,000 for information leading to the arrest of the mayor. However, Mayor Arcenio remained free despite the arrest warrant until he voluntarily submitted himself to the court on March 5, 2008, two years later.

The Freedom Fund for Filipino Journalists (FFFJ) filed a request with the Supreme Court to transfer the venue of the case from Kalibo, Aklan to Cebu City. The Supreme Court granted the request of the FFFJ through an en banc Resolution despite objections from the Aklan Press Club and Mayor Arcenio.

On April 24, 2008 the criminal case against Alfredo Arcenio was docketed as CBU-82877 in Cebu. By raffle, the case was assigned to the sala of Hon. Sylva Aguirre-Paderanga. Arraignment was scheduled for May 26, 2008 when Mayor Arcenio pleaded not guilty.

Surprise Witness

On the same day when Mayor Arcenio entered his plea, a star witness of the killing, Nino Suner, was presented by the Prosecution to the Court. Suner testified that he saw the killing.

According to Suner he was in a tricycle when the shooting happened. He came from the peryahan and sat at the tricycle which was about two

meters away from Boy Hinolan who earlier went out of the peryahan and relieved himself beside a wall.

While he was there, he saw a man in a leather jacket walking towards the back of Boy Hinolan. Suddenly he heard gunfire. Suner said he hid inside the tricycle and later peeped to see what happened. He said that he saw Mayor Alfredo Arcenio, in ma-ong pants and a leather jacket, holding a gun.

Suner ran towards the fair after the shooting. From the fair he could see Boy Hinolan running across the street. He also saw the gunman following him, saw him stumble on the road but get up again and shoot Boy Hinolan twice. It was then when he saw Boy Hinolan fall to the ground. When the gunman left, Suner approached Boy Hinolan and brought him to the hospital in a tricycle. After the prosecution presented Suner, the Court denied Alfredo Arcenio's motion for bail.

Witness protection program

Witnesses for the prosecution were placed under the witness protection program. They endured for years the difficult lives of those placed under the program, until they recanted one by one. Even before he could testify in open court, one witness to the shooting, Peter Melgar, withdrew his statements in 2008, three weeks before Mayor Arcenio surrendered himself.

The star witness, Nino Suner, retracted as well also in 2008. Despite the recanting witnesses, the case progressed in the sala of Judge Paderanga. The Court issued an arrest warrant to prosecution witness Peter Melgar to ensure his appearance in court after his desistance. The prosecution presented another witness, Mariejo Icamina, who testified on direct-examination that she also saw the person carrying a handgun and shoot Hinolan.

After the prosecution rested its case, the defense moved to dismiss the case. The prosecution responded on April 7, 2010, saying that they have formally offered 23 documentary evidences and two eyewitnesses to the Court.

After the December 2011 hearing was again postponed, accused Alfredo Arcenio sat on the witness stand. The first direct examination of the accused at last came on February 9, 2012 --eight long years after the killing of Bombo Boy. **(By Ledrolen R. Manriquez)**

Case No. 3 – Crispin Perez: *Sa Totoo Lang*

Sa totoo lang.

This Filipino phrase can be roughly translated into “for real” but the translation does not quite capture the meaning and context within which the phrase is used by Filipinos. It usually means the truth behind an on-going deception is about to be revealed--for real.

This was also the title of the radio program of radio commentator and lawyer Crispin Perez who was shot and killed right at the doorsteps of his home in broad daylight, on June 9, 2009. That day Perez was at the radio station for his radio program, which aired from 6:30 to 8:00 in the morning on weekdays. His wife, Irene, was at home.

Lawyer of the poor

As a lawyer, Crispin Perez was known to be helpful. He was said to never have refused to extend legal help to those who asked and needed it. His widow, Irene Perez, claimed farmers were among those to whom her husband often gave legal advice and assistance. She called him a “lawyer of the poor.”

In the belief that he could help the people more effectively as an elected official, Perez ran for and served as a board member of Occidental Mindoro from February 1988 to March 1992 and as vice governor from 1992 to 1995.

He used his legal knowledge in his commentaries made over his radio program, *Sa Totoo Lang*, aired over dwDO FM. He was one of three anchors of the program. A day after Perez was killed, provincial governor Josephine Sato was interviewed on dzXL radio. In the interview, she said it was

possible he was killed because of his commentaries. “In past weeks, he had been focusing on many issues,” she said.

Among the issues that Perez criticized was the matter of a supply contract between a local cooperative and a private power firm. It was rumored that a local politician was involved in the contract, which was seen as disadvantageous to the power-consuming public. In the same interview, Sato said the lawyer-broadcaster had no security personnel.

The killing: In broad daylight

According to Irene, a man wearing a cap arrived past 9 o'clock on that morning of June 9, 2009, looking for her husband and saying he needed legal advice. After telling the man that her husband had not yet come home from the radio station, the man opted to wait on the bench outside their house.

Irene went back inside the house and got on the treadmill. She claimed she could still see the man as the treadmill was facing the window on the wall against which the bench outside was leaning.

After about half an hour, Perez arrived. He sat beside the man and, according to Irene, they talked for several minutes. From inside the house, Irene saw them stand up. She said she saw that as a sign the consultation was over. She walked to the door to open it for her husband. As she turned the knob, she heard two shots.

Flinging the door open, she saw the man with a gun clasped in his two hands seemingly still in a shooting position. Her husband was lying on the ground. She rushed to her husband and felt around him for wounds. The man by then had walked away. Leaving her husband, Irene rushed after the man. He was already on a motorcycle when she reached him. Just as she made a grab for him, he sped away.

Local police later recovered the motorcycle allegedly used by the gunman. It was traced to Police Officer (PO2) Darwin Quimoyog, who allegedly

bought it on June 5, 2009. Several witnesses said the same motorcycle was used to conduct surveillance on Perez.

Perez died on the way to St. Magdalene Hospital. He was 66 years old. When Irene went to the local police to give her statements regarding her husband's murder, she was shocked to find police had prepared what she called a "ready-made" report. The report alleged her husband was stabbed and shot inside the house by Irene's lover after Perez caught them together.

Denying she had a lover and worried that the local police was going to whitewash the case, Irene sought the assistance of the National Bureau of Investigation (NBI). Initial investigation following the killing indicated that the case was intentionally muddled. A team of investigators from outside the locality had to be sent to conduct a separate investigation that would reveal the circumstances surrounding his murder. This time for real.

Bumpy road to justice

Former NBI Director Nestor Mantaring sent a team of NBI agents to San Jose to look into the Perez murder. Their findings found much of the local police report to be untrue. A member of the team revealed so "hot" was the case that, after two straight days of investigative work, the team was instructed to leave San Jose immediately. Their safety was allegedly the reason behind the order for their immediate pull-out.

Meantime, Irene went on a personal quest in search of the gunman. She claimed there were attempts by a local politician with the aid of local police to hide the gunman to prevent her from making a positive identification.

Relentless, her search led her to a police camp in another town in Mindoro. There, she identified the gunman based on a photo, but admitted she was only "80 percent" sure it was he. She said if she could see him in person, she would know whether or not it was indeed him.

She was given that chance. When Irene saw him in person, Irene positively identified him as the gunman who shot and killed her husband. He was

PO2 Darwin Quimoyog, a policeman stationed in Magsaysay, Occidental Mindoro.

The suspect, PO2 Quimoyog, is said to be a former close-in security of Jose Villarosa, mayor of San Jose, Occidental Mindoro. The latter's wife is Representative Maria Amelita Villarosa, who is known to be a close political ally of former president and then Representative Gloria Macapagal-Arroyo.

By October 2009, the state prosecutor assigned to conduct the preliminary investigation on the Perez murder had drawn up his resolution and its promulgation simply needed the approval of then Chief State Prosecutor (CSP) Jovencito Zuño. For reasons known only to him, CSP Zuño signed the resolution only a few days before his retirement in February 2010.

The resolution recommended that PO2 Quimoyog be charged with murder. A criminal case for murder was filed against the policeman before the Regional Trial Court (RTC) of San Jose, Occidental Mindoro.

Because of the alleged connection between the accused and the local chief executive of San Jose, Occidental Mindoro, Perez's widow asked the Supreme Court to transfer the trial venue from San Jose to Manila or Makati. They also asked that a state prosecutor from the Department of Justice (DOJ) be assigned to the case.

While the petition for transfer of trial venue was pending, the trial judge reported his daughter was abducted and released after a few hours. The abductors allegedly slapped the judge's daughter before she was released. It would be several more weeks before the Supreme Court issued an order ordering the transfer of trial venue to Lipa, Batangas. Trial proper was scheduled to start June 28, 2012, three years after the murder. **(By Prima Jesusa B. Quinsayas)**

Case No. 4 – Martin Roxas: *Targetanay sa Udto* (Targeting at Noon)

Radio Mindanao Network broadcaster Martin Roxas was for years the anchor and daring host of Radio Mindanao Network's prime time noon program, *Targetanay sa Udto* (Targeting at Noon) in Roxas City, Capiz.

In his program, he targeted local politicians who were corrupt, people who stole money from the public coffers, enriched themselves through illegal logging, illegal fishing, drug pushing, or government corruption. But on that day, he was finally the target of his enemies.

The ambush: Death in the afternoon

Martin was riding his big blue bike along Bayot Drive in Roxas City, Capiz in the early afternoon of August 7, 2008. Suddenly a skeleton type motorcycle, with two riders in tandem, followed him.

Ivan Ponciano, waiter at Compass Rose Bistro in Bocala Bldg., Bayot Drive, was looking out of the window when he saw two persons riding in tandem on a black skeletal motorcycle chasing the bike driven by Martin Roxas.

Two police officers in civilian clothes were walking along the corner of Roxas Avenue when their attention was caught by two motorcycles racing along Bayot Drive. Then they heard gunfire and saw the big bike fall on the street.

According to witnesses, the back rider of the skeleton type motorcycle shot Roxas. Immediately a flash alarm was announced to all police stations. Governor Victor Tanco instructed the provincial police to alert all precincts and initiate a road block in hot pursuit of the suspects. The Ivisan Police Station cornered and caught the two suspects--Kristian Tan and Joenel Lastimoso.

Meanwhile, with only one bullet shot, Martin Roxas, 32, was dead on arrival at the Capiz Emmanuel Hospital.

Early warnings and threats

Martin already had warnings. Days before his death, Martin was attacked by unknown men. He was on board his motorcycle traversing Hemmingway St. in Roxas City when young men suddenly blocked the road. One of them kicked him on the side as he slowed down. Martin suffered minor bruises, avoided the fight and went home. Together with his media colleagues in Capiz they filed a blotter report the following day.

Station Manager Elizer Abarra said Martin's program was sensitive because it dared to dig into many crucial issues affecting Roxas City. Issues on corruption, illegal activities, illegal logging, and illegal fishing were just some of the topics expected from Martin's menu.

Martin's station manager said threats are part of the territory. "We find threats to be always there. In our day-to-day operations and especially in our commentaries we may hit government officials and those people engaged in illegal activities."

But despite threats, he said they will continue to report the truth. A listener once told him in the local language (Hiligaynon) that "What you are doing--expose the truth--is very good, but your life is on the line."

Martin was not only a commentator; he was also RMN's Program Director. He stood next in line to Station Manager Elizer Abarra. Aside from his program, he handled Special Projects where RMN provides civic services for the public.

The issues that Martin tackled prior to his death were issues of corruption pertaining to financial aid funds, drug issues and other issues pertaining to government budgets. Martin's journalist friends organized the media in Roxas to call for justice for Martin Roxas. The action was intense in the city and has gone through dialogues with the local government.

RMN hired additional security guards and sought the help of the provincial police for security. Martin's death may have been the first big challenge for

the station but it is not the first time that the station encountered serious threats.

After five years, no court decision yet

Martin's death alarmed the media and brought reactions from government officials, particularly the governor of Capiz and the mayor of Roxas City. Martin died a poor man. So when Governor Tanco learned about Martin's dependents, he decided to hire Teddy Roxas, Martin's father, in the Provincial Disaster Risk Reduction Management Center of Capiz. For a time, he also hired Martin's wife, Hanya, until she later transferred to Manila.

The governor also put up a reward of Php 150,000 to anyone who could point out the culprits. Mayor Vicente Bermejo also offered the same amount as reward money. Radio Station DYVR took over the responsibilities to pursue the case in court.

National Union of Journalists in the Philippines (NUJP) Capiz President, John Heredia, saw in Martin's death the struggles of a media practitioner—the danger and the economic challenges. As the station continued to air reports about Martin's death and the issues he tackled prior to his death, RMN received various phone threats. But Martin's colleagues refused to be cowed and continued their exposes.

Martin's journalist friends organized the media in Roxas to call for justice for Martin Roxas. Early on the crusade for justice was intense and involved dialogues with the local government. RMN hired additional security guards and sought the help of the provincial police for security.

Martin's death may have been the first big challenge for the station but it is not the first time that the station encountered serious threats.

Finally on August 13, 2008 a case was filed finding probable cause for the crime of murder against suspects Lastimoso and Tan. The case of Martin Roxas reached the sala of Judge Edward Contreras who issued a detention order for the accused on August 22, 2008.

In June 2012—about five years after the killing--the case is still in court, although the family of Martin Roxas and his station, Radio Mindanao Network, are hopeful that a court decision will be handed down by the end of the year. **(By Ledrolen R. Manriquez)**

Summary and Conclusions

We looked at the four cases for patterns in the killings. In three cases, motorbikes were used by the killers. In three cases also, hired killers were involved. In one case, the aggrieved party himself (the Mayor) did the dirty job. In all cases, the victims had ample warning about the threats to their lives, and only one of them, Hinolan, hired a bodyguard. Two killings were consummated at night and two in the daytime. Apparently, many killers are becoming so brazen that they can kill with impunity even in broad daylight.

Agustin of DZJC Laoag was killed by two men riding in tandem on a motorbike as he was back-riding in another motorbike of his nephew late at night.

Martin Roxas was chased by a two men riding tandem on a black motorcycle as he was biking in Roxas City in the afternoon.

Crispin Perez of dwDO FM in San Jose, Mindoro was shot in broad daylight— at 9 a.m. in front of his house, and in front of his wife. The killer then fled on a motorcycle.

Herson Hinolan of Bombo Radio in Kalibo, Aklan was ambushed at around 10:45 in the evening while answering the call of nature beside a wall. A guy came up from behind and shot him. A witness said he saw Mayor Alfredo Arcenio, in ma-ong pants and a leather jacket, holding the gun that killed Hinolan.

Justice delayed

Finally and unanimously, all the cases have not been solved to this day. The wheels of justice move exceedingly slow for all these four slain journalists.

Agustin Case. Broadcast journalist Jovelito Agustin was slain on June 15, 2010. His killer, Leonardo Banaag, was arraigned on April 18, 2012. The case against the killer was just starting, two years later.

Hinolán Case. Herson “Boy” Hinolan was ambushed on November 15, 2004. Although Kalibo police filed a murder complaint against Mayor Alfredo Arcenio early enough in 2004, the first direct examination of the accused came only on February 9, 2012 --eight long years after the killing of Bombo Boy. After a lengthy legal battle over the years, accused Alfredo Arcenio finally sat on the witness stand to answer questions.

Perez Case. Lawyer-journalist Crispin Perez was shot dead on June 9, 2009. By October 2009, the state prosecutor assigned to conduct the preliminary investigation on the Perez murder had drawn up his resolution and its promulgation simply needed the approval of then Chief State Prosecutor (CSP) Jovencito Zuño. For reasons known only to him, CSP Zuño signed the resolution only a few days before his retirement on February 2010.

The resolution recommended that PO2 Quimoyog be charged with murder. A criminal case for murder was filed against the policeman before the Regional Trial Court (RTC) of San Jose, Occidental Mindoro.

A side issue delayed the case at the start, when San Jose Mayor Jose Villarosa sued Perez’ radio colleague Alex del Valle for libel. Worried that San Jose may not be a neutral and safe trial venue, del Valle’s defense counsel petitioned the Supreme Court for transfer of trial venue. It would be several more weeks before the Supreme Court issued an order ordering the transfer of trial venue to Lipa, Batangas. Trial proper was scheduled to start June 28, 2012.

Roxas Case. Martin Roxas was chased on a bike and killed on August 7, 2008. A case was filed finding probable cause for the crime of murder

against suspects Lastimoso and Tan on August 13, 2008. The case of Martin Roxas reached the sala of Judge Edward Contreras who issued a detention order for the accused on August 22, 2008. It did not take long for the appropriate charge to be filed in court. But the case was delayed by legal maneuvers after that.

In June 2012—about five years after the killing--the case is still in court, although the family of Martin Roxas and his station, Radio Mindanao Network, were hopeful that a court decision will be handed down by the end of the year. **(By Crispin C. Maslog)**

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**ROUNDTABLE
DISCUSSIONS**

Forum on A Multidisciplinary Inquiry on the Culture of Impunity in the Killing of Filipino Journalists

Club Filipino, Greenhills, San Juan City

September 15, 2009

Convenors of Roundtable Discussion

The Multidisciplinary Inquiry on the Culture of Impunity in the Killing of Filipino Journalists, a roundtable discussion among experts in the various social science disciplines, was convened by the Asian Institute of Journalism and Communication (AIJC) and the Communication Committee of the UNESCO National Commission of the Philippines (NatCom) on September 15, 2009 at Club Filipino, Greenhills, San Juan, Metro Manila.

The UNESCO Regional Office in Jakarta provided funding for the project. Cooperating partner organizations were the Philippines Communication Society (PCS) and Philippine Association of Communication Educators (PACE).

Highlights of Roundtable Discussion

Mr. Ramon R. Tuazon, AIJC and PCS president, served as facilitator of the Roundtable Discussion. He started the discussion by asking the question: From your particular social science discipline, what are the possible root causes of impunity and the factors that influence its persistence?

Root Causes of Impunity

Dr. Ma. Lourdes A. Carandang, child psychologist, offered two explanations. One is the “culture of intimidation,” which is manifested in bullying or exercising “power over” someone. She said that this culture starts in families. Two is the “culture of lying” or lying as a way of life. Truth-telling today has become dangerous, as experienced by journalists. This culture of lying is evident in child-rearing practices, where truth is covered up (pinag-

tatakpan) because of pity (naawa) or leniency (pinagbibigyan). There are no clear limits of discipline. Consequences are not enforced for following the rules (affirmation/ reward) or for violating them (punishment).

Dr. Ambeth R. Ocampo, historian and chairman of the National Historical Institute, said that he was wary of the term “culture of impunity.” We need case studies, more data, more thorough research. Right now, the patterns of the killing are that the violence happened in the provinces and the journalists killed were in radio. Perhaps it is not impunity but what the journalists were saying and how they were saying it. He cited the case of high-profile print journalist, who has been writing about controversial issues and people for thirty years or so and remains alive. Perhaps it is the medium, radio, which is “open and direct.” We need to define “culture of impunity,” because it is too broad and the killings do not just involve journalists. Also, we need to look at other related issues like the justice system and corruption.

Dr. Carandang shared an anecdote about a famous television journalist who had told a whistleblower that he (the journalist) needed to show him (the whistleblower) on television, since “visibility is a protection.” Anonymity is a factor in the murders. When she advised the journalist to “lie low” because of his coverage of controversial issues, she was told that, all the more, he should be more visible in media for his own protection.

Mr. Rey Hulog, executive director of the Kapisanan ng mga Brodkaster ng Pilipinas (National Association of Philippine Broadcasters), pointed out the need to look at individual cases, since we have not yet established a pattern. Why is this happening? What is the background? What’s common? For example, are journalists being silenced when they report on events as they happen, like witnesses being preempted? Our present approach of trying to convince government to act is not enough. We need to go deeper; there must be something else. Why do listeners or management tolerate these things? There are decision-makers who can put a stop to it. “*Pera-pera din yan*” (Money is also a factor). Other concerns are advertising and listenership.

Dr. Clarita R. Carlos, professor of political science at the University of the Philippines-Diliman, said that "explaining" the killing of journalists will require an identification of the various factors and forces that led to this result which we shall label our Dependent Variable (DV). The putative causalities will be labeled independent variables (IV). Explanations are almost always "flawed" or incomplete because we are not able to identify all the plausible putative IVs; we may also not be able to determine their relative potencies, i.e., how much of each is contributing to the DV?

She expounded on her thoughts on a "democratic deficit in freedom of thought." Journalists represent this freedom, and we should be concerned when they are being killed for doing their job. A related issue is the nature of journalism today, or investigative journalism, which has breached into or crossed over to critical inquiry. For example, she cited the "collusion" of certain American journalists in perpetuating the myth of weapons of mass destruction in Iraq. At the same time, she also discussed the military mindset, which follows the order to "decimate" from the commander-in-chief – the President.

She identified institutional factors such as a justice system which is genuinely compromised, a sanctions/punishment system which fails in implementation or which implements on a case-to-case basis. Also, the bureaucracy is so deep-seated that we cannot break the rhythm of the way we do things.

Dr. Bernardita Churchill, chair of the Technical Committee for History of the Commission on Higher Education, cited the need to instill values and ethics in the very young. This is where we begin. Schoolchildren today are not learning what was being taught before in the educational system.

Impunity and Violence

Dr. Nestor T. Castro, associate dean of the U.P.-Diliman Department of Anthropology, observed that the killings are not unique to journalists and should be seen in relationship to the culture of violence in general. This culture of violence is being studied by the Ateneo de Manila University in its ongoing research on electoral violence in Abra. He pointed out that two political systems exist: the state and the local communities. Among

traditional communities, violence such as the rido (clan war) exists, but they also have systems to check that violence. It is the traditional political systems that are being eroded today. He added that why the violence against journalists occurs in the rural areas needs research work.

Dr. Roland B. Tolentino, dean of the U.P.-Diliman College of Mass Communication, commented that Filipinos may have developed a tolerance or “high saturation experience” for violence, and media may have contributed to this. We consume media in extended ways, including violence; and entertainment, with the pretty women and reality shows, has made violence acceptable. Radio and television have been complicit in this culture of violence and, being profit-driven, have been shifting to “infotainment.” There is a need to examine media’s economic imperative and its accommodation of violence.

Atty. Jose Manuel Diokno, dean of the De La Salle University College of Law, said that journalists, like lawyers and judges, work at the edge of keeping order. Order is kept not so much by the severity of punishment but by its certainty. In the country, there is no such certainty. Forms of impunity in the legal system exist, such as: the lack of a mechanism to preserve or perpetuate testimony; a long-drawn process; and the absence of recourse or no right of appeal in administrative cases, if the aggrieved party is government (e.g., police). There is a need for legislation that will make the testimony records of a witness part of the case. The Witness Protection Law also needs amendment to strengthen it.

Atty. Amparita De Los Santos-Sta. Maria, executive director of the Ateneo Human Rights Center, said that impunity exists at all levels and cited as example the Kuratong-Baleleng case (a rub-out case where members of the Kuratong-Baleleng gang were all killed by the Presidential Anti-Crime Commission allegedly in a shoot-out, although the evidence showed that no shoot-out occurred). Laws exist, but enforcement is weak. In certain cases, although forgiveness for wrongdoing is not sought or acceptance of guilt is not done, amnesty has already been granted. She underscored that the right to know is a collective right, just as the right to justice and the

right to reparation. Witnesses are killed, and this creates a chilling effect not only on other witnesses. Even judges also fear reprisal.

Atty. Prima Jesusa Berongoy-Quinsayas, legal counsel of the Freedom Fund for Filipino Journalists (FFFJ), cited the case of Marlene Esperat, a Mindanao-based columnist who exposed the fertilizer scam and was gunned down inside her house in 2005. She said that the prosecution's success is relative, because only the gunmen, but not the mastermind, have been convicted. The conviction is the result of a persistent group of prosecutors. She observed that the government's Task Force 211 has not done much.

She stressed that while it is true that killings are not unique to journalists, journalists represent an important institution in society – the press or the Fourth Estate. The press concretizes the abstract concepts of free press, free speech, and right to know. Thus, killing journalists means killing those freedoms and rights.

Atty. Quinsayas added that in dealing with the issue of the culture of impunity, access to logistics must also be considered. The witness protection program does not have much funds. Neither does the FFFJ have enough financial resources. Prosecutors are overloaded with cases, like 25 cases a day per prosecutor. Judges also are overloaded, and the Philippine National Police is understaffed.

Patterns of Impunity

Mr. Tuazon asked if the use of the word “culture” in the term “culture of impunity” is appropriate. He said that the group has seen the obvious patterns of impunity, but the unseen patterns must be identified in order to be able to address the issue.

Prof. Flordeliz L. Abanto, president of the Philippine Association of Communication Educators and radio program host, said that broadcast journalists have provided listeners access to media to report their concerns by phone or by text. Frustrated with government, they prefer to report to the media. Although this entails risk for them, journalists cannot turn

their backs to listeners who report abuses or corruption. She also said that, generally, radio journalists in the provinces have no formal schooling in journalism and are there because they are very brave and have a good voice. They need training on journalism ethics. While the Kapisanan ng mga Brodkaster ng Pilipinas (KBP) does have a Code of Ethics, it is not strictly enforced. Mass media education will help teach future journalists how to raise the ethical bar in journalism practice.

Dr. Carandang underscored the power of media over the psyche, especially among children. Although TV cartoons show the triumph of good versus evil, the fight is done through violence. In entertainment, verbal abuse is prevalent and accepted as funny, but it is most dangerous because it assaults the dignity of a person. All these lead to the acceptance of violence as normal.

She also commented on the Task Force 211 report to the UNESCO director general, which she finds reactive, superficial and without compassion. She added that the report shows that the task force has no picture of the situation, which is “totally out of its consciousness.”

Mr. Hulog clarified that KBP does get cases in Metro Manila and is able to address the use of foul language in broadcasting. However, it is more difficult to get cases of bias in commentaries.

Mr. Jose L. Pavia, executive director of the Philippine Press Institute, noted that media has become part of the problem. Journalists must go back to the basics of accuracy and excellence. Their role of reporting is necessarily investigative. There is no bad news or good news, but just news. He cited research in the U.S. that showed the majority of Americans as having lost trust in their media because of bias. He said that this relates to accuracy. The “citizen journalist” cannot replace good journalism, which checks and double checks the facts and which disregards when in doubt. While news is “history in a hurry,” citizen journalism has become merely “news in a hurry” without the guarantee of accuracy. Journalism can only have one advocacy, and that is advocacy for truth. He also cited the problem of block-timers. Journalists must take up the challenge of excellence in their job.

For the research to be done, he suggested including the widows and children of the slain journalists.

Dr. Braid noted that dehumanization grows with the culture of impunity. She cited the “moral exclusion theory” (Susan Opatow, 2001) which sees moral exclusion as a psychological orientation that views those excluded as expendable and undeserving. It provides a perspective on injustice, particularly social-psychological factors that support and exonerate harm-doing. Dr. Braid suggested that we should look at how media contributes to such exclusion.

Dr. Carlos said that political history provides an insight into the legal framework of impunity. A disjunct exists between the political infrastructure and the political culture (or the grass roots), between the political system and the interaction between groups. There needs to be a genuine rethinking of political structures as barriers. She cited local power brokers like the police or soldiers - some, if not many, of whom are in the pockets of politicians.

Political culture factors in the killing of journalists include the following: a public being inured to the level of corruption/violence; a violence/corruption fatigue that has set in; and a continuing political patronage which involves the two major armed forces, the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP). Other factors include a less than discerning electorate that is not willing to vote out of office erring politicians.

She also discussed the socialization of violence. The home, much more than the church or peers, should be the major socializer of the young in their formative years. In her own experience for example, “*palô*” (the rod or parental discipline) and “*takot*” (fear), helped build the “integrity of the self.” A genuine sanctioning environment starts at the home. This sanctioning environment is absent or weak even in government. She cited how “stealing” in government involves not only one person but about six people, who are all involved in signing documents that make possible the “stealing.”

She added that the link between childhood experiences and adult behavior may be a bit tenuous unless we demonstrate through path analysis that, indeed, certain socialization during childhood is carried over to adulthood.

Journalists and Critical Thinking

Dr. Ocampo noted the changes that have taken place in the family, media and business, e.g., absentee parents, television as “yaya” (nanny), news stories that are just e-mailed, research that is done through Google. In training journalists, it is important to include the social sciences in the curriculum. He noted how news is filtered, that critical thinking is deficient in news reports, and that editors do not check sources. He also noted the entry of blogs in covering news and how screaming on radio seems to have become a normal way for broadcasting.

Dr. Castro noted that students today have resources other than the school, so there is competition between these sources and the teacher. There is no facility to discern what is real and true. He cited a proposal he made for schoolchildren to be given different versions of history to enable them to hone their critical thinking, but he was told that it could not be done. He recommended a look at socialization, including child-rearing practices.

Dr. Tolentino pointed out the inadequacy of merely training journalists to enable them to be accurate in their work. He added that, with the killings, journalism and communication students will not dream of becoming investigative journalists. What is needed in the educational system is to put in place the critical tools of political and social analyses of the Philippine state and of media practices.

Dr. Braid said that the levels of socialization should be identified, and the new media should be looked into as a venue for interaction. This should be related to the problem of impunity. Also, how can we relate psychological concepts to impunity? What are the values and how can these be developed?

Atty. Quinsayas recommended that the killings be viewed also from the perspective of political economics, and even media structure should be considered.

Ms. Ma. Aurora R. Fajardo, project coordinator of the Philippine Human Rights Reporting Project, suggested that how institutions look at and deal with the media must be examined. She noted that, in the provinces, politicians do not bother to write a letter to the editor but just directly threaten the media. She asked whether prosecutors and politicians know the role of media. She recommended that the group should look into the impact of the killing of journalists on the family of the victim, as well as the cost of the killings.

Dr. Carlos said the issue is that we, even in a liberal democracy, regard our views as most important. A significant part of the research agenda is to determine how we handle opposition to our points of view. She noted that killing the person who disagrees with another is not the way to go because it is the ideas which collide, not the persons.

Dr. Carandang said that, aside from a “culture of intimidation” and “lying as a way of life” which she had earlier discussed, “narcissism” is also a factor in the culture of impunity. Narcissism is a way of thinking where one can see only his or her own point of view, which implies a lack of empathy. She thinks the killings are a clear indication of this lack of empathy and compassion.

Research Areas and Approach

Mr. Tuazon posed the question: What is the core/central area of the research on the culture of impunity? Where can subtopics come in?

Dr. Carandang recommended that the central area be the Individual and Family, then the School and the Community, while considering the developmental aspect from early childhood, preschool, elementary, high school to college.

Dr. Carlos suggested the Institution and the Individual and proposed that Political System and Power Brokers be included. Variables such as Moral Barriers must also be identified, and Time Frame must be introduced showing human development from childhood to adulthood. Time frame also affects institutional development. Also, political economy should be considered.

In summary, the participants identified the following research areas:

- definition of “culture of impunity”
- patterns of impunity: manifest and latent
- child-rearing practices
- political system vs. political culture
- views and practice of democracy
- educational system
- socialization in the home, school, media, etc.
- evolution of the role of media
- training of journalists
- media content
- impact of the killing of journalists

For the research approach, three platforms were agreed upon, namely:

- institutional
- individual/ group
- developmental (time): from infancy to adulthood

Regarding the involvement of different institutions in doing the research, Dr. Carlos suggested that each one contributes per discipline, e.g., Dr. Ocampo writes on the historical aspect and Dr. Carandang writes on the child psychology component.

Mr. Tuazon asked if historically there has been a culture of impunity against journalists? The name of Dr. Vic Torres came up because he has a historical study on killings.

Mr. Pavia posed the questions: Is religion a factor? Or are the killings viewed by the public as entertainment? He pointed out that, seemingly, no one is outraged, that the public is indifferent.

Dr. Carlos suggested that the discussion can be continued through e-mail before the group looks into the data. She also posed a challenge: Where are the other sectors of society like the religious groups, the NGOs, etc., and how do they react to these killings?

Mr. Tuazon said we can create a Yahoo e-group for this purpose.

Dr. Braid said, that in looking deeper into the culture of impunity, CMFR has a number of studies we can use.

Mr. Hulog enjoined the group to look into the underlying causes of the killings; otherwise, we may not be addressing the problem. He cited the book *Losing the News that Feeds Democracy* and stressed that the problem of violence against journalists should always relate to the function of the press in a democracy, which is bearing witness. He lamented that the news is getting smaller, while commentary or opinion is getting bigger. We should also look into local power brokers and determine if the victim is part of the system. There should be an understanding of the journalists and where they are coming from, e.g., whether they have been trained professionally. Also, we should look into how the news media is shaped by power brokers and the interaction between them.

Dr. Carlos said we should look at both Institution and Individual and focus on the journalist as Individual. We should also consider how a news report lacks substance – the elegance of the language should not substitute for content.

Mr. Hulog noted that in the provinces, some broadcasters follow a career path that leads to becoming a “respected” local politician.

Dr. Churchill said that the lack of knowledge and understanding of history is an issue. News doesn’t come out correctly because it is deficient in historical context. It is not just journalists who lack historical perspective, but the entire educational system itself where history is learned.

Dr. Carlos stressed that it is history that provides the foundation and the content; while the other disciplines provide the theory and the approach.

Dr. Ocampo said knowledge and understanding of history helps build nationhood. In helping write history, journalists should get their facts right and make sure the chronology is correct.

Ms. Melanie Pinlac, representing the Center for Media Freedom and Responsibility (CMFR), observed that the impunity against journalists is a result of a weakening of democracy and its institutions. The government, the justice system, the public – they are interconnected. The culture of impunity may be connected to other facets of the social sciences.

Specific Case Examples

Mr. Tuazon said that what is emerging is that the group would like to get a comprehensive multidisciplinary study but, at the same time, to look at specific cases to be able to get empirical basis. He also noted that the group should go back and look at case studies which CMFR can probably provide. He suggested that in doing an in-depth study, some roundtable discussants may wish to give a frame on how to look at the problem. If we do a follow-up of the case studies, we may be able to see the problem from a broader perspective and at the same time, we could do the study on its own because there are many variables which we could look into.

Dr. Ocampo suggested we should go back to culture and involve anthropologists and social scientists and find out what is the threshold that makes perpetrators kill journalists. He said case studies are important to give context, and from there patterns will come out from basic research.

Dr. Carlos suggested that the study can start with Pagadian City and look into not just the individual victims but also their community. The pivot of the study will be stories about the journalists, their families, the communities; and the prism will be the multidisciplinary approach. Independent variables will be the causalities. To be able to do such a study as this, we will need people on the ground.

Mr. Tuazon noted that Pagadian is where the most number of killings occurred.

Dr. Carlos said the people on the ground are the stories. The fundamental question is, what are the causalities? Variables are independent so people on the ground are very important. She noted that it can be a very productive way to start the structure of explanation.

Dr. Carandang noted the history of the individual, the community, the interaction with the powers is a case study in itself which can give us a point of view. She said it is a rich resource which the group can take as a first step, and each discipline can be a part of this case study.

Dr. Tolentino said we should give equal emphasis on the victim and the perpetrator, for context. And the challenge is for media practitioners to be vigilant in the killing of their colleagues.

Atty. Diokno commented that we might want to consider the unwritten initiation practices of the PNP in recruiting police officers, which may be related to impunity or corruption.

Atty. Sta. Maria suggested a look into community connections where “goodies” are viewed as a privilege, reinforcing the mindset of utang na loob (debt of gratitude) and pakikisama (comradeship/ camaraderie). This has an implication in pursuing human rights cases. She noted that her organization is looking at the facilitating and mediating factors in perpetuating the culture of impunity. She said that educating community members on their rights can help emancipate them from their state of powerlessness.

Dr. Castro said that he will share with the group the framework of the study on electoral violence in Abra.

Synthesis

Prof. Abanto acknowledged the role of each discipline present in the roundtable discussion. In synthesizing the discussion, she reiterated that the killing of journalists has an impact on the democratic institutions of our country and can be a threat to the country’s development if we allow the killings to continue.

The roundtable discussants have agreed that the best way to look into the problem is to study specific cases of journalists who have been killed. The group may select the provinces where there is a bigger number of journalists killed.

The study to be undertaken may involve PACE, UP and AIJC, representing various perspectives. They can look at the content and context of the works of the victims and the environment that existed at the time of the killings. They can look at socio-psychological factors, the political system, and why the impunity continues.

UNESCO and AIJC can then define a research agenda which could be pursued by the U.P. College of Mass Communication, PACE and other universities. The next step should be to identify appropriate methodologies which could be used in pursuing the research agenda.

As soon as the study is completed, various disciplines may further analyze why this culture of impunity exists and its various implications.

It was agreed that an e-group will be organized among the roundtable discussants and other social science experts, a directory of participants will be shared, and papers and relevant materials will be shared.

AIJC and UNESCO NatCom will organize a follow-up workshop to finalize the research framework and objectives, determine the research methodology and tools, and identify the research team.

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Forum on A Multi-Disciplinary Inquiry on the Culture of Impunity in the Killing of Filipino Journalists

St. Theresa's College, Cebu City

September 28, 2010

The first Forum on a Multi-Disciplinary Inquiry on the Culture of Impunity in the Killing of Filipino Journalists was held at St. Therese College, Cebu City, on September 28, 2010.

The Cebu forum had 81 participants--26 representing six local colleges and universities, four national and local newspapers, two radio stations, Kapisanan ng mga Brodkaster ng Pilipinas (KBP), Peace and Conflict Journalism Network (PECOJON), and Cebu Citizens-Press Council. There were 55 observers--college students, many of them majoring in mass communication.

Political scientist Dr. Clarita Carlos was the first resource person of the Cebu forum on the topic of "Holding Power to Account: The Journalist is the Fulcrum of Democratic Governance." She opened with the point that Mexico has replaced the Philippines as the most second most dangerous place for journalists, in the world. However, she stressed that none can compare with the heinousness of the Maguindanao massacre. She highlighted the importance of the role of journalists in a democracy by stating two very important philosophical underpinnings of democracy: (1) sovereignty resides in the people, and (2) government authority emanates from the people.

The accountability that we demand from our leaders come from these two basic principles. This role of making the actions of governing leaders transparent cannot be better accomplished than by journalists: She emphasized the importance of the role of journalists by saying they are the first historians. Journalists sometimes become partisan. A journalist

crosses the line when he/she becomes part of the story although Dr. Carlos believes there is no value-free story. Every story is chosen from the angle of the journalist, setting the agenda for the reader. Every story is a deliberately chosen view. On the problem of the killing of journalists, she recommended making the killing of journalists a special category of crime. She believes there is impunity because there is no pain being inflicted on the perpetrators. She also said there has to be “a major overhaul of the justice system” of the Philippines. She concluded that accountability journalism is the most important function of the news media. Journalists are responsible for giving out the truth and educating the public.

Dr. Ma. Cecilia Conaco, the second resource person, gave the psychologist’s point of view regarding the problem. She began by first clarifying two terms: (1) impunity and (2) culture. Impunity boils down to “the idea that perpetrators get away with their evil deeds because there are no inquiries that could lead to anyone being arrested, tried, and eventually punished for their crime leading to closure.” Because of the absence of closure in the journalist killings, the individuals involved and society are traumatized and unable to move forward. She posed the question, “Does culture of impunity mean that impunity reflects the Filipino society?” In reply to her question, Dr. Conaco said it is difficult to say that there is a culture of impunity because first, it is a generalization; secondly, because culture is ever changing and evolving. However, to some extent, she believes impunity exists. She posed three questions:

1. Why do people kill journalists? Is it because of the journalist’s character or because of the nature of his/her profession?
 - One factor is provocation. Journalists tend to master provoking their subjects or sources to find the truth, and out of that comes anger from people involved in the story.
2. Why do these cases remain unsolved? Is it due to the impotence of the law enforcement personnel or due to the corruption in the government and the justice system?

- In Philippine society power is concentrated in the higher levels.
 - Victims hold their tongue out of fear of people who enforce power and coercion.
 - Dysfunctional families contribute to violence, which creates a society that is immune to violence; that is, used to it.
3. Why has there been no greater outcry from the public? Has the public become insensitive to the violence?
- Apathy is contagious and morphs eventually to pluralistic ignorance. If not thwarted, this will lead to more violence and killings.

She concluded with recommendations to combat the culture of impunity: conduct case studies of slain journalists to investigate the common denominator of their murders, do surveys on the public's perception of the killings and justice, and run focus group discussions.

Forum Proceedings:

The forum moderator, Dr. Crispin Maslog explained that the main purpose of the roundtable discussion is to study the "culture of impunity," to investigate the causes and come up with solutions. He summarized Dr. Carlos and Dr. Conaco's speeches. Important points of his summary:

- Without the press, democracy will not function. People will not know what their government is doing and won't be able to decide wisely.
- The reasons for impunity are institutional and because of the ineffectiveness of law enforcement and the police force.
- Media contributes to violence by promoting a culture of violence. People have become immune to it. Violence has become an integral part of the entertainment aspect of broadcast media.
- He mentioned the recommendation of Dr. Carlos to make the killing of journalists a special category of crime, and expressed his opinion that some journalists may not like the idea.

Juan Mercado, representing *Philippine Daily Inquirer*, raised examples of impunity in local and national politics:

1. 183 unaccounted for executions in Cebu City
2. 814 executions in Davao
3. 172 is the last count of journalist killings.
4. Cebu vigilante killings started in 2004.
5. Pardoning of Joseph Estrada despite being convicted of plunder
6. Ferdinand and Imelda Marcos' massive tax evasion. Neither has been imprisoned.
7. 836 politically motivated murders as documented by the Protestant National Council of Churches in "Let the Stones Cry Out"

Mr. Mercado suggested that there is a culture of forgiveness in existence. However, forgiveness doesn't extinguish accountability. He quoted Hannah Arendt, "Men are unable to forgive what they cannot punish." He said that we are a nation in denial and that impunity is historical. He quoted Alfred McCoy, a History professor at the University of Wisconsin, saying, "The Philippines stretched impunity to its limits by trying to forget its authoritarian past." Mercado mentioned that the first murder of a Filipino journalist in recent history happened in Cebu in 1961, but the perpetrators were convicted. The second murder was Ermin Garcia of *Sunday Punch* of Dagupan in 1965. The case was solved. He went on to discuss the history of vigilantes in Cebu, pointing out Tommy Osmeña's cash offer of Php 20,000 to anyone who can eliminate a criminal. The funds came from businessmen who were "willing to pay up for peace."

Dr. Crispin Maslog (Moderator) reinforced Mercado's point, saying, "The culture of impunity is broader than what we have started to discuss." Mercado broadened it to killings in the whole society. Dr. Maslog, by pointing out the two murder cases in 1961 and 1965 that were solved, concluded that in the early days, the killings were few but were solved.

Dr. Clarita Carlos commented that power is in the people's hands; that due process must be practiced no matter how we feel so strongly against the alleged perpetrators of the Maguindanao massacre. She pointed out that people don't want to be involved unless they are the ones caught in the crossfire. Impunity comes out of the dearth of moral outrage. There is no outrage any longer. But keeping to ourselves is not how democracy works.

Dr. Carlos pointed out that people still vote for the same politicians they deem as corrupt. She raised, as an example, Hugo Chavez, the Venezuelan dictator. Despite his confidence in getting majority of the people's votes, he did not. Through this example, Dr. Carlos once again emphasized how powerful the voice of the people can be. She shared a story that happened when she flew from Germany to Manila, where she confronted a German stewardess who did not treat the OFW's well. She said she was surprised at some overseas Filipino workers (OFW's) for not reacting and defending themselves from the foreigner. She reinforced her point that there is a necessity to be outraged.

Dr. Ma. Cecilia Conaco, representing Saint Theresa's College, said that if we speak out, we get punished for it. Action must have some effect. Political efficacy is important to learn.

Dr. Crispin Maslog volunteered the information that John Mercado was a victim of violence against journalists. According to Dr. Maslog, Mercado was one of the few journalists who were detained at Camp Crame during martial law. Mercado was the journalist who introduced development journalism.

Karlon Rama, representing *PECOJON International*, reacted to Dr. Carlos' lecture on four points. First, he expressed his disagreement with the recommendation that cases of journalist killings should be made a special category of crime because it violates the equal protection clause.

Secondly, despite his agreement with and hope for a major overhaul in the justice system, he said "everybody would be dead before that is achieved."

Thirdly, his sentiments on the issue of the justice system remain the same with the issue of improving police training in hopes of achieving successful prosecution.

Fourthly, he questioned the definition of accountability journalism. Is it a form of journalism that holds others accountable? Or is it a form of journalism that holds itself accountable for what it reports? He said that

there have only been three documented media killings in Cebu. Out of the three, two were not declared to be work-related. When media reports seek to entertain, in the event that a media man is murdered, it becomes part of the entertainment.

Reports today tend to blame and assign guilt. Information is given but rarely is there understanding. He quoted Juan Mercado, saying, "Never has there been a time in the world where people are so flooded with too much information, but drowning in very little understanding." These kinds of stories that blame and assign guilt invoke anger, do not explain, map out procedures, and give hope. When anger has nowhere to go, it seeks comfort in apathy.

Dr. Clarita Carlos clarified the meaning of accountability journalism, saying that it essentially means the journalist looking into himself. Are there slants being made in the process of constructing your story? The journalist is part of the general public, but has an advantage because he/she has the tools to be heard. She raised the example of an investigative journalist who exposed employers who had illegal tactics, which emphasized her point that it is only when the journalist "goes to the ground and spends some effort" that he/she becomes a true blue storyteller. The journalist is a storyteller; the voice of democracy.

Dr. Crispin Maslog asked the following questions to bring the discussion back to the issue of impunity:

- What value does media see in a multidisciplinary inquiry on the killing of journalists?
- What role can media play in pursuing this inquiry?
- What structures and mechanisms can be put in place to impede this culture of impunity?
- Why do some journalists not want to have a special crime category for journalist killings?

Eileen Mangubat, representing *Cebu Daily News*, said that in trying to understand the culture of impunity, areas where the situation works should be looked into. She shared that she personally does not work in fear of being killed. The Cebu press doesn't work in a hostile climate. She clarified that the Cebu press is not less aggressive, less probing, and less independent. In fact, it has a reputation for being unapologetic (if on the side of the righteous of course) and for intense probing.

She suggested factors why there has been no problem in killing of journalists in Cebu, where the system is working: level of competition (such that it becomes a natural check-and-balance), level of professionalism, profile of media practitioners, level of formal education, level of post-school training, and safety valves in the community. There are enough mechanisms for upset news subjects to air out their gripes, such that they don't need to resort to violence. She said she personally feels alienated whenever talks about killing journalists would surface. She reinforced her point that areas where the system works should be given focus to flip the situation and ask why it is not happening in other parts.

Karlon Rama went to second the point of Eileen Mangubat by sharing that the trial of two major cases of media killings done outside Cebu were held in Cebu. Those accused were charged, prosecuted, and convicted in Cebu.

Carlo Dugaduga, representing the Kapisanan ng Mga Brodkaster ng Pilipinas (KBP), said that comparatively, Cebu media are different. The competition in Mindanao is intense; most media men there are armed. Comparatively, camaraderie and unity prevail among the press members in Cebu. He added that informing the public is not enough. Instead, make them understand and heighten their level of awareness.

Cherry Ann Lim, representing *Sun Star Cebu*, stressed that impunity basically means getting away with murder. She said, they (writers/journalists) would rather be on the preventive side. She picked up a line from a safety brochure, one of the projects of the Cebu Citizens Press Council, which said, "One of the best defenses against attack is good ethical journalism." According to Lim, some media murders did not raise much public outcry,

because there have been stories about them that were “unsavory.” The goal should be to heighten or increase preventive measures.” She echoed that the Cebu press is united. Even with very little harassment, the Cebu press immediately takes action.

Dr. Crispin Maslog reinforced Cherry Lim’s point, which was to be proactive. Do not just concentrate on those who have already been killed.

Zona Amper, representing the Sociology and Anthropology Department of the University of San Carlos, made a reference to the song, “Tatsulok” by the band Bamboo, saying that as long as the powerful remain in power, and the powerless remain at the bottom, nothing will happen. She said, in response to Dr. Carlos, that to say, “The power is in your hands,” is easier said than done. She pointed out that people have been willing to talk about the atrocities of the Abines family of Santander because they are no longer in power. However, at the height of their power, no one spoke up because of fear. She added that the other side of the culture of impunity is the culture of silence. If one is silent, he/she is either satisfied or afraid. If it is the latter, there lies the problem – in fear.

She then discussed the Philippine system of values in the family and in the educational system. Respect is one of the values Filipinos promote. However, when respect becomes fear, it becomes negative. This is seen in relationships between father and child, teacher and student, employer and employee. Same goes with obedience becoming blind obedience. There are limits to the values being taught to our children. The values of critical thinking and self-expression should be enhanced. The solution to this culture of impunity is not easy. It is more structural.

Dr. Crispin Maslog summarized Zona Amper’s discussion by stating that it’s a matter of power versus powerlessness. As long as power is in the hands of one man or a few men, it will be difficult to eliminate impunity. Wait for the powerful to be dethroned, and then pursue the obliteration of impunity.

Basing on Dr. Carlos’ statement, “The power is in your hands,” Zona Amper appealed to those remaining silent to get their strength in numbers.

Dr. Clarita Carlos agreed with Amper and pointed out that democracy is about numbers, and that there is power in numbers. In response to Ms. Amper's statement about the powerful remaining in power, she said we're supposed to be circulating our elites. Elites are not necessarily the wealthy. Those with academic competence are elites in their own rights as well, which means they are also powerful in a sense. She added that the *tatsulok* equation is transitory or fleeting, because one of the foundations of democracy is the opportunity for people to change their leaders. She quoted John Locke saying, "The reason why numbers are important is that fundamentally, no individual will vote to harm himself."

Mayette Tabada, representing *Sun Star Cebu*, University of the Philippines Visayas–Cebu College, and Saint Theresa's College, picked up on what Carlo Dugaduga said about the Cebu media being united. Aside from that, Cebu also has an interesting aspect about the role of civil society because their protests against the deaths of the "dreads of society" have been very loud. She also mentioned Juan Mercado's statement about the silence of the business sector and the government. This poses the very important question as to why it is so. There are many reasons as to why people are silent. One would be that if a media practitioner is equated with power, and he/she is killed, an ordinary citizen would have less power and no strength to speak out. Another would be that some journalists who have been killed may have been doing something unprofessional or illegal.

She recommended for the discussion to look into the fact that at the height of the vigilante killings in Cebu in 2009, only journalists, cultural workers, and students protested. It is alarming that businessmen in particular did not take action or react to the reality that people could just be shot and lives could be bought. In response to the common belief of the participants who spoke before her that democracy works in Cebu, she said that the state of freedom in areas that are away from urban centers should be looked into as well.

Michelle So, representing *Sun Star Cebu*, said they are ambivalent on whether all the deaths are work-related or not. Attributing the deaths to being work-related would be treading on thin ice, because the actions and

moral fiber of those individuals in question cannot exactly be identified as being right.

Atty. Ruphil Bañoc, representing DYHP-RMN Cebu and KBP, like Karlon Rama, expressed his disagreement with the recommendation that cases of journalist killings should be made a special category of crime on the basis of Article 3 Section 1 of the Philippine Constitution, which states, “No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.” The equal protection clause must be maintained; people who are similarly situated must be equal. He said, it doesn’t matter whether the victim is a journalist or not. What matters is that he/she is a person and that a crime has happened. It is the obligation of the government to protect these people, because everybody deserves protection from the government.

In answer to the question why journalists are targeted, he said it’s because it’s the journalist’s job to tell the truth. And more often than not, the truth hurts. He suggested that practicing responsible journalism would prevent journalist killings. If stories are treated fairly, no one will react with violence. He once again stressed that, comparatively, Cebu media is professional.

Dr. Clarita Carlos said that changing an individual will take a while. Reconstructing society by institutional change should be done. At the end of the dialogue, rely on some of the observations in Cebu, and “string together these islands of success” in hopes of preventing more journalist killings from happening. She defended her position and said that the recommendation of having a special crime category for journalist killings would highlight the gravity of the situation. This would shed light on the fact that journalists are vulnerable; that they have special needs. This would create more serious sanctions for the perpetrators.

Dr. Crispin Maslog again tried to bring the discussions back to the problem of impunity. he raised a few questions that can be possible topics for discussion:

- What impact will this culture of impunity have on our life as a nation and as a people? If we allow this to continue, are we going to be victims of a cultural Alzheimer’s disease?
- In the light of the recent hostage taking debacle, what lessons can be learned in relation to the culture of impunity against journalists?
- What social science research agenda can we propose to come up with a body of knowledge on this complex topic of impunity?
- What projects can universities and schools pursue on the culture of impunity against journalists? How can we involve the young people (i.e. journalism students)?
- How can we enhance the initial multidisciplinary research framework?
- Do you agree with the research framework as it is drafted?
- Identify case studies that can be pursued in this multidisciplinary inquiry.

Maribel Ortega, representing the University of the Visayas, reacted to Dr. Conaco’s question of why there has been no greater public outcry, saying that Filipinos are passive and are hesitant to take actions. On the basis of Dr. Carlos’ encouragement that power is in the people’s hand, she said it is time to practice that. She said that the roundtable discussion was a good opportunity to have a thorough dialogue about the pressing issue.

Habeas Corpuz, a student from the University of San Carlos, suggested the following in answer to the question “What structures and mechanisms can be put in place to impede this culture of impunity?”:

- The public must be informed about the role of media being the vanguards of democracy; that the public will not suffer persecution if the media is actively informing them about their rights.
- The national government should train and equip the police.
- There should be a special prosecuting arm to investigate journalist killings.

Harvey Inahid, representing the University of San Jose – Recoletos, stated that the role of schools in training journalists is to emphasize that being a media practitioner is not a profession, but a vocation. Journalists have

the call to transform the country and the behavior of the people. He said that before their students begin their internship, the teachers make sure that they know the function, responsibilities, and rules of being a media practitioner. They emphasize that values are important. Future journalists should be sensitive to their function in society and truly understand their role.

Anecita de los Reyes, representing Benedicto College, said that it is from the mistakes of our leaders that we learn values have a great impact on our lives. She posed two questions:

- Where do we go from here?
- How can we be assured that we can be protected by the law in the event that we want to assert ourselves?

Joseph Tubilan, representing *Sun Star Cebu* and the Cebu Federation of Beat Journalists, suggested holding a quarterly seminar to discuss important points regarding dangerous situations. At one point, he mentioned that journalists are not the primary targets of vigilante killings.

Dr. Clarita Carlos, in response to Mr. Tubilan's remark that journalists are not the primary targets of vigilante killings, reinforced her point that as long as one is not pained, one is not outraged.

Joseph Tubilan said he and his co-reporters would want to have more experience so as to prevent being targets.

Dr. Clarita Carlos once again reinforced her point about the lack of outrage. That some people who were killed deserved to die is not acceptable. No journalist who has been targeted deserved to die, according to Dr. Carlos. This is Machiavellian.

Dr. Crispin Maslog asked, "Are you okay with the death squads in the other sectors as long as you are not targeted?"

Eileen Mangubat said, “It’s definitely not okay.” She explained that the Cebu press is cautious about issuing statements regarding media killings because they base their responses on facts. She pointed out that a reason for the absence of public outcry is their knowledge of murdered journalists being unethical. She said that 40 percent of the cases belong to the broadcast industry, which is why the print media tends to be guarded about making statements because of the difference of the nature of the medium.

With regard to the recommendation of making killing of journalists a special crime category, she posed the question, “Who do you call as a journalist?” It is a loose system. No licenses are necessary to be a journalist, which is why, according to Mangubat, journalists have to be modest on claiming special privileges.” In a nutshell, people perceive the media as powerful, which is probably why they find it difficult to sympathize with the media, which in turn, may explain their apathy. On the other hand, if they see the media being persecuted, they think, “If the media, an influential institution, gets punished for speaking out, how much more us ordinary citizens?”

Carlo Dugaduga explained that an accreditation seminar and an accreditation exam are held annually for people who would want to become broadcast journalists.

Greggy (campus journalist), stated the following observations and/or recommendations:

- More often than not, the law enforcers are also the law breakers.
- Practice being ethical. Apply lessons.
- Do what is expected of you as a journalist.

He expressed his school publication’s concern with not renewing their membership in the College Editors Guild of the Philippines for the reason that the officers of the said organization have been alarmed by the vigilante killings. He also stated the struggle of “not biting the hands that feed you” with regard to the school administration when it comes to practicing freedom of speech.

Dr. Ma. Cecilia Conaco presented the struggle between singling out this special case and considering the greater problem of societal or cultural violence; the bigger picture, *per se*. A special case (referring to the impunity in the killing of journalists) may need special treatment. However, to avail of that special treatment, we need to clearly identify who really are true blue journalists. On the other hand, she suggested that we look at society as a whole. Look at violence in society as a whole, not as having individual categories. Violence is a powerful force to get what one wants. Since cues for violence are everywhere, media has to be part in educating against violence within the household. She added that behavior is louder than words. We may say something, but mean the opposite of it through our actions.

Karlon Rama admitted that media tends to make itself the news story. During the Maguindanao massacre, people lamented for the journalists, but not for the other people who weren't journalists. No one was grieving for the others who were not journalists who died in the massacre. He brought up undisclosed information that the journalists, who were based in General Santos in the first place, were paid Php 10,000 to go there and Php 10,000 to come back. Rama questioned as to why General Santos would care about the feud between the Mangudadatus and the Ampatuans. He said that nobody's talking about this. Nobody's talking about the bigger picture, because people have gotten used to killing. Killing has become normal. He reinforced his stand on not treating journalists as "special," because it doesn't change anything.

Dr. Crispin Maslog picked up two main points from Rama's presentation:

- The journalists at the Maguindanao massacre were not there in pursuit of their journalistic duties but to earn money for themselves.
- The culture of impunity study should be expanded to include other people.

Karlon Rama, in reply to Dr. Maslog's comments, about the Maguindanao massacre journalists' intention, explained that the National Union of Journalists of the Philippines denied it, saying that it was a legitimate story.

But knowing the dynamics of media, he said the journalists who allegedly are based in General Santos couldn't gain readership in Maguindanao. He then emphasized that. This shouldn't be the focus of the study. Instead, impunity in destroying human life should be the focus.

Dr. Clarita Carlos chimed in to say that journalists represent a special group, a special function in the system. A special legislation for a special group is needed so that we can defend and demonstrate that they have special requirements. We focus on journalists because their absence will compromise the foundation of democracy. They play a special role. Journalists are the articulators of society. When articulation disappears, the whole system collapses.

Julius (student, University of the Visayas) said that the journalist is the most influential person next to God because journalists give out information to the public and are listened to by the public. Journalists become targets because they have the power to write and speak the truth. As to why these murder cases remain unsolved, he said the media doesn't have allies since it is their role to expose the anomalies of the police force and the politicians.

Zona Amper agrees that the journalists represent a special sector. They articulate what most people are thinking but will not articulate. Journalist killings create more fear in the public, because since the journalists are seen by the public as having some sort of power, there is a greater chance for an ordinary person to be killed if he/she chooses to voice out. Amper recommended looking into the youth's perception regarding power relations.

Dr. Crispin Maslog, summarized the discussions. Thus, it is accepted that there is a culture of impunity. He stated the following key ideas on how to go about possibly solving the problem:

- A major overhaul of the justice system
- Training of police not only in investigation methods but also in moral values and ethics, and respect for human rights
- Public activism / active citizenry

- Training of journalists
- Teaching values within the household, schools, and communities

In answer to why journalists are targets, he said, “The role of the journalist is to provoke, to make people angry; because they expose the shenanigans of politicians and the military.” He quoted a famous American journalist saying, “The main role of the journalist really is to comfort the afflicted and to afflict the comfortable.”

He then reiterated Juan Mercado’s expanding the concept of the culture of impunity in the killings of journalists to the extrajudicial killings in society as a whole; how people seem to tolerate the death squads in Davao and Cebu. In conclusion, “journalist” must first be defined before this culture of impunity can be solved. It is not clearly defined in the Philippines. There are some who practice radio but have not been certified by the KBP to be qualified to practice.

In the United States, licensing is always equated with government authority imposing the requirements for journalism. Normally, it’s the government who does that. If the government licenses journalists, the former will have control over the latter, which means the loss of press freedom.

In Australia, no one can practice journalism unless the Australian Journalist Association issues him/her a license. He pointed out that the idea of creating a guilds for journalists, which will do away with government intervention, might be a good step towards solving the problem. He added that the Asian Institute of Journalism and Communication is working towards that.

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Forum on A Multidisciplinary Inquiry On the Culture of Impunity in the Killing of Filipino Journalists

Notre Dame of Dadiangas University, General Santos City

October 12, 2010

The second forum on A Multidisciplinary Inquiry on the Culture of Impunity in the Killing of Filipino Journalists was held in collaboration with Notre Dame of Dadiangas University (NDDU) at the NDDU Graduate School Workshop Room, General Santos City, on October 12, 2010.

The General Santos forum had 57 participants, including 9 college students, coming from 9 colleges and universities, 4 national and local newspapers, 8 radio stations, Kapisanan ng mga Brodcaster sa Pilipinas, and the City Public Information Office.

Opening Remarks of Bro John Y. Tan, FMS

Bro. John Y. Tan, FMS gave the welcome remarks at the General Santos City forum. He stressed that the culture of impunity in the killing of Filipino journalists is a burning issue nowadays. After President Aquino had taken over the administration, people expected the killings would stop. Unfortunately, the killings are still going on and the International Amnesty and human rights organizations challenged the President to stop the extrajudicial killings and the killings of Filipino journalists.

Ms. Ann Lourdes Lopez, Director of the Asian Institute of Journalism and Communication (AIJC) on Research and Consultancy, picked up the discussion for AIJC, forum organizer.

To enhance the discussion of Dr. Nestor P. Blace, first speaker for the forum, Ms. Lopez summarized very briefly the paper presented by Dr. Ma. Cecilia Conaco, Dean of St. Teresa's College, Cebu. The paper was presented in Cebu in September. As a social psychologist, she asked three questions to address the issue as follows:

1. Why do people kill journalists?
2. Why are these cases never solved and no perpetrators ever brought to justice?
3. Why isn't there a larger public outcry against these incidents of violence?

To the first question, Dr. Conaco said journalists are killed because they report on sensitive issues that touch on people's *amor propio*. But beyond the question of why journalists are targets of violence is the more serious issue of impunity. Who is now held accountable for these acts of violence? She discussed the structure of our society and family which results in uneven power distribution with much power concentrated in the higher levels. The structure of power and its dynamic is what keeps cultures of violence going. The powerful perpetrate violence and the victims keep quiet out of fear. This reinforces the continued intimidation of the powerless.

On the third question, she suggests that in case of violence, the role of the citizens cannot be ignored. The data of some research studies indicate the general tendency toward passivity and non-involvement.

Nestor Pabiona Blace, Ph.D., Professor, Notre Dame of Dadiangas University, talked on The Culture of Violence from the Sociological Perspective. A brief summary of his paper follows:

This paper gives some conceptual prospects on how to address the problem on violence against Filipino journalists. But before I deal with the sociological perspectives relative to the culture of impunity in the killing of Filipino journalists, I will offer some assumptions from which my analysis is based.

First, there have been a lot of interventions conducted in order to address the problem on the killing of Filipino journalists. Laws that would inflict punishment upon the perpetrators are also in place. Yet, the problem on violence against journalists remains. Is it because violence against journalists is a dilemma that serves a function in our society since it persists through all these years? According to the functionalists, every activity that persists serves a function in the society, may it be positive or negative as it helps to maintain the social system as a whole and helps to preserve equilibrium in the society. But even if the functionalists could explain the persistence of the culture of violence, this should not be tolerated because it can contribute to the dysfunction of a social system. It is a pattern of behavior that undermines the social system.

Second, the Committee to Protect Journalists' (CPJ) 2010 Impunity Index showed that Philippines ranks third among the countries with unsolved journalist murder per 1 million inhabitants for 2000-2009 with a rating of 0.609. The data imply the seriousness of the problem on the culture of impunity in the killing of Filipino journalists that is so widely condemned yet continues to endure.

Why is it that the problem on violence against Filipino journalists continues to persist? How did violence become a culture and an impunity? If the interventions deter the violence against journalists are not effective it is but fitting to revisit the roots of the problem.

Violence has developed as a culture of our present society. It is acquired through education, training and experience, transmitted from one generation to another and a product of social interaction. In some way, violence provides satisfaction for certain individuals.

This paper is anchored on the concept of socialization. Such concept helps explain how cultures are acquired and transmitted, and that includes the culture of violence. Socialization is a process in which individuals acquire the values, attitudes, behaviors and skills appropriate for members of a particular society. According to

Musgrave (1988), socialization is a process whereby one acquires a sense of personal identity and learns what people in the surrounding culture believe and how they expect one to behave. The infant would be socialized in a society that possesses a culture, an ordered way of life; but what if the society that awaits every infant has a culture like one of violence? Would they still become functioning individuals or they would just contribute to the disorder in the society?

The primary agent of socialization that molds the individual is the family. It constitutes an important part of the social environment of individuals since birth. The family is the first and the most important influence on the individual. But it is also in the family that individuals may first learn violence. The classic example of violence in the home is when parents fight each other and when parents and children are fighting each other. When the children commit mistakes and parents give support to their children for violent acts committed, this is approval of violence, and when continued would develop into a culture of violence.

Children love to play computer and online games in their homes and in the internet shops. These computer games depict violence such as killing and murder, yet children get satisfaction from playing such games. It is ironic that young as they are, they find gratification in playing violent games.

The school is a social institution where children are taught to become active members of society committed to society's culture. If children learn violence in the school they would also become committed to the culture of violence. One of the manifestations of violence in schools is the instances regarding hazing, severe beatings and even tortures for the neophytes who would join a fraternity. Many of the students have died because of hazing.

The government is an institution that encourages violence. Young Filipinos are exposed and involved in government transactions that exhibit corruption. Comes October 25, 2010 Sangguniang Kabataan

(SK) elections, many of the youth whose age range from 15 to 17 would be involved in vote buying. This is a manifestation of a violent behavior. Children are also exposed to the news regarding torture, brutality and even summary execution for the suspects of certain crimes done by the members of the Philippine National Police. These are all manifestations of violence that we always see and hear in the news coverage, yet how many of those who are involved in these activities are punished? They roam around freely and have avoided even the slightest beat of justice. At the time that they want the incidents of killing done again, they can do it without facing any consequence. And this is the culture of impunity.

Inculcated into the minds of the young is that the illicit practices committed by the authorities are acceptable. Nobody is held accountable for those acts. And since this practice endures, it has become the culture of impunity.

The implication of all these is that society through different social institutions – the family, educational institutions, government - which are the major agents of socialization are responsible for the persistence of the culture of violence perpetrated among the journalists. These social institutions are the same institutions that promote and cultivate the culture of violence and impunity.

The pattern of favorable attitudes toward violent behavior by different social institutions shape our existing social climate filled with violence and impunity. And the measures to be taken to address the problem of violence against the Filipino journalist should start from these social institutions that promote the culture of violence. The socialization function of the basic social institutions should be corrected and then strengthened to have an ordered society. The community should also be given awareness concerning the dangers brought about by the culture of impunity upon them as well as

awareness on the importance of penalizing the perpetrators of violence against the journalists.

Let me end with a quote from Father Cullen, who emphasized that “we need to end the culture of violence and the impunity of the powerful. Let us work for a just and decent society where the rule of law and justice prevails and the dignity of everyone is respected and honored.”

ROUND TABLE DISCUSSION

Dr. Crispin C. Maslog, Senior Consultant, AIJC – Moderator

The topic of the culture of impunity in the killing of journalists are really two parts, Dr. Maslog said. First, why the killing of journalists? Why are there so many journalists being killed in the Philippines? Second, why is it that the killers have not been apprehended? This is the culture of impunity.

For background, Dr. Maslog explained that during his time, journalists were also killed. There was a journalist named Ermin Garcia Sr. He was the publisher-editor of a local newspaper in Dagupan, the *Sunday Punch*. He was a hard-hitting local journalist. He exposed local government corruption. He was shot by assassins hired by the person involved in a money order racket, Lingayen Councilor Rudy Soriano.

In 1961, there was another prominent local journalist from Cebu named Antonio Abad Tormis from Cebu. He exposed the corruption of the Cebu City treasurer. The treasurer hired an assassin to kill Tormis he was walking down the street in Cebu City. The other journalist was from Mindanao named Jacobo Amantong. This was during Martial Law in the 1980’s. He was exposing military abuses in Zamboanga del Norte. While walking down the street with a friend, some military men came out of the shadows and shot him dead. Now, that’s the bad news. The good news is that two out of these three cases were solved. The killers of Garcia and Tormis were convicted and served their sentences in jail. Only the case of Amantong was not solved. The military was still powerful at that time, during the last days of martial law.

So, that's the flash back. Flash forward to the present, with all those horrible statistics. Out of 172 journalists killed, only a handful of cases (less than ten) were solved. The percentage of solution to murder is very small. And really it is a problem.

Dr. Maslog cited statistics from Johnny Mercado that during the Martial Law years (14 years) there were 3,257 salvage victims and 70,000 prisoners under the New Society of the former dictator Ferdinand Marcos. Dr. Maslog said that his role was to connect them to the political science thoughts of the our political science lecturer who was supposed to be here that morning (but could not come). He just summarized very briefly what she said in the Cebu forum and then opened it up for discussion.

Dr. Carlos is a political science professor of the University of the Philippines. She starts by asking why are we concerned with journalists being killed? So, why are they important in a democracy. If we were an authoritarian society, journalists have no role except to be mouthpieces for the government. But in a democracy like the Philippines, "sovereignty resides in the people and all government authority emanates from them. "The people are the source of political power. So, government is accountable to them. If the people do not know everything that the government is doing, it is the role of mass media to inform the people as reporters of the people. They are supposed to be accountable to the people. That is the important role of mass media in a democracy. They set the agenda. They help protect the rule of law. They make government accountable to the people.

Dr. Maslog quoted a prominent American journalist once said, "The role of the journalists is to comfort the afflicted and to afflict the comfortable." They are watch dogs. They watch the government and see to it that the government does not abuse its power. Because of this role, politicians, drug smugglers, gun smugglers, big centres of power, corrupt people, etc. do not like them. So, we can understand why they would want to kill journalists. But that is not the issue. The issue is why the killers fo scot free.

One of the first lines that the first lecturer, Dr. Blace mentioned, and concerned the moderator was when he asked whether the “killing of journalists serves a function? That is to eliminate journalists. People who don’t like journalists will eliminate them. He used this as an entry point to the dialogue with the journalists. He asked them to tell their own experiences as journalists, of how they almost died and why the killers were not brought to justice?

The discussion that followed:

Mr. Mario Basilio

I am Mario Basilio, publisher-editor of Sarangani Journal, a local newspaper in South Cotabato and editor of Central Mindanao newspaper. Two of my colleagues were among the victims of Maguindanao Massacre. I am the President of Tri-Media Association of General Santos City, South Cotabato. I do not have a question but I just want to know, why you chose General Santos City as the site for this forum.

Dr. Crispin C. Maslog

I will answer the question, but it seems to me that you media people are in a press conference mode. You are the ones starting to ask questions. We will reverse it this time. We will ask questions and you will provide the answers. Right? But, I will answer your first question. Why General Santos City? I used to be active in training of provincial journalists before your time. Since the 1970’s the Philippine Press Institute, Press Foundation of Asia, Communication Foundation for Asia went to many places to conduct seminars. During that time, General Santos was very far from Manila. It was not General Santos yet but Dadiangas. When it became General Santos City it became more and more progressive and popular. So, gradually it got into the network. This time, the Asian Institute of Journalism and Communication (AIJC) decided to go this way and listen to your voices.

Philip Salarda, DXCP, broadcaster and commentator.

I started my profession in 1978. Way back in 1982, I was fired upon by armed men, persons I did not know. While travelling on a motorcycle, when we reached the junction of Acharon and Santiago boulevards, I heard three

rapid fires and I saw the rotonda sparkling with bullet shots. The public market was under construction at that time. The second time was in 1985, right in front of our home. Three persons got off the tricycle, one was wearing a winter jacket. One of them took from his waist a revolver and fired it three times at me but he failed to hit me. We found out that the guy was a member of the Philippine Constabulary (PC). In 2003, I was able to come across an issue on big time gambling. One time I was invited to a videoke. I love singing. When I entered the comfort room, a guy followed me, a policeman. I fought back, some friends rushed in and were able to pacify us. The first guy was not identified. Later we had a chance to meet. I found out, he was a retired PC and he said, "*napag-utusan lang.*" The reason for the killing attempt was because of my expose of gambling.

Dr. Crispin C. Maslog

There are two questions related to this. Why did they want to kill you? Because you are exposing jueteng. Did you consider that the attempted murder was satisfactorily dealt with?

Philip Salarda, DXCP

No. I went to the office of the prosecutor. I filed a case but the culprit is no longer in GenSan anymore.

Dr. Crispin C. Maslog

I am really shocked that this has happened to you. But I guess we cannot include you in the list of killed journalists. Maybe we should have another "list of almost killed journalists...." That's another function of killing, they make you popular...

Mr. Mario Basilio

In almost 40 years of being a newspaperman, I have so many stories to tell. But I am not interested in telling my stories. The question in my mind is "Why journalists are victims of this injustice? Probably we are more exposed to high risk jobs compared to ordinary persons. Of course, ordinary persons are also being killed. But I would say that their aggressors are different. *Mostly our aggressors are influential persons. That is probably the reason why journalists are victims.* Thank you.

Rod Gozon, Philippine Daily Fiscalizer

I really didn't want to be a journalist but then circumstances dictated that I become one. In 1982, I joined the media. Sometime in 1987, I was taken in by *Philippine Daily Inquirer* as a correspondent. I learned the laws of libel, slander and invasion of privacy. I got a lot of threats also but then I asked for some backup from the military and police. I don't believe that this is the culture of violence or impunity. Some media people just do not have the guts to fight and in observing the law.

During the Maguindanao massacre, I was supposed to be with the journalists who went there. The journalists were my close friends. They asked, "Why don't you join us?" My clutch was worn out, I couldn't make the trip. "Why don't you ride a motorcycle?" I'll think it over, I said. Bong Reblando, who was killed in the massacre was my student in martial arts. It's hurting because the man was like a family. After the massacre, some people from the police and legal field approached me and hugged me. They jumped up and down seeing me and embraced me. "We're happy to see you again," they said.

Speaking of the culture of violence is not the right definition because the culture of violence is in the radio, TV and the movies. Some media people were killed not because they were media men. Some of them are corrupt. The perpetrators are not organized. They are being hired and paid to kill. We should allow media to arm themselves for protection because their lives are at risk because of the nature of their job.

Dr. Crispin C. Maslog

I think you have made a couple of interesting points. Know your law. Don't step on other peoples' toes too much. Another is arm the media. Be careful. Learn martial arts.

Melly Sambrano, RPN-DXDX

I will not make any disclaimer on what my colleague said and the facts that he mentioned. I have been in the media for so long. I was in DYLA in Cebu. We in the broadcast, we make the newscasts. As broadcasters we are not threatened. We read the news according to the script. Those

who are killed are those in the commentaries. They are block timers in the broadcasting industry. They are not governed by station rules. The commentators are threatened because they give commentaries. I would like to point an accusing finger on the politicians because they corrupt the media. Media people are the catalyst of change. The politicians corrupt the media. They give a big amount to the media.

Chito San Pedro, DXRT and UMBN

I would like to add another factor which contributes to the situation. Many of the media men are not paid enough. They are not economically stable. So these speakers sold their souls to politicians especially the block timers. In the KBP local, SOCSARGEN, we are discussing with Fr. Angel to provide an outlet to address grievances to those who are victims. The purpose is to provide an avenue to seek redress of grievances through non-violent means. If there is an outlet where they can present their side, this will provide a non-violent venue. Just before the elections, three councilors who have been victims of this unfair commentary availed of this opportunity. We are in the process of hearing the complaint of the councilors. The election is soon over but the case is not pushed through. In fairness, the station stopped airing their commentaries. The councilors did not push through with their complaints.

Lito de la Pena, DXGS

Actually minsan di nako gusto maremember akong experience in 1996 (Sometimes I don't want to remember my experience in 1996). I was charged with libel. During my program may *gi atake ako* (I took issue with somebody). *Wala siguro nagustuhan ang akong pagkomentaryo* (Perhaps he didn't like what I said). *Daghan sila sa sakyanan, nisulod, gihagit ko ug patyanan* (They were many in the vehicle, they came in the station, and dared me to a fight to the death). *Actually, ang gihimo lang nako ang pagkakalmado* (I just stayed calm). I gave him time *mu-react sa isyu*, to react to my comment (I gave him time to react to the issue, to react to my comment.) *Isa sya nga pari, dili Katoliko* (He's a priest, but not Catholic). *Gi-pakalma nako sya, gi-palingkod sya, gi-pa-istorya nako sya sa radio* (I

calmed him down, asked him to sit down, and made him tell his side on the radio). *Lipay sya kay ako syang gipatubag* (He was happy that he was able to answer my commentary). After *sa iyang pag istorya sa radio, gi-file-lan gihapon nya ko ug libel case* (But he still filed a libel case against me). *Lisod* (It was hard for me). *Mangita ka ug tawo* (I had to find somebody to help me). *Gidepensa nako ang kaso* (I stood my ground). *Gusto sya masatisfy nga ma-presyo ko* (He wanted to have the satisfaction of seeing me in prison). *Gusto gyud nya matulog ko sa presohan bisag duha lang ka gabii* (He really wanted me to sleep in prison even for only two nights). *Nag-voluntary surrender ko* (I surrendered voluntarily). *Nagpyansa ko* (I posted bail). *Wala ko na-presyo* (I didn't go to prison). *Mao na experience na dili nako gusto ma* remember (This is the experience I don't want to remember). *Tungod sa atong mga close friends nga dunay iingon sa atoa nga isyu bahin sa isa katawo, maka istorya ta sa atong programa nga dili maka conduct ug investigation tungod sa atong trust and confidence sa ilaha.* (Because I trusted my close friends who told me about issues concerning certain persons, I talked about them in my program without verifying the facts). *Didto ko maka-learn nga di to maayo* (That's how I learned my lesson). After that I changed my style in my commentaries *para maka-survive ko sa media* (so I could survive in media). Fifteen years *na ako sa broadcast og normal na ang mga paghulga sa atoa* (I have been in broadcasting for fifteen years now, and threats are normal). *Tawagan ka, hulgaon ka* (They call me, threaten me). *Bale wala lang na sa akoo sang una* (I didn't take them seriously at first). *Wala lang gihapon ko nagkumpyansya* (But I don't take it for granted now). *Ingon ana akong experience sa media* (That's my experience in media). I am not a block timer. I am regular. *Tungod pud nga obedient ta sa atong superior, mabutang pud sa alanganin atong kinabuhi* (Also because I'm obedient to my superior, my life is put on the line).

Philip Salarda, DXCP

My first libel case was with a politician. The title of my program was "*Sundot, Kalikot.*" The politician went to our office and we gave him access to our tapes. NBC found that there is no basis for libel to be filed. Another was a libel case from a high ranking police of Sultan Kudarat. We went to Tacurong to cover a bombing incident in the plaza. The chief police officer refused to answer our questions on the bombing incident. But we insisted. He ordered

his desk officer to handcuff us. Is it an offense to make a follow up? He got mad at us because we keep on insisting. He made a complaint. It was found that there is no basis for filing a libel case. The case was dismissed. Another incident is when I wrote an article about pork barrel in Sarangani Province. Since 1997, the case rolled on with so many postponements. However, the case was dismissed by the court. The congressman died and the case was dismissed. It is too risky on our part but we have responsibilities to the people.

Salvador Sabasaje, DXMD & RMN Representative

I am a media man for seven years now. *Isa sa among kauban*, among the victims *sa pagkapatay sa mga media* (One of my colleagues in media was killed). *Wala man kaayo kong kasinatian sa media* (I don't really know much about media). *Gusto lang ko mag-share sa akong observation* (I just want to share my observation). *Nganong daghang media ang ginapatay* (Why are many in media getting killed)? *Kanang reason ngano ginapatay ang mga sakop sa media* (What's the reason)? *Block timers ang ginapatay* (Block timers are killed). *Naa pud dili block timers* (Also non-block timers).

Duna pud nagbutang ug balaod sa parte pag empleyo sa media (There's also a law about employment in media). *Naa man pud kakulangan sa media* (Media also has its faults). *Kaniadto daghan na man ko giagian* (I already have years of experience). *Although di man ko block timer, nganong wala na sila nagahire og regular nga empleyado* (I am not a block timer, but why don't they hire regular employees)? *Ang iba talent na lang ilang gina-hire* (Some just hire talents). *Sa ing-ana nga gamay na sweldo* (That way, they are able to pay small salaries). *Mangita na ug lain nga diskarte* (So media people find other ways to earn). *Dinha na magsugod ang problema* (That's where problems start).

Dr. Riza Alac, Notre Dame of Dadiangas University (NDDU)

I was just listening to you and I was so delighted as if *marami akong radio sa paligid*. Speaking from the academe, these are the things I got from the discussion. More of these cases are unsolved and the cases are getting serious. I enjoyed listening to you sir. I see that this forum is not enough. I see there is a need for a small group discussion – an FGD to compliment

this forum. May I suggest that – from Manila, Cebu and our very own Dr. Blace. They have given us a lot of factors which may lead to the killings; the social factors, economic factors, culture, attitudes, etc. In this way, factors leading to the killings can be addressed. Media men can be a factor too in the killings. Sorry to say that. These gentlemen might be a factor, too.

But I was thinking now is the academic side is; Why not look at how our students are trained? In my college, I have the mass communication students and political science students, the future politicians. What training have they undergone? The role of the academe comes in. As you said *sa paglamano sa imoha, naa kay 500*. You don't like that because it's cheap. I usually remind the students when they do collection, Don't you know that you will become future politicians? You will become future leaders. I usually tell their teachers around to remind these students. For mass communication students, if they work in the station, *di madali yan. Hindi yan prestige*. It's not competition, it's about responsibility. When they speak English, *akala nila yun na yun*. It's time for us in the academe to review.

To end, when I was young I heard the voices of Beth Bagonoc and Philip Salarda. As I was listening to you, I arrived at this idea. There is something in you that we have to learn, that our students have to learn from you. Share that with us, What is in you that we should share with our students. That's all. Thank you!

Dr. Nestor Blace

As I was listening to you I found out that there are a lot of reasons why there is a culture of violence/impunity. I have picked up from the experiences of the participants that economic reason is a big factor. Based on the experience you related, because of the meager amount of the salary that journalists have, they resort to "*suhol*." How does that lead to impunity? Because of poverty, the family of that slain journalist will go for out of court settlement. At that instance the family will be paid. The aggressor may be free to kill another journalist because they have paid the family of the previous journalist whom they killed. It starts with the values we teach our students. In academe we mold the values of students. Academe plays a significant role in molding our future journalists.

George Gunay, Mindanao State University-GSC

I finished my mass communication at Trinity College of Quezon City. Actually, the approaches of the academe are not healthy. Surprisingly, the question raised earlier why Philip Salarda is still alive today. Well does it take too long to recognize that probably what they are doing in mass communication is right or wrong. In fact, I would rather put my entire years of acquiring skills in mass communication as nothing. It's not functional as far as values are concerned. It's a more prevailing culture.

Ms. Joanna B. Lapore, Ramon Magsaysay Memorial Colleges

I am a product of Notre Dame of Dadiangas University and I decided to pursue my Masters in Mass Communication at the University of the Philippines. One thing I realize is the challenge for academe to make the curriculum relevant in the global age. We have been saying that journalists are an endangered species. If they get into mass communication, they may not be passionate. So what do we have? We'll just have a batch of entertainers.

The challenge for academe is very big. We cannot take that for granted. We have to open our eyes to the reality. Just like my former mentor said about Mr. Salarda. I am glad to see Mr. Salarda. I was with you and was interviewed by you during my *Sangguniang Kabataan* years. Seeing these seasoned journalists is inspiring. I know Mr. Bong Reblando. He was a neighbour and a good friend. Days before the Maguindanao massacre, he paid me a visit. He was with *Manila Bulletin*. He was asking for help on how to process his documents. He was one passionate guy who has touched my life in many ways as well.

During the massacre, I was with Joey Sy and he was supposed to be with the group, too. His knees were shaking when he came to know what had happened. Knowing the media practitioners in GenSan, *napakalaki po ng* contributions sa Gensan. We wanted to tell our students your stories. We want to hear stories of journalists. I would like to invite you for a forum. We want to let our students hear your stories. In a real world, it's different. It's so cruel out there. *Sa 21st century ang hirap mag enroll sa mass communication kasi hindi ganun ka profitable.*

It is difficult to encourage students to enrol in mass com. It is not a profitable course. *Hindi sya high-paying*. They prefer to enrol in high paying courses. But despite all these, many enrolled. It pains me as their mother, as their mentor, to see them unprepared to see the world, to face the world. It is not about how to look good on screen, to enunciate the words, to project the voice and how to look good on screen. It is about competence and character.

Dr. Crispin C. Maslog

Thank you Joanna! Maybe You can give a contribution to this report by making a summary or a short paper documenting the experiences of Gensan's journalists on the culture of violence/impunity coupled with interviews.

John Paul Jubelag, Mindanao Bulletin

Good afternoon! I really appreciate the effort of AIJC to come up with this forum. It is a venue to share our ideas and experiences. Like Joanna, *matagal na naming gusto magkaroon ng (we have long wanted to attend a) forum yung (with the) academe at (and) local journalists. Para ma share namin ang totoong buhay ng (so that we can share our experiences as) media. In fact marami kaming taga media ang nandito dahil sa maraming mga experiences na pwede naming ishare sa mga nasa (there a lot of media people here today because of the many experiences we want to share with the) academe. Sana meron ding taga (we wish there are representatives of) IBP, businessmen. Kasi magtatanong din sila eh (because they will also ask questions). Sila kasi ang mga grupo pala na inaaanticipate ang mga gagawin natin (They are the group who anticipates what we do). Ang sa akin lang sana gusto ko ishare ang nangyari sa (For me, I want to share what happened to out) paper namin, hindi naman para idiscourage ang mga (not to discourage the) mass communication students. They file a case against me and my brother, mother ko. Ang masakit pa pati ng tatay ko na patay na, sinampahan pa ng kaso (it is painful for us when they filed a case against my father who is dead). Gusto naming ishare ito sa mga (we want to share this with the) Mass Communication students na nag aaspire maging (who aspire to become) journalists. Hindi madali maging isang (it is not easy to be a) journalist. So, tulad ng sinabi ni (just like what) Joanna*

(said), *hindi ganun kadali* (it is not that easy). *Ewan ko lang kung ilan sa amin ang dumaaan o naging* (I have no idea how many of us went through or became) Mass Communication students? *Mabibilang lang* (you can only count). What we are doing since we started our trabaho (work)? We attended seminars and read books.

Isagani Palma, Regional Correspondent of Manila Bulletin

Good morning! I'd like to share with you an experience na hopefully *makatulong*. Way back in 2000, a case was filed against me by a general. After I had gathered some documents about a certain issue, I came to know that the general filed a case against me. My publisher also filed a case against the general. In turn the general went to the publisher's office and asked for out of court settlement. For those who would like to become journalists, this is an example na *hindi lahat puro negative ang pagiging journalist*.

Carmelo Enriquez, Notre Dame of Dadiangas Business Resource Center Foundation, Inc. (NDBRCFI)

I am speaking in behalf of the young.... It is interesting to listen to the perspectives of the media practitioners and from those in the academe. I would like to speak on the economic perspective. It is not the killing of the journalists by perpetrators per se but the killing of each other, the killing by the various media outfits in order to outperform each other. The bottom line is media as you perform your role there is also competition in making money. Not the money to pay your libel suits that you face. But it is the money that you generate from advertisers. Because of this competition to make money, newspapers come up with screaming headlines. The more controversial the headline, the more it sells. The ratings game contributes to how work is done, the controversies. How pervasive is the competition among media outlets? It is coming out right now that the role of the media is multi-faceted. *Ang dami talagang role ng media*. Will it still be entertainment? Will it still be public service? Will it still be a social worker? Thank you.

Kirk Nerona, Voice Publication of Notre Dame of Dadiangas University (NDDU)

Good afternoon everyone! I am an AB economics student. I am from the Voice Publication. Basically what I can say is if the perpetrators will transmit the culture of impunity to the young people they can also transmit to us involved in campus journalism the culture of civility. If this starts with the publication we are working with together with our moderator, Ms. Palisoc, we can actually share this to people who are involved in campus journalism who would like to be future journalists.

George Gunay, Mindanao State University, General Santos City

Eto ang problema (This is the problem). The usual thing *na iniisip natin na malaking problema ay di naadress* (that we think is a big problem is never addressed). I was able to get around a system, *na kung malalaman nyo lang ang totoong ginagawa ko* (that if you only knew what I did), you may say that I am a dead-man-walking. My point is, I don't know—*Dahil itong isang bagay, gawa na, di maimplement* (because this particular thing is done but it is not implemented). *Ang dapat makinabang, takot din* (Those who should benefit are also afraid). Whom do I trust? The question among entities is that they do not enjoy a high degree of respectability. *Sinabi ko ito kasi ang alam ko is ako lang ang gumawa nito* (I said this because what I know is I am the only one who did this). Because of high connections in the higher level of national leadership, *nagawa kong mailusot*. (I was able to get it out). *Pati mga internal memos nakukuha ko* (I was even able to get internal memos). *Wala akong pakialam* (I don't care). And I can only do this with utmost secrecy. I got to the level of Alvarez sa (in) Malacanang. The point is *luto na di mapapakinabangan ng dapat makinabang* (it is a done deal which could not profit those who should benefit from it). *Ano yan?* (What is that?) I was not media practitioner pa (yet) that time pa. What I mean is, investigative journalism doesn't have to be done by a mass communication student. Anybody can be a media practitioner. *Iniiisip ko ang* (I am thinking of) mass communication. *Tingin ko may mali dyan eh* (I think there is something wrong there.)

Dr. Crispin C. Maslog

He's a prospective whistle-blower. He's a time bomb waiting to be detonated. You were a former journalist and now a professor? You felt you cannot do anything as a journalist?

George Gunay, MSU-GSC

Yes, Sir. I have very little respect for what is going on. On investigative journalism. How do we teach people to die for their principles? How do you put that in academe? If you put that in academe, *magagalit ang mga parents sa iyo*.

Rod Gozon

I think it's true that to be a journalist one does not have to be a mass communication student prior to becoming a journalist. But then I would like to tell everybody that libel and slander are cases that you should be concerned with.

Dr. Crispin C. Maslog

Okay, thank you very much. The main message is know your law.

Mario Basilio

Sa jueteng kasi, grabe ang payola (In jueteng, payola is a serious matter). *Sa akin* (for me), *di ko matanggap kasi ang jueteng, lokohan talaga* (I cannot accept jueteng, it is really cheating). *Minsan nga paikot-ikot sila* (Sometimes, they go around in circles). *Meron silang mga ICOM at tinanong kung ano ang mahina na number at yun ang ipapalabas na* (They have ICOMs and they ask what is the weak number and that is what they will come out with as the) winning number. *Niloloko nila and taong bayan* (they are deceiving the Filipinos). *So hanggang dumating itong last two* (until the last two came), *nagalit si Bishop sa amin kasi di daw kami pantay* (the Bishop got mad at us because he said we are not fair). *Wala kaming nakikitang unfair sa* (we do not see anything unfair in the) last two.

So finally *yung tanong na bakit si* (to the question why) Phillip Salarda is still alive today? Until your last breath daw (they say) you are a journalist. *Totoo yung pinag uusapan kanina* (there is truth to what were being discussed

earlier) about provincial journalists. *Talagang* (It is really) admitted *na ang iba manipulado ng mga* (that others are manipulated by) politicians. *Nakita ko yung pinag uusapan kanina na ang mga nabibiktima ay mga* (I heard being discussed earlier that the victims are the) block timers, I don't think there is a problem so long as you agree as to a just reporting. *Kapag merong* (if there is an) issue, I see to it *na iniinterview ko muna ang* (that I interview first the) person concerned then I tell the public about it. *Yan ang nakikita ko na* (I see that) point. *Ang importante sa atin ang* (what is important for us is) precise *na balita* (news).

Melly Sambrano, RPN-DXDX

Before we wind up, I would like to raise this point with the academe who are here. With the rise of the new media – Internet, facebook and twitter – we seem to get lost in this investigative journalism. Do we now have a new kind of journalism by assertion instead of this very expensive way investigative journalism?

Ms. Joanna B. Lapore, Ramon Magsaysay Memorial Colleges

The new media actually has a lot of positive points for everyone not only for those trained in mass media. Here in Gensan, we have the Gensan bloggers. We strengthen our place. The aim is to show Mindanao in a better light. *Problema naman natin dito sa Mindanao*, in the SOCSARGEN area is that we are depicted in a bad light because of the nature of the area. In academe, we train the students in different competencies like plain journalism, investigative journalism. At the end, it is the students who choose their own fields or to go abroad. The challenge is how to keep bright minds in the Philippines. Most of those who trained in the Philippines, *ang tendency is to go out kasi di ganun ka profitable dito*. *Maraming factors eh. Paano papakainin ang pamilya?* We inculcate the values. Sorry, Sir, I cannot train my students how to die. What I am saying is to tell them how to communicate issues. The challenge is for us to train our students to talk about issues on the ills of society without being killed.

Synthesis

by Dr. Crispin C. Maslog

We started talking about the killing of journalists and why the perpetrators are not punished. We need to regulate block timers journalism. The role of media is to expose the wrong doings in society. What can we do to make killers accountable for their foul deeds? Why is it that the killers remain scot-free? Other relevant points brought out: Politicians corrupting the journalists, the low salaries that lead to corruption, the culture of violence that leads to the culture of impunity, the political will of authorities is a big factor, education, cultural values etc. What can the local community contribute to our study? We hope that from here on, the people here can help contribute to the study and come up with a paper which we can attach to our report.

With this, I would like to thank the media practitioners and academe for their insights into a bigger picture, the young people who will represent future journalism.

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General Santos City

Synthesis Forum on A Multidisciplinary Inquiry on the Culture of Impunity in the Killing of Filipino Journalists

Club Filipino, Greenhills, San Juan City

December 9, 2010

This Synthesis Forum at Club Filipino, Greenhills, San Juan City on December 9, 2010, was the third and last in a series of forums on the Multidisciplinary Inquiry on the Culture of Impunity in the Killing of Filipino Journalists sponsored by UNESCO and the Asian Institute of Journalism and Communication in 2010.

A total of 26 experts (see list) from academe, mass media and government participated in the synthesis forum. This forum followed two earlier regional forums in Cebu City and General Santos City, also participated by academe, mass media and government.

The Cebu forum had 81 participants – 26 representing six local colleges and universities, four national and local newspapers, two radio stations, Kapisanan ng mga Brodkaster ng Pilipinas (KBP), Peace and Conflict Journalism Network (PECOJON), and Cebu Citizens-Press Council. There were 55 observers – college students, many of them majoring in mass communication.

The General Santos forum had 57 participants, including 9 college students, coming from 9 colleges and universities, 4 national and local newspapers, 8 radio stations, Kapisanan ng mga Brodkaster ng Pilipinas, and the City Public Information Office.

Deputy Secretary General of the UNESCO National Commission of the Philippines, Ms. Jeannette D. Tuason, welcomed the participants and

thanked everyone for sharing their time and expertise in a multidisciplinary inquiry on the culture of impunity in the killings of Filipino journalists. She reminded the group of the UNESCO Director General's strong press statements in September 2009 calling on the Philippine government to act on the murder of Filipino journalists and the subsequent creation by the UNESCO National Commission of an ad hoc committee which recommended the development of a research framework for a multidisciplinary inquiry. Two months later, the most horrible atrocity against Filipino journalists happened, the Maguindanao massacre, Ms. Tuason pointed out, making the inquiry even more urgent.

In a report presented to the 27th Session of the UNESCO Intergovernmental Council of the International Program for the Development of Communication (IPDC) held early this year, Ms. Tuason recalled, Mr. Roby Alampay, Executive Director of the Southeast Asian Press Alliance, stated that the Maguindanao Massacre could be viewed as a logical result of a culture of impunity bred in our society. In the same session, the Philippines was dubbed as the most dangerous place for journalists in the world, registering in 2008-2009 alone 37 killings, all of which were condemned by the UNESCO Director-General. Again, this year, the Philippines was ranked third by the Committee to Protect Journalists in its Impunity Index, next to Iraq and Somalia.

Murders of Filipino journalists with impunity continue to happen, Ms. Tuason declared, even in peacetime and even in a vibrant democracy. This paradox, which seems inherent in our country's situation makes the subject truly worth studying and very challenging, as well, she continued. But "we, at the UNESCO National Commission," she affirmed, are confident that the best minds in the social sciences and in the media profession convened by the Asian Institute of Journalism and Communication (AIJC) in a series of roundtables, are doing an unprecedented multidisciplinary study on this urgent issue. "We believe that it will contribute in assisting the Philippine government in effectively addressing the problem as well as in enriching people's understanding of the issue not just in the country but also in the global community."

She assured the group that the UNESCO National Commission fully supports this endeavor and had endorsed the development of the study as a proposal to the UNESCO Headquarters through its Participation Program Request. The proposal has also been included as one of the country's priorities under the communication and information sector in the UNESCO Programming Document for 2009-2011. In connection with the Participation Program Request that they submitted, she informed Dr. Braid that this has been approved by the UNESCO Headquarters and that they hope to get the funding next year.

She ended by saying that with the synthesis of the contributions from no less than the country's best people in their respective fields and with the experts present, the meeting will be a success. On behalf of the UNESCO National Commission Chairperson, Foreign Affairs Secretary Alberto Romulo, she welcomed the participants to this important meeting.

Introduction of participants

Ms. Ann Lopez requested the 20 participants to introduce themselves.

HIGHLIGHTS OF ROUNDTABLE DISCUSSION

Overview of the Series of Forums

Ms. Ann Lourdes C. Lopez, Director, Research and Consultancy, AIJC welcomed the participants and acknowledged the partners of the Forum, namely, the Philippines Communication Society (PCS), the Philippine Association of Communication Educators (PACE), and Probe Productions.

She cited statistics on the killings of Filipino journalists and how the Philippines is viewed by the international community in relation to these killings. She then defined impunity using the summary of Melinda Quintos-de Jesus of the CMFR as the failure of the state to punish criminal and unlawful conduct.

Initial activities undertaken in this multidisciplinary inquiry, she summarized, have been the Round Table discussion in Cebu City last September 2009,

a follow-up workshop in General Santos City in October 2009 involving PCS and PACE and the preparation of a draft multidisciplinary research framework.

Ms. Lopez said the general objective of the inquiry was to examine the problem of impunity in the killing of Filipino journalists from a multidisciplinary perspective. This involves research on the causal link among violence against journalists, impunity and self-censorship. She gave the specific objectives of the forum as: (1) to summarize and synthesize the findings from the series of activities that have been conducted, (2) to enrich and validate the initial research framework, (3) to identify partners to the multidisciplinary study which, with UNESCO funding, we can now start, and (4) to prepare the action plan for implementing the study.

She enumerated the expected outputs for the day's forum as: the finalized research framework, the mechanism for participation in the nationwide study and the action plan.

Highlights of the Two Regional Forums

Dr. Crispin C. Maslog, Senior Consultant, AIJC, summarized the highlights of the Forums conducted in Cebu and General Santos City.

Cebu Forum: The second forum on a Multidisciplinary Inquiry on the Culture of Impunity in the Killing of Filipino Journalists, September 28, 2010, St. Theresa's College, Cebu City.

There were 26 participants in the Cebu City forum representing six local colleges and universities, four national and local newspapers, two radio stations, Kapisanan ng mga Brodkaster ng Pilipinas (KBP), Peace and Conflict Journalism Network (PECOJON), and the Cebu Citizens-Press Council. They were joined by 55 college students, many of them majoring in mass communication, as observer's.

From the Resource Persons:

The first resource person, Dr. Clarita Carlos, UP political science professor, presented the paper, "Journalists: The Fulcrum of Democratic

Governance.” She explained the critical role of journalists in a democratic society. Sovereignty resides in the people. Government, therefore, must be transparent and accountable to the people. The press ensures that government is accountable. Journalists chronicle events and express opinion about those events.

She categorized the causes of impunity into (1) institutional and (2) precipitating factors. Under institutional factors, she cited (a) lack of implementation and rule of law, (b) lack of professionalism and lack of moral and ethical values of the police, and (c) slow judicial process. Under precipitating factors, Dr. Carlos cited (a) behavioral factors and (b) the “now”-ness of the media which causes them to move from issue to issue quickly, oftentimes burying issues before debate comes to fruition and action is taken on the issues.

Dr. Cecilia G. Conaco, sociologist and Dean of the College at St. Theresa’s College, asked three significant questions: (1) Why do people kill journalists? (2) Why are the killings unresolved, resulting to a culture of impunity, and (3) Why is there no public outcry about the killings?

On the first question, Dr. Conaco said that journalists are the target of killings because of the role they play in society. They expose wrongdoings in society and, therefore, provoke anger. When the persons exposed lose face, they lose patience and then react, sometimes violently.

On the second question, she proffered that the killings remain unresolved for a number of reasons including the culture of silence embedded in Philippine society and power play. Victims keep silent out of fear of people who wield power. Dr. Conaco said Filipino families should be the training ground of good moral values, but they are not. They inflict physical punishment on their children, leading to a culture of violence. Dysfunctional families create a society that is tolerant of violence. Schools should be the other training ground of moral and ethical values for our young, but they do not do their job either, according to her.

On the third question, she says, society should become the pillar of justice, but it is not, resulting in public apathy. Apathy is contagious and morphs eventually to pluralistic ignorance.

Mr. Johnny Mercado, representing the *Philippine Daily Inquirer*, provided a historical background to the discussions by citing that the first two recent historically recorded killings of journalists happened in the 1960s. The killings of Antonio Abad Tormis, editor of the *Republic News* and Ermin Garcia, Sr. of the *Sunday Punch* in Dagupan, however, were solved and the killers sent to jail.

In the 1990s and the turn of the second century, he continued, the killings became more rampant and they were not being solved. By 2010, Mercado cited 172 journalists killed in the last 40 years since Ferdinand Marcos was dictator in the 1970s, including the 32 killed in the Maguindanao massacre in 2009 alone.

Mercado broadened the discussion from killing of journalists alone to killings in Philippine society as a whole. After describing the Philippines during the Marcos years from 1972 to 1986 as the “gulag of atrocities,” Mercado brought the discussion to the present – from the Davao death squads in the 1980s, citing 814 executions in Davao alone which were unaccounted for, to the “*escuadrones de la muerte*” which started in Cebu in 2004. He noted that the Marcos human rights violations and massive stealing of the public treasury remains unpunished and Estrada was pardoned immediately after his conviction of public plunder. He thinks that there is now a culture of violence as well as culture of impunity in the country as a whole – and the country is in denial about it.

From the Participants:

Interestingly, Dr. Maslog said, the Cebu participants led by Ms. Eileen Mangubat, *Cebu Daily News*, held up the Cebu press as perhaps an exception to the rule regarding the culture of impunity. There have been few killings of journalists in Cebu, she said, and they have been solved satisfactorily. The Cebu press is doing its job and is working. The Cebu press is not less aggressive but does not live in a climate of fear. The question is why.

Ms. Mangubat cited three possible reasons: (1) the level of competition leads to a system of checks and balances among the media entities and the government; (2) the level of professionalism, and (3) safety valves in the community that allow the aggrieved parties to complain, like the Cebu Press Council.

Ms. Cherry Ann Lim, representing *Sun Star Cebu*, endorsed the idea of the journalists being proactive. The goal should be to increase preventive measures. Journalists should reduce the chances of becoming targets: They should not be corrupt and should be ethical. She agreed that the Cebu press is united in the fight for press freedom and responsibility. Even with very little harassment, the Cebu press immediately takes action by publicizing military abuses and threats.

Other Cebu journalists were unanimous in saying that practicing responsible journalism would prevent, or at least minimize the killing of journalists. Ms. Mayette Tabada of *Sun Star Cebu* said that not all journalists are exactly ethical. There is a public perception that journalists are corrupt.

Ms. Michelle So of *Sun Star Cebu* noted that they are not sure whether all the journalists' deaths are work-related. Atty. Ruphill Banos, a lawyer representing DYHP-RMN Cebu and KBP, suggested that practicing responsible journalism would prevent journalist killings and added that Cebu media are generally professional. Ms. Mangubat chimed in to say that a possible reason for the absence of public outcry against the killings of journalists is that the people know that the murdered journalists were unethical.

Dr. Conaco, sociologist and resource person addressed the issue of how to approach the culture of impunity in the killing of journalists vis a vis the issue of culture of impunity in society as a whole. We should be able to identify who really are true journalists. We should be able to define the true journalist.

In summing up, the forum moderator Dr. Crispin C. Maslog, senior consultant for AIJC, said this brought up the question of how to define journalism and

journalists. He proposed that it was about time that the Philippine press come up with a system of accreditation managed by the industry itself. He cited the example of the Australian Journalists Association (AJA) to which Australian journalists belong before they can practice. The AJA has a system of cadetship for Australians who aspire to become journalists. They undergo apprenticeship with mass media, after they become members of the association and are given certification that they are qualified to practice. They are classified into A, B, C, and D levels with corresponding salary scales for each rank.

The main objection in licensing journalists in the Philippines is that in all professions, the licensing has always been done by government, he continued. But since we are in a democracy, we should not allow the government to control the journalists. So who licenses them? The industry itself can do that. That's an idea, he thinks, whose time has come.

The second provincial forum was held in General Santos City on October 12, 2010. The venue was Notre Dame of Dadiangas University (NDDU). The local partners were NDDU and NDDU Business Resource Center Foundation. There were 57 participants coming from 9 colleges and universities, 4 national and local newspapers, 8 radio stations, Kapisanan ng mga Brodcaster ng Pilipinas (KBP), and the City Public Information Office.

From the Resource Persons:

Dr. Nestor P. Blace, sociology professor of NDDU, began by asking a provocative question: Do the killings of journalists serve a function? To Dr. Maslog, this question sounded as if Dr. Blace was referring to journalists as an endangered species, a species of human life in danger of extermination following the laws of nature which says in effect that if a species no longer serves its purpose, it disappears. Quoting Blace, "Is it because violence against journalists is a dilemma that serves a function in our society since it persists through all these years? According to the functionalists (in social theory), every activity that persists serves a function in society, may it be positive or negative as it helps to maintain the social system as a whole and helps to preserve equilibrium in society."

Dr. Blace enumerated three agents of value formation: the family, the school and government. The sociologist said that the family is the primary agent of value formation. It is the first and the most important influence on the individual. But it is also in the family where the individual may first learn violence, he continued. If there is violence in the home, the children are exposed to it. The sociologist also pointed out that children love to play computer and online games which depict violence and found it ironic that young as they are, they find gratification in playing them.

The school, he continued, is a social institution designed to socialize. There, teachers become active agents for the teaching of values. But if children learn violence in school, like fraternity hazings and torture, they would also become committed to the culture of violence.

To the sociologist, government also is an agent for the teaching and transmission of values. However, he said, government encourages violence through corruption, vote-buying and torture.

The implication of all these is that society through its different social institutions such as the family, the educational institutions, the government, are also responsible for the persistence and vitality of the culture of violence perpetrated on journalists.

His suggestions to solve the problem of the culture of violence and impunity in our society were:

- Measures to address the problem of violence against Filipino journalists should start from these social institutions that promote the culture of violence.
- The socialization function of the basic social institutions should be corrected and then strengthened to have an orderly society.
- The community should also be made aware of the dangers brought about by the culture of impunity and the importance of penalizing the perpetrators of violence against the journalists.

Dr. Maslog, saw these suggestions as too general and wide-ranging and must be refined and made operational.

From the Practitioners:

About half of the participants in the General Santos forum were media practitioners and half were from academe. Dr. Maslog noted that the most interesting stories and comments came from the media practitioners:

Mr. Philip Salarda, DXCP broadcaster and commentator was fired upon by a retired Philippine Constabulary who was “*napag-utusan lang*” (tasked to do the job) because of his exposes on gambling;

Mr. Mario Basilio, a newspaperman for nearly 40 years, said that journalists are more exposed to high risk jobs compared to ordinary persons and that their aggressors are influential people;

Mr. Rod Gozon, *Philippine Daily Fiscalizer* said, “Speaking of the culture of violence is not the right definition because the culture of violence is in the radio, TV and the movies. Some media people were killed not because they were media men. Some of them are corrupt. The perpetrators are not organized. They are being hired and paid to kill. We should allow media to arm themselves for protection because their lives are at risk because of the nature of their job,”

Dr. Maslog, moderator, commented that Gozon made a couple of interesting points. “Know your law. Don’t step on other people’s toes too much. Be careful. Learn martial arts.”

Ms. Mely Sembrano, RPN-DXPX, declared: “I would like to point an accusing finger at the politicians because they corrupt the media. Media people are the catalyst of change. The politicians corrupt the media.”

Mr. Chito San Pedro, DXRT and UMBN, said “I would like to add another factor which contributes to the situation. Many of the media men are not paid enough. They are not economically stable. So these people, especially the block timers, sell their souls to politicians. In the KBP local, SOCSARGEN, we discuss how to provide an outlet to address grievances to victims (those who are attacked by the media).”

From the Academe:

Dr. Riza Alac, NDDU, suggested another small group discussion with experts from Manila, Cebu and Dr. Blace. They have given us a lot of factors which may lead to the killings – the social factors, economic factors, culture, attitude, etc. In this way, factors leading to the killings can be addressed. Media men can be a factor, too, in the killings. Sorry to say that. These gentlemen might be a factor, too.

“Why not look at how our students are trained,” contributed an academician. “In my college, I have mass communications students and political science students, the future politicians. What training have they undergone? The role of the academe comes in.”

Dr. Nestor Blace. “As I was listening to you, I found out that there are a lot of reasons why there is a culture of violence/impunity. I have picked up from the experiences you related that because of the meager salary that journalists have, they resort to “suhol” (bribery). How does that lead to impunity? Because of poverty, the family of that slain journalist will go for out-of-court settlement. If the family is paid, the aggressor may be free to kill another journalist.

Dr. Blace said we must start with the values we teach our children. In the academe, we mold the values of the students. The academe plays a significant role in molding our future journalists.

George Gunay, Mindanao State University-GSC. I spent my entire years in school acquiring skills in mass communications. It’s not functional, as far as values are concerned.

Dr Maslog. The question is whether and how we are teaching our communication students values and ethics effectively. That’s an issue in academe. How do we teach ethics and values to our students? This needs to be reexamined.

Ms. Joana B. Lapore, Ramon Magsaysay Memorial College. “One thing I realize is the challenge for academe to make the curriculum relevant in the global age.”

Dr. Maslog. In synthesis: very briefly, journalists are killed because of the nature of their work. The role of media is to expose the wrongdoings in society. Some relevant points taken up: Politicians are corrupting the journalists; the low salaries of journalists lead to corruption; the culture of violence in society leads to the culture of impunity; the lack of political will of the authorities; and, the role of families, schools and government in forming cultural values to combat a culture of violence. What can the local community contribute to our study?

These are the highlights of the two regional forums. Many of them echo the many ideas of the Manila forum.

Defining the Multidisciplinary Framework

Dr. Florangel Rosario-Braid, Immediate Past Chair, Communication Committee, UNESCO National Commission of the Philippines, presented the rationale behind the multidisciplinary approach to the research project. The multidisciplinary approach enables individuals and organizations to respond to complex issues and problems in a comprehensive and holistic manner by drawing inputs from various disciplines, e.g., social sciences (i.e. sociology, psychology, economics, history), natural sciences, and applied areas. Moreover, she said, by using the multidisciplinary approach in the social sciences, the issue of the killing of journalists can be closely examined by drawing from analytical frames, theories, principles and tools of psychology, sociology, anthropology, economics, history and communication.

Understanding the problem of impunity, especially its root causes, is possible only by looking at the “broader picture,” she stated. Explanations are almost always incomplete because we are not able to identify all the plausible putative causes.

She then presented the following proactive and long-term responses needed for the project:

- Multidisciplinary study on the root causes of the killings
- Policy environment that further protects and preserves press freedom
- Enhancing professionalism among journalists

- Public education and advocacy on the role of journalists in democracy

Dr. Braid proceeded to present the UNESCO Priority Project: Addressing the Culture of Impunity in the Killing of Filipino Journalists which was included in the Philippines-UNESCO Country Program Document 2009-2011.

Synthesis: Research Variables

Dr. Clarita R. Carlos, University of the Philippines, proposed the general framework below to guide the research program based on the many discussions in the past seminars.



Dr. Carlos enumerated the following elements for the research program to have:

- Independent variables that account for the killings of journalists
 - categorized into structural/institutional variables and people or human behaviour variables.
 - relative potencies of these variables estimated intelligently to the extent at which they can be determined (To what extent is each one singly or in combination affecting the outcome?).
- Time component – to identify which doables are short term, medium term, long term
- Agency/agencies involved should be known and the concomitant process should be identified

- Monitoring and evaluation scheme with quantitative measures or qualitative ones

In closing, Dr. Carlos said, “(To stop) the killing of journalists with impunity requires no less than a massive and genuine reform of the many institutional structures and processes in our society.”

PLENARY DISCUSSION ON THE FRAMEWORK & RESEARCH VARIABLES

Dr. Crispin Maslog served as moderator of the plenary discussion. He proposed that the discussions be categorized into two topics – the Results & Findings from the Regional Forum and the Research Framework. He asked the group how they wanted to go about it.

Dr. Carlos: Earlier we were talking of tackling this phenomenon in a multidisciplinary manner. We cannot avoid having several narratives depending on which disciplinary prism we are using. So what I may suggest is that each of us, coming from our own disciplinary training, locate ourselves within the general framework so we know where our contribution would lie. There is a general framework and there are several categories (which have been noted in earlier seminars and as stressed by Dr. Braid earlier) so we know which part of the square we are contributing to. We, of course know that each narrative is interconnected and at the end of this, we have multiprisms and these multiprisms will bring about a big framework. The big framework would be the base point of the action plan. Each one would then know where he would contribute, what data would he needs to pay attention to.

Dr. Maslog asked Dr. Carlos if she was proposing that the general framework she presented earlier was to be the research framework.

Dr. Carlos said no, that was not the framework.

Dean Luis Teodoro suggested some additional answers to the questions of Dr. Conaco, saying that these are critical. To the question, “Why are journalists being killed?”, he contributed the following explanations/

answers: (1) Some of them get mixed up in local politics (related to the existing political and social conditions in the communities); (2) Their killers are not being punished. The culture of impunity feeds on itself.

On the question why the killings remain unresolved: The primary reason is the weakness of the justice system at the community level. The Committee to Protect Journalists was already talking about this in 2003, he said. This is linked to the group's definition of impunity, a state failure to punish wrong doers. He qualified "justice system" as the police, the prosecutorial service and the courts. As far as the prosecutorial service is concerned, deficiencies exist, such as the shortfall of prosecutors; they are burdened by case loads. Dean Raul Pangalangan, of the UP College of Law, also suggested that one other factor is the lack of enthusiasm of prosecutors to prosecute killers of journalists because they don't appreciate the importance of freedom of expression.

On the third question, why is there no greater outcry from the public, one very important factor is that the community does not consider the journalist, in many instances, as valuable to the community. This is linked, of course, to the low professional standards and the ethical problems identified by Ms. Mangubat and the Cebu journalists. However, he said that the journalists do not get killed merely because they are unethical. He cited journalists who were ethical and yet have been killed. Thus he qualified that unethical journalists are killed because they do not perform anything of value to the community. So when they are killed, the community just shrugs its shoulder and says, anyway, he was just another noisy broadcaster, he added.

Thus, one imperative is to enhance ethical and professional training to produce journalists whose practice has value and relevance to the community. He thinks that's how communities will value and protect them.

He then asked if lawyers are involved in this project, pointing out their importance in the justice system. He said that Dean Pangalangan, in one of the seminars he attended, mentioned, as one of the long term solutions, the necessity to reform the law curriculum. There's a disconnect, he

quoted Dean Pangalangan as saying, particularly in the protection of free expression. Dean Teodoro suggested that this be one area which this study can look into.

Dr. Maslog stated that Dean Teodoro pointed out a number of other factors which can be taken into account and that he may be suggesting a framework answering the three questions. He asked if, on the other hand, Dr. Braid and Dr. Carlos can explain if they already have a framework into which the group can fit its thinking as to how to approach the problem.

Dr. Carlos referred him to the framework projected on the screen and sought the participants' comments. His attention was called to the presence of a lawyer, Atty. Amy Sta. Maria.

Atty. Amy Sta. Maria: Informed the group that she and Atty. Diokno were present during the first forum. The reason she might have been invited, she opined, is because she had done a study on impunity covering the legal and judicial aspects, in 2001- 2002. The issues they identified before within the judicial framework are still the same problems now. They made a very detailed outline of the how impunity perpetuates at every stage from the investigative stage to the amnesty, because amnesty is a form of impunity. That was discussed in the first forum.

Referring to the framework presented by Dr. Carlos, she shared their experiences in their University-wide Road Shows on Extra Judicial Killings and Enforced Disappearances. Aside from their observation that the students are curious but unaware of how endemic the problem is and that the experience seems distant to them, Atty. Sta. Maria shared their findings related to impunity. People

1. Don't trust the system
 - the delay in justice
 - failure to protect them
 - fear of reprisals – even among judges
 - no guarantee of nonrepetition

2. Displacement/disruption is not worth risking freedom of information and expression;
 - Cannot see accountability
 - Cannot see the reward is for standing up for their rights

Results and Findings from the Regional Forum

Research Framework

Dr. Braid proposed that participants can enrich it so that there is a research design at the end of the workshop.

Dr. Maslog proposed that the research questions be written out before the group tackles the variables. What questions would they want to be answered? He also suggested that they come up with the immediate and the long term responses to the questions. The questions could be:

- (1) Why are journalists being killed?
- (2) Why are the killings unsolved? and
- (3) Why no public outcry?

Then he proposed that from their different areas of expertise, the experts give the short term and long term answers.

Dr. Braid commented that those questions have been asked earlier, so they can be added that to the list. To Dean Teodoro's question, Are journalists expendable? she said that's the Theory of Exclusion. If you want to enrich the list with theories, that is one. You can come up other theories. We can rephrase them into questions later. She pointed to the syntheses of Dr. Maslog as references.

Ms. Alice Villadolid. "Why are journalists being killed?" If Dr. Pangalangan saw a disconnect in the existing laws, I have also come to the conclusion that there is a disconnect between our expectations of our society and what is achievable in our society. I was reared in a journalistic environment of responsibility and freedom. Working for the *New York Times* for 14 years

enabled her to survive even under Martial Law just by being responsible. So when she gave that up to try to help the late President Corazon Aquino as Press Undersecretary, a disconnect between expectation and reality caused her resignation. This was the first meeting between President Cory and Mr. Nur Misuari. The Chief of the Presidential Security Command then, Voltaire Gasmin, did not want the media present in Jolo because he feared for the physical safety of the President. As Press Undersecretary at the time, Mrs. Villadolid proposed the only practical solution - to declare the Nur Misuari - Cory talks off limits to media but to give them a press conference immediately afterwards in Zamboanga. At first, President Cory approved the plan. Then she backed a way because she wanted to be an advocate for press freedom, an icon of democracy. In other words, President Cory's expectations could not accept what was the only realistic way of coping with the problem of dealing with the press. So Mrs. Villadolid decided to resign as Press Undersecretary.

Immediately, though, feeling guilty about giving up on the job, she went to the Philippine Press Institute, which at that time had a very strong organization. She said, Dr. Crispin Maslog was kind enough to help her there as Training Director. "We already tried there two suggestions that came in the regional discussions. One was to try to define and accredit what a journalist is. The Press Institute could not push through with the project because some press freedom advocates in the practicing media led by Vergel Santos said any accreditation of journalists was a violation of their freedom." She continued:

"Then we undertook nationwide training programs that included ethics and responsibility. Dr. Maslog was the director of that training program. We had plenty of funds at that time. UNESCO was helping us. But then, the journalists did not even want to have a directory of training programs because it would have shown which journalists have been trained. They began to ask, What if we don't want the training? Are we then going to be excluded?" And some responsible journalists sided with the so-called irresponsible journalists and tried to say 'don't professionalize us because we are just a vocation.' There is another disconnect here. Very clearly, what we are trying to achieve is not possible to realize." She added:

“In recent years, I have gone into teaching. My usual subjects are media ethics and media law. I think this is an area our group can focus on. We can all reach different sectors. We need a massive training program in values & ethics, not only to conform to the press freedom concept of the West but to marry this concept with our traditional values. Traditionally and culturally, I think Filipinos are basically prudent and more responsible, rather than completely free. So, again, the disconnect in our understanding of press freedom today and our understanding of it earlier.”

“I was comparing the press freedom guarantees of our different Constitutions and I noticed that in the earlier Bill of Rights, it said that “no laws shall be passed abridging the freedoms of press, speech and assembly in matters concerning public concern” but I noticed that “matters of public concern” is no longer in our present constitution. It is in the Penal Code but not in the Bill of Rights. It was no less that Sen. Claro Recto who defined that the press is only free on matters of public concern. So, if we now believe that the press should be free on every matter under the sun, and then, again there is the problem.”

Dr. Carlos: reacted to Ms. Villadolid’s and Dean Teodoro’s remarks on who is the journalist we are concerned about. This is going to be a ticklish issue, she said, because you could think of it as a vocation, others as a profession. I’d like to think the latter, although we really have to make a distinction on who is doing the work of a journalist in a responsible way and who is going to be made accountable. Because anybody can just file a story, as we say, “*pinabili lang ng suka, pagbalik ay journalist na.*” But, while there is a revolution in military affairs, there could be a revolution in communication and in journalism. I’m sure you have seen the various reportage right now, the iReport. In the citizen reporting scheme, the citizen becomes the journalist. And so the role has been diffused and now there is an additional layer of the conundrum in regard to defining a journalist.

That said, she quite agrees with what Dean Teodoro, Dr. Maslog and those around the table have said that there needs to be a vetting procedure that will declare who is the true journalist so that when we talk about who is getting killed, we know whom we are talking about. He may very well be

somebody who filed the byline, was paid to do that and he calls himself a journalist. The conceptual conundrum has to be solved in the first instance. The system of accreditation is necessary because when we accredit, there is a correlate, a competency related to accreditation.

To the major research framework she proposed the following categories: Institution/structural, process, and human behavior (beliefs, orientations, attitudes, values). She defined these further- STRUCTURAL in terms of causalities; PROCESS – it takes 10 years (as a turn around time) for a case to be resolved; HUMAN BEHAVIOR – political alienation, cynicism, etc. Thus, we are not causing boundaries and so we have less difficulty when we start. If we have these categories quite clear in our minds, then the data sourcing will be much easier.

Dr. Quiamco suggested to add one more question to the ideas being thrown around in the room – What recommendations can be made to stop the embarrassing killings of journalists?

Prof. Danilo Arao proposed a question on the impact of the culture of impunity on the practice of journalism as a profession. Although it does not just result in the killing of journalists, its overall effect can be quite chilling. This is even more blatant because self-censorship is quite dangerous in the practice of the profession and it helps in undermining responsible journalism for those who are not yet killed. The Journalism schools face a dilemma - if they push students to go to the communities, it is possible that they might get killed in the process.

As regards the variables, Prof. Arao added, the concept of media literacy should be prominently mentioned throughout the research because while Dean Teodoro is correct in that the lawyers should be included as subjects in the research or key informants, a selective identification of media consumers should also be done. Part of our objective here is to ensure that we promote media literacy among consumers so that the expectations of audiences would be more realistic and would help in better shaping of public opinion. Right now consumers criticize the media for the wrong reasons. They demand “good news” but there is no such thing as “good news” and “bad news.”

Another variable is the need for industry-wide unionism. Prof. Arao mentioned a policy paper he proposed years ago, entitled, "Unionism as a Deterrent to Violence Against Media," from the perspective of the journalist. An industry-wide union can help in ensuring that journalists are united toward a common cause. It can also address other issues like salaries and socio-economic factors, as well as unfair labor practices that tend to breed corruption in the local media and violence against media.

Dr. Popoy De Vera said the issue raised earlier about what is a journalist is very crucial in answering the research question, particularly with new media coming in. What makes a journalist?

These add the question, Is the culture of impunity and the level violence as it affects the journalist significantly different from (the level of violence) in other sectors? For example, are the number of journalists killed significantly higher than those for community organizers or advocates of social change at the local level? Or are we seeing a level of violence only because they get media attention?

Dean Teodoro said many individuals refer to themselves as journalists. Julian Assange refers to himself as a journalist. Is he or is he not a journalist? Also there are peculiarities in the Philippine setting. You have journalists here doing four or five things at the same time. You have someone who is doing commentary over radio at the same time also working for the mayor. He is also working for the Philippine Press Institute (PPI) at the same time and is an informant for the police. It is very difficult to define who a journalist is in the Philippine setting. It is very easy to define who journalists are in the national media (media located in Manila). Out there in the provinces where the overwhelming majority of practitioners are located you have this problem of defining. For example, one broadcaster who was killed several years ago was Jun Tala. The journalist groups had difficulty in categorizing him because earlier, he had organized a vigilante group before he became a broadcaster.

The Center for Media Freedom and Responsibility (CMFR) solves the problem by asking if the reason why the journalist was killed was because he was doing something that could be categorized as journalistic work. But trying to arrive at a definition that will work each time is extremely difficult in the Philippine setting. If one says, for example, that he must be someone who earns most of his income from journalism, Berlin Esperan killed in Tacurong would not qualify because she was once a government official.

The Freedom Fund for Filipino Journalists (FFFJ) spent two days just trying to define a journalist, but it arrived at the consensus that the Philippine situation just does not permit a more thorough, more accurate, more rigorous definition than just saying it's somebody who does journalistic work. But it means one would need to define what journalism is and in the process exclude the professions that might use some of the skills of journalism, like public relations. Doing work like commentary, doing a column, doing a news report all qualify.

Ms. Alice Villadolid said the only way to solve the problem of defining the journalist is to insist that they be professional, to be part of a list of journalists, to submit themselves to the Civil Service Commission, which after all has a list of lawyers, doctors. Their rules need not be dictated by the government to come up with a list of journalists.

Dean Teodoro said Dr. Maslog's proposal for an accreditation system by non-governmental organization could work. The Kapisanan ng mga Brodkaster ng Pilipinas (KBP) is already doing that – it holds seminars and workshops where they have a course of study then they give exams, then they accredit those who pass the exam. Other journalists and media organizations can come together with KBP and develop something together. There is also a need to develop a continuing education system to take care of those who have not been trained and those who have been badly trained.

The killing of other people from other sectors is graver. CMFR focuses on the killing of journalists because it is concerned about the killing of media people in the Philippines but there is a need to look at the killings within the context of human rights violations in the Philippines. There is a bigger

problem – extra-judicial killings and the culture of impunity that afflicts the entire Philippine society. There is a culture of violence which has been here for the last 300 years.

Dean Teodoro noted that the Philippines is supposed to be a democracy and at peace. And yet, the number of journalists killed here is way above other countries which are at war, like Somalia, and that's the paradox.

Ms. Liz Abanto stated that according to the statistics on the killings of media practitioners versus killings in the other sectors, 15 percent were activist journalists. This is according to the study on extrajudicial killings done by Atty. Al Pareño. Next to these were farmers. Interesting findings are that the cases have not prospered. Witnesses have not come forward, the process of litigation takes so long, the relatives of the victims have run out of money because most likely the people who ordered the execution are so powerful.

Ms. Abanto added that with regards Dean Teodoro's definition of journalists as those who derive much of their income from practicing the profession, this may not always be the case. In the provinces, there are block timers who may not derive much of their income from the program and stringers. She proposed to define journalists as those who write straight news, or commentaries or opinion making.

Dr. Maslog said in other words, those who do journalistic work. This would include bloggers who report and comment.

Mr. Alwin Alburo, National Union for Journalists of the Philippines (NUJP), informed the participants that they just had their national congress two weeks ago on the theme "Impunity and Welfare." Their direction for the next two years, is towards unionizing because they fully realize that the problem in the industry hinges on the remuneration system, welfare system, especially in the provinces. That's why many of their colleagues are unethical and most of them get killed for that.

On the question of who a journalist is, he told the group that Sen. Loren Legarda and Sen. Jinggoy Estrada had each filed a bill in the guise of organizing some kind of a Mowel fund scheme. NUJP looks at it as sheep in wolves' clothing because they want to define journalists and subject them to an accreditation system composed of five accreditation groups - one journalist group and four from government. Although the measures result in higher pay, benefits, and insurance for journalists, the laws will mean government regulations.

Capt. Edmund Bayle, Philippine National Police (PNP), distributed copies of a *Handbook on Personal Security Measures for Media Practitioners* to the participants, a project of the PNP to thwart possible violence against media practitioners. He also proposed to answer the questions: How do we prevent killings of journalists and what can be done to prevent the killings. He informed the group that the PNP is very supportive of the inquiry on the culture of impunity in the killing of journalists in order to understand the underlying causes for the killings. He cited 2009 raw data which said homicide reached 7,230 while murder totaled 7,781, supporting the observation that there is a pervading culture of violence in all sectors of society. Data from the research will help the PNP push legislative reforms to improve its investigative capability to raise the number of convictions. On short notice, the PNP is available to give certain inputs to this project, he said.

Dr. Bernardita Churchill declared that as a historian she was glad to be included in this project. As an educator interested in values, teaching young people in history and culture, she wants educators to incorporate in teaching history, values that are very important to society. She noted that teachers teach values in a negative way. For example, the concept of *pakikisama*. *Pakikisama* does not mean *pakikisama* to commit crime; it is a very positive value and that's the way to impart it to students.

There is also complaint from many sectors and regions in the Philippines that history teaching at present is very partisan. "We do mainstream history and forget that there are other Filipinos who should be included in our history. So in this new curriculum, we have included indigenous culture,

history of ethnic communities, how to understand the Muslims, Islam and all that. Hopefully, we will lessen the hostility caused by misunderstanding. The next step is to do workshops and a syllabus that will incorporate new things and take into consideration some of the questions that were raised here.”

Dr. Maslog asked whether we would be able to study journalism and journalists in the past. Were they killing journalists at that time? How were they defined at that time?

Dr. Churchill answered that historians can certainly look into that but there seems to be quite a number of studies looking at what has been going on in the past. Now if one wants to go farther back in history he can study what society was like at that time.

Ms. Alice Villadolid chimed in, saying she teaches Philippine media history. The *Illustrado* journalists were aggressively writing against the then Spanish colonial government. Even if it was a colonial government, they did not kill them with the exception of Fr. Gomez, Burgos, and Zamora, who were also writers. But by and large, Rizal, Antonio Luna and Lopez-Jaena died from other causes. In the case of Rizal, it was not because he was a journalist but because he was perceived to be an enemy of the colonial government that he was executed. So why did the *Illustrado* journalists survive despite the fact that their government was a foreign government – the Spanish colonial government? The answer is that the values of the time were higher than in the present time.

Dr. Maslog opined that Rizal was killed because of those two novels that he wrote and he was performing the role of a journalist, so he was a hero of journalism.

Ms. Alice Villadolid replied that he was more of a political enemy of the Spanish regime than a journalist. So he was killed, it is true, because of the propaganda in those two novels. But there was no program to persecute and kill journalists during the *illustrado* period.

Dr. Braid said Many of them went to Spain to escape whatever perceived persecution they would suffer if they stayed in the Philippines. And since historians do not speculate, there is no way of knowing if they would have been killed if they stayed. They certainly went to an environment where they were free to express ideas which were unacceptable in the Philippines.

Ms. Alice Villadolid said that in Spain, they did survive despite the fact that they were living in the country of their colonial government. She mentioned the funny story of Gen. Antonio Luna who wanted to kill Spanish journalists.

Dr. Carlos referred to the basic framework she presented earlier, saying that journalists play a very, very important role as political actors in a democracy. If one removes them from the framework, one can imagine how impossible it would be to inform the public and how the public can be critical. That said, this is not to say the journalist is so lily-white and a person without values and bias. Journalists will tell a story they way he wants to say it. He can skew the story depending on what he wants to emphasize. They are going to choose which part of the story they will tell. But that's part of democracy. You add as many voices as you can and let the public make their own judgment.

Honor Cabie took the side of Mrs. Villadolid. Rizal was killed not because he was a journalist. There's a whale of a difference between a writer and a journalist.

He suggested that people should consider the "culture of poverty and corruption" in the newsroom. Many journalists are paid low wages. The trouble with poverty is that when a public relations practitioner comes in and asks a journalist to write about his client, not necessarily a politician, perhaps, a business tycoon, if he does not do that, chances are he may be erased from the map of the world. If he does this, he will get a fat envelop. Cabie said if we address this, we can address the "culture of poverty."He continued:

"There are those who are highly paid but they forget the element of balance. They write a story and clearly, they conspicuously tell one side

of the story. When you get this kind of story, they encourage this culture of corruption. This kind of corruption was noted in Mindanao and Cebu. If we can address that properly, we may 'solve' these killings." Cabie added:

"But again, as previously discussed, we must know who the journalists are. Are these the accredited members of the National Press Club? The National Union of Journalists of the Philippines? The Kapisanan ng mga Brodkaster ng Pilipinas? We are talking of accreditation by x agency, for instance. And there are those who don't like to be accredited because we are supposed to be a vocation. But we should look into the possibility of accrediting."

Referring to the comments of Dean Pangalangan on reforming the law curriculum, Cabie suggested that its practice be reformed too. In the Maguindanao massacre, there are many accused. Why is it that after one year, nobody is still prosecuted? This is a very hard case because there are as many lawyers as there are accused, giving use to many motions for postponements.

Dr. Braid pointed out that while the discussions have been comprehensive there has been none on processes. She suggested looking at the problem from the perspective of processes that are happening now as a result of various forces like globalization, commercialism, the media and how these influence the mindset of the Filipino. She added:

"Are we becoming insensitive? Impunity happens because we are less sensitive, less compassionate, less mindful of the needs of others, less sympathetic. We begin to get used to the shocking events in our environment. It's frightening. This loss of innocence lets us become more tolerant to authoritarian rulers; this is related to arrogance of power. We should look into this holistically; if this is happening right in our midst, how can we arrest this before it becomes serious? Dr. Braid continued:

"There may be need to incorporate this concern in our framework because, why does violence occur? If you don't care, if you don't follow up, if we are not passionate enough to follow up, to let the truth out, is this an indicator of something worse to come?"

Dr. Quiamco commented on the problems of corruption and low pay of journalists. She proposed giving the journalist crossover skills he can practice with dignity/honor. If he is a good writer, then probably he can write books on the side. She said she heard that one journalist who was killed was a tricycle driver at night, so he was very vulnerable. That probably could have been remedied if he had a crossover skill related to his trade as a journalist.

Dean Teodoro said one of the problems related to that (crossover skills) is he could end up doing public relations for someone else and that subverts the journalism function. He added:

I'm from the University of the Philippines, with the media advocacy group and I've also done some practice. What the last 30 years or so has been teaching us is that the short term solutions to the problem (of impunity in the killing of Filipino journalists) include:

1) trying to get pending cases resolved. It is necessary to see to it that these pending cases are resolved because the fact that perpetrators are not being punished and the masterminds have gotten away is what encourages further killings. So one of the immediate solutions is to assist in the prosecution of the suspected killers.

There are groups that are doing that like the Freedom Fund for Journalists. In addition to providing assistance, it also has private prosecutors involved in cases, including the Ampatuan Case. So that's an immediate solution.

2) Another solution is to engage owners of media in terms of providing insurance.

The long term solutions are:

- 1) Get industry-wide union coverage
- 2). Enhance training
- 3). Reform journalism curriculum to include ethics and media law.
- 4). Need to educate the public regarding media

5) A system of continuing education for media practitioners. This takes care of continuing education for those who have not been trained, who have been inadequately trained and those who were badly trained. This should enable practitioners to improve their skills, get in touch with fellow practitioners, and update themselves.

Ms. Liz Abanto said she was a bit confused. If the job is to come up with a research proposal, “we should not be answering these questions, because otherwise we would be pre-empting the answers from the field.”

Dr. Maslog replied that the speakers were only making suggestions. He did not think these are the answers. These are only the leads. The answers will come from research. These are just check marks to suggest ideas and some things to consider.

Dr. Carlos went back to the teaching of values: “I must apologize if I have to disagree with many of you who think that teaching values in the classroom and in other venues is useful. They are not, because values are practiced. I know that because for almost 50 years now, we’ve been doing this kind of thing and many of our clients/audiences are not educable or changeable.

“But it’s really the functional mechanisms that really work. You make it painful for people to steal. That really works. We’ve seen it on the ground.

“I know, because I always help my granddaughter with her homework. She is in first year (high school) and she talks about “do this, do that.” And then she says, “Oh, why does the school say this... when my teacher is...” and then she tells me the opposite. And so she is confused. So, indeed we must set it up while they’re in pre-school, when (values) still matter. Beyond 15, I think (teaching values will) just be mostly inutile.”

Dr. Braid agreed with Dr. Carlos and recommended that this be put in the category of Structure/System where the values may be allowed to be manifest, to prevail.

Alternative media system – Do you know that in the baccalaureate for literature of Vargas Mills we unearthed, in an article written 20 years ago, that the most important institution in our quest for social justice and freedom is the media? We should be advocates of Public Service Broadcasting, revive our advocacy over email, online. We should come up with a viable, more concrete strategy for an alternative media system.

Dr. Maslog: Coming back to the process of drawing up the Action Plan, Dr. Braid, do you agree with Alice that the organizations (represented here) should group together and maybe come up with concrete suggestions?

He divided the participants into two groups – Media and Academe – and gave them 30 minutes to discuss the topics among themselves. Before the groups started working, a couple of last comments.

Dean Teodoro went back also to values. He said some practitioners are unteachable, and that's true. (Teachable people) belong to a certain age group. "That's why we have to start them when young. Maybe we need to start media literacy programs at the high school level. At the college level, we have to teach them in such a way that they will not end up rejecting what we say in the classroom. Because, later on, they will find out that things may be different in the world outside. We should be able to reconcile what's going on and tell them how they should act ethically and professionally within imperfect conditions. The conditions are really less than perfect.

"Our experience is that, if you get a group of journalists together, and most of the time it's a mixed group, the younger group is the one who says that they understand that particular need. It is this group that we should catch. I think that's the unstated assumption in the idea of teaching media ethics."

Prof. Danny Arao added "It is quite different from the usual contemporary ethics courses because we talk about specific case studies. At least from our experience and from our research, it will show that there is general interest and enthusiasm among the students to learn the actual practice. And, related to the reform of the journalism and communication curricula,

one of the major thrusts of journalism schools is to hire a practitioner. It is very, very hard to strike a balance because sometimes you have journalists who don't know how to teach and there are teachers who don't practice the profession. There has to be a convenient marriage between the two.

One last word from Dr. Popoy De Vera. "I just noted when I read through the materials that there is something missing in the narrative. This is the fact that good governance has become a mantra, a buzz word and a global currency now. And that has affected how the media operate. Ten, fifteen years ago, there was no demand for transparency, accountability, etc. The fact that it is now a globally accepted norm, a non-negotiable norm, has essentially shifted how the media look at events, and it has made corruption an issue, accountability a major issue. The fact that media respond to these events by covering these has raised the stakes and has significantly contributed to media killings."

The output of the two workshop groups were integrated.

Workshop Outputs

A. Research Questions:

1. Who is a journalist? What makes a journalist? What are the public's perceptions of journalists? (What do people think of journalists?)
2. Why are journalists being killed?
3. How is the level of violence against other sectors different from or similar to that against journalists?
4. Why are the killings not resolved?
5. What are the effects of the culture of impunity?
6. Why is there no public outcry about the killings?
7. What can be done? (how to prevent killings) (e.g., industry-wide unionism)

B. Categories of Independent Variables:

1. Structural – justice system, media system, political system, educational system
2. Processes – socialization processes
3. Human Behavior – media practices

C. Action Plan: Plenary Discussion

Who Will Be Involved?

1. PACE member schools
2. Forum resource persons/ participants

What To Do? Steps in the planning and implementation

1. Finalize research design
2. Methodologies
 - Survey
 - Case studies
 - Focus Group Discussions
3. Publish findings
4. Draft a 3-pronged plan within the next 2 years:
 - Advocacy
 - Education
 - Training

WORKSHOP ON WHAT CAN BE DONE:

Immediate/Short term:

1. Assist in prosecution to resolve pending cases and punish perpetrators
2. Engage media owners in problems – insurance, safety & protection of journalists, etc

Medium-term:

1. Put in place sanctions and mechanisms

Long-term

1. Industry-wide unionism of media practitioners
2. Higher salaries of media practitioners
3. Accreditation of media practitioners
4. Reform law curriculum

5. Reform journalism and communication curricula – to include media ethics, balance between teachers and practitioners in journalism education
6. System of continuing education for media practitioners
7. Educating the public on the role of journalists
8. Alternative media systems – Public Service Broadcasting, etc.
9. Media literacy programs, starting in high school or earlier

Group Outputs: What Can be Done

GROUP 1: MEDIA ORGANIZATIONS

Agencies represented: CMFR, NUJP, ABS-CBN, GMA 7, PACE, PCS, PPI

1. Industry accreditation (reference government accreditation system)
Strong opposition to government-dominated accreditation for fear of controlling the media. But, not all government accreditation lists are controlled by the units; can negotiate one's way out of that danger
2. Replicate press councils – serving both journalists and public. Press Councils are bodies appointed by journalism organizations to review the application of media ethics to particular cases and, if necessary, to rebuke the journalists who violate the ethical principle involved.
Objectives:
 - tells the journalists that there is a body to which they are answerable at least in explaining and in trying to justify what they did
 - tells the public that there is a body to which they can complain about the unethical actions of journalists
3. Action on bills pending in two houses of Congress – re accreditation process- NUJP found this to be strongly government-controlled -- Main government agencies have lists of journalists accredited to cover them: Malacañang, Supreme Court, two houses of Congress and Cabinet departments
4. Industry-wide union (see research of Dr. Maslog on Metro Manila salary scales) -- NUJP to start nationwide unionization process, on a volunteer basis, using the ensuing research and that of Dr. Maslog to establish salary scales and other benefits.
5. Round-the-clock training nationwide -- This is being done now by AIJC, CMFR and has to be continued.

GROUP 2: ACADEME

Assumption: That there is something in impunity that can be addressed by the academe

1. Values education -- Paramount; will equip the journalists with the skill to say NO to unethical practices
2. Human rights as a distinct subject; an elective
3. Media and information literacy as part of curriculum -- Subjects on media information literacy and media education should be introduced in various educational levels: Elementary, High school, College
4. Educating the public on the role of journalism in society -- This can be done by expanding current activities such as workshops for campus journalists, etc.
5. Research
 - Continuing documentation on human rights violations against journalists
 - Case studies on impacts of the killing of journalists
 - Case studies on media killings that have been solved
 - Survey on public perceptions of journalists

Dr. Maslog said the next question to ask is who will do this at least cost. Funding is limited. One of the ways to start this is to involve the PACE schools.

Dr. Braid said this is for funding in 2010-2011, with a smaller group to finalize the research design. The advocacy and training will follow the research. This will be for a year. The academe would be one group; another is the corporate group. They are beginning to be interested in research in sustainable development, ICT, and information literacy. UNESCO's funding will only scratch the surface. She added:

“This problem is so important that what will be needed really, if we want to have impact, are more long-term studies. By long-term we mean three to four years where we can observe the phenomenon over time.

Originally, our intent was to go to places where many of the journalists were the victims: Pagadian, Palawan, and now, in the north. Maybe three case studies would be good. Case studies are always good because we are able to involve the communities, study the relationships. What would be interesting is to study the community because all the key actors are part of the community: the prosecutors, the police, the judge, the people, and the witnesses. And as we all know, they all know who are the perpetrators, the brains behind the killings. Everybody knows but only the gunman is arrested. The witnesses are silenced. So, we have to get behind all these.

“All of the concepts that come out will be relevant questions for the case studies. I think case study would be the best approach. It could accommodate some survey as well as content analysis of media and documents. So these are some of the thoughts I have. We’d like to be able to bring the insights of the research to the bigger issue of governance – why and when we really look at the big cases like the NBN ZTE Deal, the fertilizer scam. These are cases of impunity and arrogance of power.”

In Conclusion

Dr. Maslog summarized the day’s work as follows:

- The basic problem is the culture of impunity in the killing of journalists and, on a wider scale, the culture of violence and the culture of impunity in Philippine society.
- UNESCO and AIJC want to study this phenomenon so that we shall have short term and long term solutions to these problems.
- Framed five questions which the research will answer.
 1. Who is a journalist? What makes a journalist?
 2. Why are journalists being killed?
 3. What are the public’s perceptions of journalists? (What do people think of journalists?)
 4. Why are the killings not resolved?
 5. Why is there no public outcry?
 6. What can be done to solve the killings?
 - Timeframe for the research – 1 year
 - How do we go about doing the research?

1. Short term
 2. Long term
 - Variables to include in the Study:
 1. Socialization
 - Methodology
 1. Surveys
 2. Case Studies
 3. Focus Group Discussions
- How do we go about this? No final procedure yet

Maybe a Team composed of:

1. Sociologist
2. Media person
3. Government person
4. Management Team (3)
5. Research Assistants

- A book will come out of these to be shared with UNESCO and other agencies here and abroad
- Draft a three-pronged plan (within the next two years):
 1. Advocacy
 2. Education
 3. Training

Dr. Braid thanked the participants for their contributions and insights shared. She looked forward to discussions by smaller groups in the future. She specifically thanked the center for Media Freedom and Responsibility (CMFR) and Ateneo de Manila who have started this project. She hopes AIJC and UNESCO will build on what they've done. This is one of UNESCO's priorities. The Philippines has a very negative image in the international press as the second most dangerous place in the world for journalists. The aim is to take the Philippines out of the list. (It would be good) if it can be done before the end of the Benigno Aquino III Administration.

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3

THE WAY FORWARD

RECOMMENDATIONS**The Way Forward****RAMON R. TUAZON****President***Asian Institute of Journalism and Communication*

This section puts together the recommendations from three different sources: (1) Experts' papers presented in Part I of this publication, (2) Round table discussions and the synthesis forum convened by the Asian Institute of Journalism and Communication (AIJC) in partnership with Philippines Communication Society (PCS) and Philippine Association of Communication Educators (PACE), and (3) Options proposed by participants in *In Honor of the News: Media Re-Examination of the News in a Democracy*, a series of round table discussions convened by Kapisanan ng mga Brodkaster ng Pilipinas (KBP) and Cultural Center of the Philippines (CCP) in partnership with the Philippine Press Institute (PPI). Both round table series were convened with support from the UNESCO National Commission of the Philippines.

The recommendations are categorized as policy options, research topics and action agenda. The recommendations range from parameters or frameworks to concrete (specific) interventions in the five social science disciplines represented in this multidisciplinary inquiry ---political science, political economy, psychology, anthropology and media studies.

The recommendations include immediate (doable) actions with possible immediate results (e.g., amendments to the Rules of Court related to perpetuation of testimonies of witnesses) to those which may require medium to long-term and continuing interventions (e.g., child rearing practices, education and cultural actions) with long-term impact. The

specific actors for the different recommendations are identified whenever possible.

Also included is the recently-approved The UN Plan of Action on the Safety of Journalists and the Issue of Impunity which contains specific action agenda for the different UN agencies, funds and programs. Our Report recognizes that the issue of impunity cannot be addressed solely within local (national) boundaries but international actors such as UN agencies, particularly UNESCO, can play a critical role in ending this culture of impunity.

Political, Legal and Economic Considerations

Executive Policy and Program Agenda

Immediately Doable

Public officials should be held into account for their failure to pursue executive, legislative and judicial changes to effect the rule of law and bring to justice those who have violated our laws. Accountability mechanisms may include election/re-election, administrative sanctions, civil and criminal cases, impeachment, etc.

There is a need to immediately address the “deficits” of the bureaucracies of the criminal justice system which are manifested in terms of the following:

- Lack of capabilities and resources, e.g., personnel, equipment and training of the Philippine National Police (PNP) which contributed to continued deterioration of the crime situation in the country
- Inadequacies in the DOJ Witness Protection Program and Rules on Criminal Procedure, e.g., absence of a policy and procedure for perpetuating the testimonies of witnesses
- Abuse of the “due process” principle (including motions for reconsideration) which enable criminals to stave off their arrest, subsequent trial and their final conviction

The Office of the Ombudsman (OMB) and Department of Justice (DOJ) must evaluate their performance not only on the number of convictions they secure but should also gauge their performance on the number of persons who are actually serving their sentences.

The OMB and DOJ should establish a mechanism, including a database, that monitors service of sentence, i.e., if persons convicted by final judgment are actually behind bars. Both agencies, moreover, should be transparent in their monitoring of sentences with data generated open and accessible to the public because it pertains to a matter of public interest.

The DOJ should reissue DOJ Circular No. 50 s 1988 prohibiting the filing of John/Jane Doe cases (and the consequent issuance of warrants of arrest) as this practice has been used (and abused) to neutralize human rights defenders and others perceived to be “enemies of the State.”

Immediate to Continuing (Long-term)

Public officials should be held to account for their failure to pursue executive, legislative and judicial changes to effect the rule of law and bring to justice those who have violated our laws. Accountability mechanisms may include election/re-election, administrative sanctions, civil and criminal cases, impeachment, etc.

The government should conduct intensive re-education within the PNP and AFP particularly on relevant provisions of R.A. 7636 repealing the Anti-Subversion Act (R.A. 1700 as amended) stipulating that membership in the Communist Party of the Philippines is no longer illegal. There are still police and military officers whose mind set is that “communism is an evil to be destroyed by any means.” This belief is the source of many human rights abuses.

The culture of impunity in the killing of journalists and human rights workers can be better understood (and therefore adequately and effectively addressed) by also looking at its political economy angle inclusive of discussion of the industrial anatomy and modus operandi involved.

The incidence of crime, crime prevention, apprehension and punishment of

criminals imposes costs (or entails expenses) on society. While it is desirable to reduce the incidence of crime or increase the rate of punishment, society (government) must spend more on law enforcement (for police, courts, and prisons). If society does not have such additional resources, it may have to accept a crime rate which may rise as population grows.

It does not make sense to reduce resources for punishment of criminals and concentrate resources to prevent crime and capture criminals as it may lead to an absurd situation where society is saddled with a great number of criminals in police precincts but with inadequate courts and prisons. However, increasing the severity of punishment may not ultimately redound to society's good. It will simply increase the incentive of the police to set suspects free in exchange for bribes or to actively arrest fall guys for monetary gain (the so-called *hulidap*, or, roughly translated, arrest and shake-down).

Policymakers, law enforcers, scholars and other related stakeholders should analyze the costs of the murders to the victims' families and to society (local communities particularly), the industrial anatomy of the crime, and the modus operandi of the criminals. Such costs analysis can help develop appropriate interventions. The costs to the family of the murdered journalist are a mix of economic and non-economic costs. The most apparent loss to the local community is a diminution in the diversity of 'voice' (i.e., freedom of expression) and the loss of a venue for seeking assistance (public service) as mass media serves as 'voice amplifiers' or 'multipliers' for government to accede to their requests or demands.

Legislative Agenda

Medium-Term

Political party reform legislations should be pursued, particularly those which will instill party accountability and responsibility for pronouncements made to the voting public, e.g., end to killings of journalists

Amendments to the Witness Protection, Security and Benefit Act (RA 6981) to cover whistleblowers and other witnesses in danger, even those from the ranks of the military and police who cannot avail of witness protection under the present law.

Congress should enact a law requiring members of the military and police to secure clearances from the Commission on Human Rights as an essential prerequisite (or indispensable requirement) to their appointment or promotion. Currently, the requirement is merely an administrative regulation that is not strictly followed.

Congress should enact a law returning to the Civil Service Commission (CSC) disciplinary power over members of the PNP. R.A. 7160 and R.A. 8551 transferred disciplinary power over PNP personnel from the Civil Service Commission to NAPOLCOM. This self-regulatory system, however, has made it much harder to hold PNP members accountable for committing crimes and violating human rights.

Judiciary Reform Agenda

Immediately Doable

The Supreme Court should amend Section 15, Rule 119 of the Rules of Court by adding a provision allowing the conditional examination of prosecution witnesses who are in danger or under threat.

The Court should also amend the Rules of Court to provide for policies and mechanisms for perpetuating the testimonies of witnesses.

Anthropological and Psychological Considerations

Research Agenda

Immediately Doable and Continuing

Scholars should continue to do research on the culture of impunity as there is dearth of scholarly literature on the topic. The research may begin with an anthropological and sociological analysis of the culture of impunity focusing on social networks and relationships, e.g., strong group affiliation defined by geography, ethnicity, language and religion.

Further research is also needed to probe impunity through the perspectives of the perpetrators of the impunity, from the assassins and executioners to the masterminds, to the ways they rationalize their brutality.

Action Programs- Political Dimension

Immediately Doable and Continuing

We need to name or find words to describe the “evil” that is impunity. The absence of a Filipino word or phrase to refer to the culture of impunity has led us to instead vent our anger on the perpetrators. This anger, however, is often impotent.

We need to exert greater pressure on government through “political mourning,” i.e., mobilizing and transforming public grief (raising public consciousness) into public political action to address the problem. Civil society organizations, especially media NGOs, should take the lead in this endeavor.

We need to counter the new fictions and myths (e.g., benevolence and positive contributions of the Marcos dictatorship) that cover up past atrocities and propagate impunity. This can be the immediate responsibility of scholars, educators, and even journalists.

Action Programs – Cultural Renaissance and Education

Immediately Doable and Continuing

We need to educate the public to “decode” the roots of the culture of impunity. The power of a culture of impunity lies mainly in the way it insinuates itself into our institutions through narrow loyalties, rent-seeking behavior, and the fetish for modern-day amulets of power.

Filipinos have to learn to understand how the ninong and ninang/inaanak system, or clan loyalties, has mutated into a system of political warlordism and special favors. They have to learn to appreciate how the campaign against the use of wang wang (police sirens) relates to impunity, as is the move to ban “political billboards” advertising public infrastructure projects. Finally, they have to see the links between the culture of impunity and the impeachment of Supreme Court Justice Renato Corona.

We need to create a culture of tolerance and accountability, educating the public to understand that there is no room for pikon in a democracy, even as citizens have a right to demand responsibility and accountability from journalists.

The culture of tolerance and accountability must include a reexamination of our religious values, including exposing how “forgive and forget” policies are in fact “un-Christian” because it excludes the notion of repentance and restorative justice.

A counter-culture needs to be built out of other values. We need to show how relevant the popular saying “*bato bato sa langit, ang tamaan huwag magalit*” (stones thrown to the heavens, if someone’s hit, don’t be angered) is to a democracy, where one is free to express opinions, and that no one should take criticism personally.

We should put an end and later discourage the reemergence of the culture of entitlement (i.e., power over others and feeling of being special, being exempted and protected from the consequences of wrongdoing) gained

(earned) not from a sense of competence, but rather sense of power associated with wealth, position, or physical strength or force.

Action Programs – Child Rearing Practices

Immediately Doable and Continuing

Impunity, manifested early on in the family when a child or adult family member gets away with wrong or bad behavior by not being punished, should be immediately arrested through appropriate disciplinary actions which is a necessary factor in the healthy, normal development of a child. The roots of discipline start in early childhood and continue through middle childhood, adolescence and adulthood.

Social structures such as schools, organizations, government agencies should effectively perform their role of reinforcing 5C's of discipline – conviction, clarity, consistency, consequence, and communication.

Filipino child-rearing practices that directly relate to impunity, e.g., *pinagtatakpan* (covering up), *pinagbibigyan* (giving in or succumbing), and *sinasalo* (“rescuing”) and continue to be practiced in different forms in schools, in corporate organizations, in government agencies etc. should be reexamined and terminated.

“Parenting is Nation-building” Workshop which focuses on how to instill discipline, understand justice, and integrity should be conducted all over the county.

Prevent and control the system of bullying or intimidation in our society including the media sector with journalists as either victims or perpetrators or both.

Truth telling should not be perceived as dangerous to one's life but a virtue that should be imbibed and practiced.

All forms of mass media and social media should be systematically used in advocating for and instilling discipline and truth-telling, respect, and other core values for all ages especially children.

Character Education and Good Conduct should be reintroduced or strengthened in the basic education (K-12) curriculum of the Department of Education (DepED).

Media Studies

Immediately Doable and Continuing

There is a need for a systematic and sustained media and information literacy program which can empower or “develop” critical media audiences (critical citizenship) who can demand and appreciate quality (balanced) programming rather than infotainment-oriented shows (i.e., programming dictated by ratings or commercialism) which have contributed to the development of “docile bodies,” hence the low critical public reaction to media killings.

The role of journalists in fighting corruption should be made known to the public. Too little is said about today’s courageous journalists living up to the tradition started in the 19th century by national hero Jose Rizal and other journalist-reformers.

Decriminalization of libel and other measures to protect journalists from the use of libel law to harass or intimidate journalists. The International Federation of Journalists (IFJ) describes Philippine libel law as “outdated, excessive and unreasonable, and they are often abused by those with power to silence journalists.”

Medium Term and Continuing

The economic well-being of journalists should be ensured so that they do not become susceptible or prone to corruption and other unprofessional practices. The economic well-being includes job security, appropriate reward system inclusive of salaries and wages, social benefits (health/medical insurance, education, etc.)

We should address the root causes of corruption in mass media and put an end to this indomitable practice as this has contributed to low regard, if not lack of respect, for many journalists and limited public outcry for media killings.

Inputs from Roundtable Discussion Series

The following recommendations were prepared by participants to the synthesis forum held on December 9, 2010 at Club Filipino, San Juan City after the series of roundtable discussions held in the cities of San Juan, Cebu and General Santos. Although the participants to the synthesis forum came from Metro Manila, the resulting recommendations echo the suggestions of participants from the regional forums.

Explanations were included in some recommendations below to clarify or concretize the proposals as the full proceedings of these workshops were not included in this publication.

Group 1: Media Organizations

Agencies represented:

Center for Media Freedom and Responsibility (CMFR)

National Union of Journalists of the Philippines (NUJP)

Philippines Communication Society (PCS)

Philippine Association of Communication Educators (PACE)

Philippine Press Institute (PPI)

ABS-CBN

GMA 7

1. Industry Accreditation and Certification -- A system for accreditation and certification managed by the media industry itself. An example cited during the synthesis forum and roundtable discussions were the Australian Journalists Association (AJA) to which Australian journalists belong before they can practice. AJA has a system for cadetship for those who want to become journalists. They must undergo apprenticeship with mass media. Journalists are classified into different levels with corresponding salary scales for each rank. Strong opposition for government-dominated accreditation for fear of controlling the media.

2. Revive Press Councils – serving both journalists and public -- Press Councils are bodies appointed by journalism organizations to review the application of media ethics to particular cases and, if necessary, to rebuke the journalists who violate the ethical principles involved.

Objectives:

- Tells the journalists that there is a body to which they are answerable at least in explaining and in trying to justify what they did
 - Tells the public that there is a body to which they can complain about the unethical actions of journalists
3. Action on bills pending in two houses of Congress – re accreditation process -- NUJP found this to be strongly government-controlled. Main government agencies have lists of journalists accredited to cover them: Malacañang, Supreme Court, two houses of Congress and Cabinet departments
 4. Industry-wide Union -- NUJP to start nationwide unionization process, on a volunteer basis, using the ensuing research and that of Dr. Maslog to establish salary scales and other benefits.
 5. Continuing Education of Journalists Nationwide -- Journalism training courses are being done by AIJC, CMFR, KBP, PPI, UP College of Mass Communication, and has to be expanded and sustained

Group 2: Academe

1. Values education -- Paramount; will equip the journalists with the skill to say NO to unethical practices
2. Human rights as a distinct subject; an elective
3. Media and information literacy as part of curriculum -- Subjects on media information literacy and media education should be introduced in various educational levels: Elementary, High school, College
4. Educating the public on the role of journalism in society -- This can be done by expanding current activities such as workshops for campus journalists, etc.

5. Research

- Continuing documentation on human rights violations against journalists
- Case studies on impacts of the killing of journalists
- Case studies on media killings that have been solved

In Honor of the News: Media Re-Examination of the News in a Democracy

The Kapisanan ng mga Brodkaster ng Pilipinas (KBP) and the Cultural Center of the Philippines (CCP) in cooperation with the Philippine Press Institute (PPI) and with funding support from the UNESCO National Commission of the Philippines convened 20 round table discussions (RTDs) in five key cities nationwide from February 2012 to May 2012. The series was dubbed as In Honor of the News: Media Re-Examination of the News in a Democracy.

The participants included decision makers (e.g., editors, heads of news and public affairs units) as well as field (beat) reporters and columnists. A total of 42 print journalists and 62 broadcast journalists attended the forums.

The discussion focused on seven major issues and concerns including understanding of key concepts/terms (e.g., what is news, who is a journalist), roles of the news media in a democracy, corruption in Philippine news media, self-regulation (including accreditation, code of ethics and standards, etc.), culture of impunity in the killing of journalists, continuing education of journalists, and impact of new media/social media on journalism.

The following were some of the recommendations frequently aired by the participants but do not necessarily reflect the consensus of the RTD participants:

Action Agenda

- Re-establish a firewall between editorial and business side of media, i.e., distinction between editorial and business side of media companies
- Practice the right to reply (equal space/time) principle (as determined by editors rather than an imposition by the state through legislation)
- Regulate block-timers (KBP has no clearly-defined rules on block-timers who go on board; some are accredited while others are not)
- Conduct media training on physical safety and security
- Promote unity among journalists as a good deterrent against threat and violence inflicted on media people
- Improve (strengthen) self-regulation. This applies not only to the broadcast industry but more important, to the individual station or media company
- Revive the practice of appointing ombudsman for each media company
- Improve accreditation system(especially for KBP)
- Provide social insurance benefits to journalists, e.g., medical, educational, etc.
- Enact immediately the Freedom of Information Act

Research Agenda

- The impact of the practice of hiring journalists as publicists or PR practitioners of politicians
- The relationship , if any, between the number of “journalists” killed (especially block-timers) and election year
- Policies and mechanisms to re-establish the firewall between editorial and business side of media
- Accreditation of journalists by an independent body (including possible professional licensure examination for journalist)
- Survey on public perception of journalists and their role in society

Policy and Action Agenda at the Global Village

Addressing the issue of impunity cannot be limited within national boundaries. The role of international actors including intergovernmental bodies such as the UN nations, international nongovernment organizations, among others cannot be overemphasized. They play diverse roles – watchdog, pressure group, capacity building support, advocacy, etc.

Recommendations contained in two recent vital documents summarized below can be adapted by the Philippine government and other relevant sectors in collectively working for an end to the culture of impunity in the Philippines. Note that the Philippines is a member state of the UNESCO.

The UN Plan of Action on the Safety of Journalists and the Issue of Impunity

On September 13-14, 2011, the UN Inter-Agency Meeting on the Safety of Journalists and the Issue of Impunity was held at the UNESCO Headquarters in Paris, France. The conclusions drawn from this meeting were articulated in what is now referred to as the UN Plan of Action on the Safety of Journalists and the Issue of Impunity. The Plan was approved and adopted by the International Program for the Development of Communication (IPDC) during its Council Meeting in March 2012. It was endorsed by the UN Chief Executive Board in April 2012.

The document provides a coherent and action-oriented UN-wide approach to the Safety of Journalists and the Issue of Impunity. According to the Plan, United Nations agencies, funds and programs are collectively well-placed to address the issues as they possess long-established platforms through which to voice concerns and propose solutions and a vital network of partner organizations and UN offices in the field. In addition, as intergovernmental organizations they can encourage member state cooperation and sharing of best practices, as well as exercise “quiet diplomacy” with member states when necessary.

The Plan's objective is "working toward the creation of a free and safe environment for journalists and media workers in both conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide." It provides for specific actions on the following areas: strengthening UN mechanisms, cooperating with member states, partnering with other organizations and institutions, raising awareness, and fostering safety initiatives.

The action measures in the Plan include the establishment of an inter-agency mechanism to handle issues related to the safety of journalists, integration of media development programs focusing on journalists' safety in the strategies of intergovernmental organizations, sustain UNESCO assistance in developing legislations and mechanisms favorable to freedom of expression and information, conduct awareness-raising campaigns on a wide range of issues such as existing international instruments and conventions, the growing dangers posed by emerging threats to media professionals, including non-state actors, as well as various existing practical guides on the safety of journalists. The sharing of good practices on the safety of journalists and how to counteract impunity was also mentioned. Journalism education institutions are encouraged to include in their curricula, materials relevant to the safety of journalists and impunity.

The complete Plan of Action is available at the UNESCO website at <http://www.unesco.org/new/en/communication-and-information/>

The UNESCO Plan of Action

As the specialized UN agency with a mandate to defend freedom of expression and press freedom, UNESCO is currently finalizing its own UNESCO Plan on Safety of Journalists and Combating Impunity. It will contain specific action agenda on the same five areas contained in the UN Plan of Action as the later serves as framework to harmonize cooperation especially amongst the various agencies within the UN system.

Among the strategies proposed to raise awareness in cooperation with all stakeholders are sensitization of stakeholders through international conferences and thematic debates; celebration of World Press Freedom Day (3 May) and ensuring high visibility of the event; dissemination of the Director-General Report on The Safety of Journalists and the Danger of Impunity, including information on DG's condemnations of killing of journalists worldwide, building awareness in relation to the International Day Against Impunity (23 November) and the International Anti-Corruption Day (2 December) and promoting a gender-perspective on the work on the safety of journalists, including safety of women journalists.

The Draft UNESCO Plan is accessible at <http://www.unesco.org/new/en/communication-and-information/>

Recommendations for combating the Culture of Impunity in the killing of journalists

ACTION RECOMMENDED / TIME DIMENSION						
DISCIPLINARY AREA /SECTOR	Short-Term (2013-2017)		To be Done Continuously (2013-2023)		Long-term	
	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended
Political, Legal, Economic Considerations						
Executive Policy and Program Agenda	PNP	<ul style="list-style-type: none"> Address lack of capabilities and resources (personnel, equipment, training) 	DILG, DND	<ul style="list-style-type: none"> Intensive re-education of PNP and AFP on RA 7636 to erase mindset that Communism is illegal 		
	DOJ	<ul style="list-style-type: none"> Address inadequacies in DOJ Witness Protection Program and Rules on Criminal Procedure 	Policy makers, law enforcers, scholars	<ul style="list-style-type: none"> Study political economy angle of killing with impunity (cost of crime, crime prevention, apprehension, punishment to society) 		
	DOJ	<ul style="list-style-type: none"> Address abuse of 'due process' 	DBM, DOJ, DILG, Congress	<ul style="list-style-type: none"> Spend more on law enforcement (for police, courts, and prisons) 		

ACTION RECOMMENDED / TIME DIMENSION						
DISCIPLINARY AREA /SECTOR	Short-Term (2013-2017)		To be Done Continuously (2013-2023)		Long-term	
	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended
	OMB, DOJ	<ul style="list-style-type: none"> Evaluate performance based on number of people actually serving sentence rather than on convictions 	Policy makers, law enforcers, scholars	<ul style="list-style-type: none"> Cost analysis of murders 		
	OMB, DOJ	<ul style="list-style-type: none"> Set up mechanism to monitor service of sentences with transparency Reissue DOJ Circular No. 50 s1988 prohibiting filing of John/Jane Doe cases 				
Legislative Reform Agenda					Political parties	<ul style="list-style-type: none"> Pursue party reform legislations (those that instill party accountability and responsibility)

ACTION RECOMMENDED / TIME DIMENSION						
DISCIPLINARY AREA /SECTOR	Short-Term (2013-2017)		To be Done Continuously (2013-2023)		Long-term	
	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended
	Congress	<ul style="list-style-type: none"> Amend the Witness Protection, Security, and Benefit Act (RA 6981) to cover whistleblowers, etc. 				
	Congress	<ul style="list-style-type: none"> Pass law for military/police to secure clearances from CHR 				
	Congress	<ul style="list-style-type: none"> Pass a law returning to Civil Service Commission the disciplinary power over PNP 				

ACTION RECOMMENDED / TIME DIMENSION					
DISCIPLINARY AREA /SECTOR	Short-Term (2013-2017)		To be Done Continuously (2013-2023)		Long-term
	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended	Actor/ Initiator
Judiciary Reform Agenda	Supreme Court	<ul style="list-style-type: none"> Amend Rules of Court to allow conditional examination of prosecution witness who are in danger 			
	Supreme Court	<ul style="list-style-type: none"> Amend Rules of Court to provide for policies and mechanisms for perpetuating the testimonies of witnesses 			
Anthropological, Psychological Considerations					
Action programs for cultural renaissance and education	Civil society, Educational institutions, Mass media	<ul style="list-style-type: none"> Educate public to 'decode' the roots of cultural impunity 			
	Civil society, Educational institutions, Mass media	<ul style="list-style-type: none"> Educate public on how the 'ninong' system has mutated into political warlordism and currying favors 			

ACTION RECOMMENDED / TIME DIMENSION					
DISCIPLINARY AREA /SECTOR	Short-Term (2013-2017)		To be Done Continuously (2013-2023)		Long-term
	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended	Actor/ Initiator
	Civil society, Educational institutions, Mass media	<ul style="list-style-type: none"> Educate public to create a culture of tolerance (for different viewpoints) and accountability 			
	Civil society, Educational institutions, Mass media	<ul style="list-style-type: none"> Educate public on how some religious values preclude repentance and restorative justice 			
	Family, churches, schools, media	<ul style="list-style-type: none"> Discourage the culture of entitlement 			
Action programs for child-rearing practices	Parents, family	<ul style="list-style-type: none"> Immediately arrest impunity shown in letting child or adult get away with wrong doing. 			

ACTION RECOMMENDED / TIME DIMENSION					
DISCIPLINARY AREA /SECTOR	Short-Term (2013-2017)		To be Done Continuously (2013-2023)		Long-term
	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended	Actor/ Initiator
	Family, schools, organizations, government agencies	<ul style="list-style-type: none"> Effectively reinforce the 5C's of discipline: conviction, clarity, consistency, consequence, and communication 			
	Parents, family, schools	<ul style="list-style-type: none"> Re-examine and terminate Filipino child-rearing practices that directly relate to impunity (covering up, giving in, rescuing) 			
	DepEd, DSWD, educational institutions	<ul style="list-style-type: none"> Conduct series of "Parenting is Nation-building" Workshop 			
	Schools, Media	<ul style="list-style-type: none"> Prevent, control bullying or intimidation including those in media 			

ACTION RECOMMENDED / TIME DIMENSION						
DISCIPLINARY AREA /SECTOR	Short-Term (2013-2017)		To be Done Continuously (2013-2023)		Long-term	
	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended
	DepEd, Schools	<ul style="list-style-type: none"> Reintroduce and strengthen Character Education and Good Conduct in K-12 curriculum 				
Media						
	Media organizations, educational institutions	<ul style="list-style-type: none"> Provide systematic, sustained media and information literacy (MIL) program vs. infotainment programs 	Media owners	<ul style="list-style-type: none"> Ensure economic well-being of journalists 		
	Media sector, educational institutions	<ul style="list-style-type: none"> Educate the public on the role of journalists in fighting corruption 	Media owners	<ul style="list-style-type: none"> Address root causes of corruption in mass media to regain respect for journalists 		
	Media sector	<ul style="list-style-type: none"> Advocate for decriminalization of libel and create other measures to protect journalists from harassment 				

ACTION RECOMMENDED / TIME DIMENSION						
DISCIPLINARY AREA /SECTOR	Short-Term (2013-2017)		To be Done Continuously (2013-2023)		Long-term	
	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended
Recommendations from Roundtable Discussions						
Media Organizations			Media sector	<ul style="list-style-type: none"> Establish industry accreditation and certification 	Media sector	<ul style="list-style-type: none"> Demand action on bills pending in Congress re accreditation process
Academe			Media organizations, educational institutions	<ul style="list-style-type: none"> Provide continuing education of journalists nationwide 	Media sector	<ul style="list-style-type: none"> Work for industry-wide unionization
	Journalism, communication schools	<ul style="list-style-type: none"> Prioritize values and ethics education 				
	Journalism, communication schools	<ul style="list-style-type: none"> Offer Human Rights as a distinct elective subject 				
	Basic, tertiary schools	<ul style="list-style-type: none"> Include MIL in curriculum 				
	Academic, training organizations	<ul style="list-style-type: none"> Educate public on the role of journalism in society 				

ACTION RECOMMENDED / TIME DIMENSION						
DISCIPLINARY AREA /SECTOR	Short-Term (2013-2017)		To be Done Continuously (2013-2023)		Long-term	
	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended
	Academic organizations	<ul style="list-style-type: none"> Conduct research on killing and human rights violations vs. journalists (documentation of human rights violations, impacts of killings, case studies) 				
KBP-CCP Roundtable Discussions						
Action Agenda	Media company	<ul style="list-style-type: none"> Re-establish firewall (distinction between editorial and business sides of media) 				
	Media sector	<ul style="list-style-type: none"> Practice the right to reply principle as determined by editors, not by law 				
	KBP	<ul style="list-style-type: none"> Regulate block timers (Clarify accreditation) 				

ACTION RECOMMENDED / TIME DIMENSION						
DISCIPLINARY AREA /SECTOR	Short-Term (2013-2017)		To be Done Continuously (2013-2023)		Long-term	
	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended
	Media sector	<ul style="list-style-type: none"> Conduct media training on physical safety and security of journalists 				
	Media sector	<ul style="list-style-type: none"> Promote unity among journalists to deter threats and violence 				
	Media sector	<ul style="list-style-type: none"> Improve (strengthen) self-regulation at industry and media firm levels 				
	Media company	<ul style="list-style-type: none"> Revive practice of appointing media ombudsman 				
	KBP	<ul style="list-style-type: none"> Improve broadcasters' accreditation system 				
	Media company	<ul style="list-style-type: none"> Provide social insurance to journalists 				

ACTION RECOMMENDED / TIME DIMENSION						
DISCIPLINARY AREA /SECTOR	Short-Term (2013-2017)		To be Done Continuously (2013-2023)		Long-term	
	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended
	Congress	<ul style="list-style-type: none"> Enact Freedom of Information Act immediately 				
Research Agenda	Educational institutions, Civil society	<ul style="list-style-type: none"> Find words to describe the ‘evil’ that’s impunity 				
	Civil society, Educational institutions, Mass media	<ul style="list-style-type: none"> Exert pressure on government through ‘political mourning’ (raising public consciousness) 				
	Civil society, Educational institutions, Mass media	<ul style="list-style-type: none"> Counter new fictions and myths that cover up past atrocities and propagate impunity 				
Research Agenda		<ul style="list-style-type: none"> Study impact of hiring journalists as publicists (PR practitioners) of politicians 				

DISCIPLINARY AREA /SECTOR	ACTION RECOMMENDED / TIME DIMENSION					
	Short-Term (2013-2017)		To be Done Continuously (2013-2023)		Long-term	
	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended
		<ul style="list-style-type: none"> Relationship between number of journalists killed and election year Policies and mechanisms to re-establish the firewall between editorial and business sides of media 				
		<ul style="list-style-type: none"> Research on public perception of journalists Accreditation of journalists by an independent body 				
Policy and Action Agenda - Global						
	UN agencies	<ul style="list-style-type: none"> Adoption of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity 				

ACTION RECOMMENDED / TIME DIMENSION					
DISCIPLINARY AREA /SECTOR	Short-Term (2013-2017)		To be Done Continuously (2013-2023)		Long-term
	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended	Actor/ Initiator
	UN agencies	<ul style="list-style-type: none"> Establish an interagency mechanism to handle issues re safety of journalists 	UN agencies	<ul style="list-style-type: none"> Strengthen UN mechanisms (for promoting safety of journalists) 	
		<ul style="list-style-type: none"> Integrate media development programs in strategies of intergovernmental organizations 	UN agencies	<ul style="list-style-type: none"> Cooperate with member states 	
		<ul style="list-style-type: none"> Sustain UNESCO assistance for mechanisms favorable to FOI 	UN agencies	<ul style="list-style-type: none"> Partner with other organizations and institutions 	
		<ul style="list-style-type: none"> Conduct awareness-raising campaigns 	UN agencies	<ul style="list-style-type: none"> Raise awareness (of the issue) of impunity in the killing of journalists 	
		<ul style="list-style-type: none"> Promote sharing of good practices 	UN agencies	<ul style="list-style-type: none"> Foster safety initiatives 	

DISCIPLINARY AREA /SECTOR	ACTION RECOMMENDED / TIME DIMENSION					
	Short-Term (2013-2017)		To be Done Continuously (2013-2023)		Long-term	
	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended	Actor/ Initiator	Action Recommended
		<ul style="list-style-type: none"> Encourage journalism institutions to include UN curricula and materials on safety of journalists 				
	Philippine government	<ul style="list-style-type: none"> Adopt the UNESCO Plan on Safety of Journalists and Combating Impunity 				
	UNESCO	<ul style="list-style-type: none"> Raise awareness in cooperation with journalists by sensitizing them through international conferences, special celebrations, and promotion of a gender perspective on the work and safety of journalists 				

**Most Urgent Recommendations to Combat the Culture of Impunity in the Killing of Filipino Journalists
Short-Term (2013-2017)**

DISCIPLINARY AREA/SECTOR and ACTION RECOMMENDED	ACTOR/ INITIATOR
I. POLITICAL, LEGAL, ECONOMIC SECTORS	
1. Address lack of capabilities and resources (personnel, equipment, training)	Philippine National Police
2. Address inadequacies in DOJ Witness Protection Program and Rules on Criminal Procedure	Department of Justice
3. Address abuse of 'due process'	Department of Justice
4. Evaluate performance based on number of people actually serving sentence rather than on convictions	Office of the Ombudsman, Department of Justice
5. Set up transparent mechanism to monitor service of sentences	Office of the Ombudsman, Department of Justice
6. Reissue DOJ Circular No. 50 s1988 prohibiting filing of John/Jane Doe cases	Office of the Ombudsman, Department of Justice
7. Amend Rules of Court to allow conditional examination of prosecution witnesses who are in danger	Supreme Court of the Philippines
8. Amend Rules of Court to provide for policies and mechanisms for perpetuating the testimonies of witnesses	Supreme Court of the Philippines

DISCIPLINARY AREA/SECTOR and ACTION RECOMMENDED	ACTOR/ INITIATOR
II. ANTHROPOLOGICAL, PSYCHOLOGICAL SECTORS	
1. Conduct series of “Parenting is Nation-building” Workshops	Department of Education, Department of Social Welfare and Development, Educational institutions
2. Reintroduce and strengthen Character Education and Good Conduct in K-12 curriculum	Department of Education, Schools
III. MEDIA SECTOR (ACTION AND RESEARCH AGENDA)	
1. Provide systematic, sustained media and information literacy (MIL) program vs. infotainment programs	Media organizations, Educational institutions
2. Educate the public on the role of journalists in society	Media sector, Educational institutions
3. Advocate for decriminalization of libel and create other measures to protect journalists from harassment	Media sector
4. Include MIL in curriculum	Basic, tertiary schools
5. Conduct research on killing and human rights violations vs. journalists (documentation of human rights violations, impacts of killings, case studies)	Academic organizations
6. Regulate block timers (clarify accreditation)	Kapisanan ng mga Brodkaaster ng Pilipinas
7. Conduct media training on physical safety and security of journalists	Media sector
8. Improve (strengthen) self-regulation at industry and media firm levels	Media company
9. Revive practice of appointing media ombudsman	Publishers and media managers
10. Improve broadcasters’ accreditation system	Kapisanan ng mga Brodkaaster ng Pilipinas

DISCIPLINARY AREA/SECTOR and ACTION RECOMMENDED	ACTOR/ INITIATOR
11. Enact Freedom of Information Act immediately	Congress
12. Exert pressure on government through 'political mourning' (raising public consciousness)	Civil society, Educational institutions, Mass media
13. Research on public perception of journalists	Civil society, Educational institutions, Mass media
14. Accreditation of journalists by an independent body	Civil society, Educational institutions, Mass media

REFERENCE MATERIALS

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About the Asian Institute of Journalism and Communication

The Asian Institute of Journalism and Communication (AIJC), which was organized in 1980, is a Knowledge Management Center engaged in Research and Consultancy, Continuing Education, and Multimedia Development.

Providing continuing education through graduate education and professional training, AIJC offers the Master in Communication Management and Master in Journalism degree programs. Its non-degree training courses cover specialized areas of journalism, communication, and knowledge management.

AIJC's Research and Consultancy undertakes policy and action research; planning, development and management of communication programs and projects; publication, and production of multimedia (including digital) materials. Most of its R&C programs and projects have been funded by the World Bank, Asian Development Bank, UN agencies such as UNESCO, UNICEF, UNDP, UNFPA, and ILO, and bilateral agencies such as The Asia Foundation and German foundations.

About the UNESCO National Commission of the Philippines

The UNESCO National Commission of the Philippines (NatCom) is an attached agency of the Department of Foreign Affairs. It was established by virtue of Republic Act 621 enacted in 1951 to honor the Philippines' international commitment as a Member-State of UNESCO. From its original mandate to serve as an advisory and liaison body that would associate UNESCO's works to relevant government agencies, it has since taken new roles including information dissemination, monitoring, and partnership with UNESCO in advancing the UN agency's mission and mandate.

The NatCom focuses its activities along UNESCO's five fields of competence or program areas: education, science and technology, social and human sciences, communication and information, and culture. These program areas are key to the attainment of progressive, democratic, and peaceful and harmonious nations and societies.

The Commission is chaired by the Secretary of Foreign Affairs and is comprised of 45 Commissioners appointed by the President of the Philippines. The Commissioners represent the country's government and non-government institutions working on the five sectors. The NatCom Secretariat is headed by a Secretary-General.

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The Only Journalist Hero is a Dead Journalist

"The only newspaperman hero is a dead newspaperman. Recognition comes only with death. The complete story of the savage conflict that rages inside a newsman between truth and camouflaged falsehood, between principle and convenience, between heart and mind, between conscience and popular favor, is never told and so is never appreciated—until the newspaperman is maimed or is killed, and only then do you get an inkling of implied heroism between the lines of his obituary."

Ermin Garcia Sr., 1962



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