Towards Improving Ethics and Governance in

The Philippine National Police: A Critical Systemic

Review

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Abstract

This is a critical systemic study on managing ethics and promoting better police governance. The case study is the Philippine National Police. Relatively little research on the Philippine National Police (PNP) could be found in the literature. This study aims to break new ground in the attempt to undertake research while also contributing to the PNP's better governance. It also seeks to contribute to the literature on policing, ethics management, and governance as well as to introduce the PNP to the wider community of scholars, researchers and academics who could be interested in studying this institution further. The PNP has had a long history of corruption, unethical behaviour, human rights abuses and internal institutional issues which have resulted in problems of unethical behaviour, bad governance and mismanagement. The study develops a model through which this institution could better manage ethics within and beyond in order to enhance policing. This model could be useful in other police institutions around the world dealing with similar issues about ethics management and governance because it seeks to develop a model based on broad principles in ethics management and improving governance which could be applicable in other contexts, even as it specifically deals with the PNP. As a critical systemic approach, it has broad application which could enable other researchers to modify them to suit their specific contexts. To sum up, this study has the following key findings:

1. The PNP suffers from various forms of unethical conduct among its personnel, including bribery, patronage politics, the cutting of corners around the criminal justice system, financial corruption, shortcomings in leadership and violations of human rights.

2. The PNP is a highly militarised, almost entirely masculine, and thoroughly

politicised entity, and these factors contribute to its existing problems with corruption and unethical behaviour.

3. Police officers, particularly those in the lower ranks, are neither adequately paid, nor appropriately supported by the PNP, thereby contributing in part to individual unethical or corrupt acts among such officers.

4. Like many police institutions, the PNP has a closed culture which separates it from the wider society in terms of governance and management, even though most of its problems involving unethical conduct and corruption are merely part of a wider civic tolerance for corruption in the broader Philippine society.

5. The PNP admits to the existence of these and other problems, however, its main approach towards improving itself is through its own internal top-down institutional programs, believing that its problems could be best resolved by its own leadership and its own efforts. Many of these institutional programs are of a religious and moral character, involving the extensive participation of religious facilitators, such as the PNP's chaplains, thinking that the development of a more ethical PNP should start from a more religious and morally fit individual police officer. It formally acknowledges the desire to see the wider society participate in its attempts at resolving these problems, but it seeks to keep the mechanisms of such participation within its own control.

These have been the main themes which this research has developed as part of its qualitative analysis. These main themes revolve around the issues of the PNP's problems with patronage politics, corruption (both within the PNP and beyond it in the wider society), institutional problems within the PNP, and the PNP's own insistence on resolving its own problems

through its own institutional efforts, most of which largely focus on spiritual, moral and religious approaches directed towards individual police officers in the hope to making them more morally, and thus more ethically upright persons.

In spite of the PNP's desire to reform itself through its own efforts, and the wider society's inclusion in these efforts is subject to the PNP's control or influence, it is nevertheless possible to develop a collaborative model for improving ethics management and governance in the PNP from the bottom-up. This study proposes that this could work at the municipal level of policing, which in the Philippines is the lowest level of policing. A tentative attempt had been carried out as part of this study to set up a collaborative inquiry discussion in a rural Philippine municipality involving the local police and non-police stakeholders within that municipality. This collaborative model, patterned after the Collaborative Inquiry Approach, is not intended to replace the PNP's institutional top-down programs, but rather to complement them and enable non-police stakeholders, such as ordinary citizens, to participate meaningfully in the governance of policing without having to come under the PNP's control. It could also spur further research on the ways in which police and citizens could work collaboratively as equals within an inclusive environment with a view to improving police ethics and governance.

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Chapter I: The Problem and its Environment

1.1.   Introduction

This first chapter of this thesis seeks to introduce the subject of this study, beginning with a broad outline of policing and the need for ethics to govern it. It also discusses the historical background of policing in the Philippines, presents this study's research questions and develops a statement about its rationale.

1.2.   Policing and its Ethical Considerations

The public police is one of the most formidable of public institutions (Newburn 2003, p. 1). It is also one of the most powerful. Indeed, the coercive nature of police power and the discretion to use it are what distinguish the police from any other agency of government or social public entity (Settle 1990, p. 10). Where there is power, there is arguably a need for ethics and ethical considerations. Police are given powers and rights that are denied to ordinary citizens, such as the authority to carry and employ firearms. Police are also allowed to violate the privacy of suspects and persons under investigation in ways not normally allowed. These form part of the social role and organisational culture of policing (Miller, Blackler & Alexandra 2006, p. 11). Furthermore, these powers come with authority and a significant degree of discretion, which means they could be exercised without close supervision (Kleinig 2005, p. 597). Police are burdened with demands that are not normally made on the common citizenry (Miller, Blackler & Alexandra 1997, p. 11), which makes it

imperative for ethics to govern policing. It could be argued that the nature of policing in a particular society is a strong indicator of how that society's government works. Cohen and Feldberg (1991, p. 24 cited in Neyroud & Beckley 2001, p. 20) state that, 'the moral basis of police work can be found in the moral basis of government itself.' Such is the importance of policing and the ethics that ought to accompany it, that the Council of Europe published in September 2001 the European Code of Police Ethics (Neyroud 2003, p. 578). That the Council of Europe had arguably used its authority to introduce a universal ethical code for all European police agencies and institutions underscores the critical importance of ethics in policing. This is reason enough to justify this particular research effort in this field.

There are, however, even more compelling reasons. One of these is that, for the most part, research into police ethics is a relatively new field in policing studies, even though there has been a steady increase in such research efforts in the past ten years (Kleinig 1996, Neyroud & Beckley 2001 cited in Neyroud 2003, p. 578). Another reason, and this has particular bearing on this specific study, is that many developing nations, such as the Philippines, are presently working under police systems that go beyond what would be considered the norm in more developed democratic states. For example, the Philippines is presently under a policing institution that could trace its ultimate origins to colonial times. Police institutions derived from colonial models tend to be more centralised in structure and more militaristic in orientation. They also tend to have administrative tasks over and above their public order responsibilities (Mawby 2003, p. 21). Furthermore, many developing nations that have internal security problems usually place their police agencies under their security forces (Goldsmith 2000, p. 167), thus giving what should be civilian police institutions military powers, capabilities and functions. This would create new and unusual ethical problems that are not normally included in considerations of policing ethics in more

stable developed democracies. If corruption and the abuse of police power and discretion are pervasive and continuing problems (Newburn 1999, p. 1 & Kleinig 2005, p. 596), then perhaps policing that has internal security dimensions would have even more corruption and abuse of power problems. They would, moreover, arguably constitute completely different elements than one would find in a more stable democracy.

But ethical considerations in policing could arguably be part of the much wider context of police governance, since the wider processes of governance include considerations of equity, justice and a concern for the future. These are arguably ethical considerations (World Health Organisation 1986, cited in McIntyre-Mills 2008, p. 45). And with governance, it is important to look into the relationship between an institution such as the public police and the greater local, national and regional communities within which it works. Most often, police consider themselves as one side of an antagonistic relationship with the public they are supposed to serve (Foster 2003, p. 199). This need not necessarily be the case, and since present day society has become more complex than in the past, bringing with it more complex problems within increasingly diverse communities, it is critical to look at policing as a governance issue, and ethics management is well within that scope.

1.3. Background to the Study: Policing in the Philippines

An exhaustive review of the literature already written about the ethics of policing has shown that little work has been carried out with regard to transforming the police institution towards ethics management and better governance as a result of ethics management. There has been very little research found actually dealing with the Philippine National Police or policing in the Philippines other than in the form of surveys of public opinion or the rare and occasional journal publication. By personal experience, policing and police matters have

never been a major portion of academic research efforts in the Philippines for the most part, and perhaps the only schools dealing with these topics as research issues are the National Defence College of the Philippines, which is essentially a defence studies institute and the Directorate Staff College of the Public Safety College (PPSC), of which the Philippine National Police Training Institutes (PNTI) are part. Universities very rarely carry out research in policing, particularly in ethics management as part of police institutional design. Thus, this is a study that could arguably be timely and relevant. Corruption and unethical conduct are pervasive and continuing problems in the police (Kleinig 2005, p. 596). It has even been argued that corruption and policing are linked inextricably (Punch 2009, p. 1), and the Philippine National Police (PNP) is perhaps no more or less corrupt than any other police institution in the world. Even so, a recent Transparency International report has found that the Filipino public considers the Philippine National Police (PNP) one of the least trustworthy agencies of the Philippine Government. There is a deep public perception in the Philippines that the police are among the most corrupt of public institutions (Transparency International 2007, p. 23).

While it may not only be police misconduct and corruption that undermines national development, for indeed, there are other issues of unethical public conduct which, together with that of the police, weaken the fabric of Philippine democracy, development and social well being, police reform towards an ethical institutional culture and better governance is a pressing and crucial need for national development. This study, in all humility, hopes to contribute towards that end. Policing is a very critical and significant manifestation of the kind of relationship that exists between those who govern and those governed (Neyroud 2003, p. 586). If this takes place in a democratic society, then there is a crucial, but not always properly understood relationship between the police and the institutions of democracy

and their legitimacy (Jones 2003, p. 606). For a developing democratic nation such as the Philippines, this is more than significant. It could be argued that it is vital and essential.

The Philippine National Police is the result of constitutional and legal mandates enacted to enable the Philippine state to establish a civilian police force that has authority and on a national scale. The 1987 Constitution of the Philippines in Article XVI (General Provisions), Section 6 provides:

> 'The State shall establish and maintain one police force, which shall be national in scope and civilian character, to be administered and controlled by a national police commission. The authority of local executives over the police units in their jurisdiction shall be provided by law.'

What this constitutional provision says, in effect, is that the Philippines is constitutionally mandated to have only one state organised, operated and controlled police organisation. All of its political divisions, geographic areas and its entire population shall be served by just one national police enforcing the law of the land. It will be shown later, however, that this is not entirely the case. Policing in the Philippines, constitutional mandates aside, does have a plural character, as will be shown later. Furthermore, the provision above also states clearly that this singular national police made up of civilian law enforcers should be under the administration and control of a national police commission, and that local government executives have some authority over national police units and personnel located within their jurisdiction as provided by law. This National Police Commission (NAPOLCOM) was established by the Philippine Congress through the enactment of the Police Act of 1966, also known as Republic Act (RA) 4864. Among its specific roles in relation to enforcing police accountability, which is part of enforcing ethics and promoting police governance, are: To develop policies and set down a police manual of regulations for more efficient organisation, administration and operation of policing; to examine, audit and

establish standards for policing on a continuing basis; to approve or modify plans for police education and training, logistics, communications, records and others; to monitor and investigate anomalies and irregularities in the police and to monitor the performance of local chief executives as agents exercising authority over police within their localities (National Police Commission 2008, pp. 1-2). This requirement to monitor local chief executives with respect to their handling of police assigned to them is one out of several means of enforcing accountability both by local politicians in their employment of police powers and over local police in the actual performance of their duties (Quimson 2006, pp. 25-27). The NAPOLCOM, along with other agencies and entities both internal as well as external to the PNP is part of the existing mechanisms for enforcing ethical conduct and accountability in policing.

The Philippine legislature, known as the 'Congress of the Philippines' under Article VI (The Legislative Department), Section 1 of the 1987 Constitution has the authority to legislate laws in compliance with constitutional mandates. It has enacted laws on policing in obedience to constitutional mandates. These laws are listed and explained as follows:

➢ Republic Act (RA) 6975 entitled: *'An Act Establishing the Philippine National Police under a Reorganised Department of the Interior and Local Government, and for other purposes.'* This was made effective as law on 13 December 1990. It is also known as the 'Philippine National Police Law' (Nolledo 1998, pp. 32 & 72).

➢ RA 8551 entitled: *'An Act Providing for the Reform and Reorganisation of the Philippine National Police and for other purposes, Amending Certain Provisions of Republic Act Numbered 6975 entitled, "An Act Establishing the Philippine National Police under a Reorganised Department of the Interior and Local Government and*

for other purposes."" This legislation became law on 25 February 1998. It is also known as the 'New Police Act of 1998' (Nolledo 1998, pp. 1 & 31).

➢ Finally, the Congress of the Philippines (1991) also enacted the year after it passed RA 6975, RA 7160; *'The Local Government Code of the Philippines.'*

Republic Act (RA) 8551 amends certain portions of the original legislation creating the Philippine National Police (RA 6975) but does not revise it (Philippine National Police 1998). Both these laws and the Local Government Code, which, in Chapter III, Article 2, Section 28; authorises local government executives to have operational control over police and policing in their respective local jurisdictions according to the provisions of RA 6975 (The Congress of the Philippines 1991) have been created through political processes in the Philippine Congress, which in itself is also a political establishment. RA 6975 places the entire PNP under the overall control of the President of the Philippines through a cabinet level agency known as the 'Department of Interior and Local Government' as provided for in Chapter I, Sections 4 to 7 RA 6975 (The Congress of the Philippines 1990). Furthermore, RA 6975, in keeping with the RA 7160, the Local Government Code, specifically defines the extensive powers that local elected executive officials, such as provincial governors or city and municipal mayors, exercise over PNP officers and personnel assigned to their jurisdictions. Chapter III, Section 51 of RA 6975 empowers provincial governors to select and appoint their police provincial directors, oversee the implementation of their respective provincial public safety plans and preside over their respective provincial peace and order councils. City and municipal mayors are given even more powers over PNP personnel assigned to their respective towns or cities. They include the power of operational supervision and control over policing, which means mayors of towns and cities could direct, superintend, oversee and inspect PNP units or forces.

In any event, the President of the Philippines is arguably a powerful political entity, as are local chief executives within their political jurisdictions. Thus, policing in the Philippines is not just a political creation it is also under political control at both local and national levels of government. The policing institution in the Philippines is fundamentally of political character and goes beyond the theoretical traditional concept of policing as being limited only to law and order as understood in Newburn (2003). It could be said that, where political power is involved, ethical concerns become critical. Any attempt to design a mechanism for managing ethics and supporting better governance in policing in the Philippines should consider these factors.

Finally, one must also consider the history of the police institution of the Philippines, as this would be an important factor in understanding the nature of the institution. This, in turn, would be critical in the design of a model for governance and ethics management. To begin with, it had already been established that the PNP is a political creature. Beyond this, it is also the descendant of a colonial political and military legacy extending back to the Spanish and American periods of Philippine history. There is little direct information describing what policing in the Philippines must have been like under the Spanish Colonial period, which lasted from 1565 to 1898, and even less known about policing in Pre-Hispanic times. According to Philippine historian and scholar Jose Abueva (1988), however, there was no national state in the period before the Spanish conquest of most of the Philippine islands, and Filipinos lived in small communities roughly comparable to the ancient city states of Greece during the Hellenic Age. These political communities were called *barangays* and their creation and governance were based on clan relations. So it could be implied that policing, such as it must have been, was arguably based more on social pressure rather than on an established institution as it is presently. Campos (1991, p. 76), however, states that these pre-

colonial Filipino communities were under chieftains known as '*datus*' whose primary functions included the maintenance of order. The chief warrior under this chieftain performed the role of a pre-Hispanic chief of police, such as it was.

What policing must have been like under Spanish administration is equally difficult to describe due to the dearth of historical documentation. The Filipino patriot, Dr. Jose Rizal (Derbyshire, translator 1926 & 1927), in two of his novels, *Noli Me Tangere* , published in 1886 and *El Filibusterismo,* published in 1891, in describing what Filipinos had experienced under Spain's colonial rule, repeatedly mentioned an institution known as the *Guardia Civil,* which could be deemed the Spanish colonial police in the Philippine Islands. It is, perhaps, safe to say that this entity has no direct relationship with the modern Guardia Civil of Spain. Campos (1991, p. 76) describes this entity as having been organised under the authority of the Royal Decree of 1852. They were based in the provincial capitals of Luzon, were armed like Spanish Army infantrymen, and by 1868, had been organised under military lines with officers and other ranks drawn from the Spanish regular army. Constantino (1975, pp. 60-61 & 73-74) provides more information in saying that under Spain, the highest political position a native of the Philippine Islands could hold was that of *Gobernadorcillo* (little governor), which is approximately comparable to a present day municipal or town mayor in the Philippines. Among the main duties of this official were: to mobilise town residents to provide forced labour for the Spaniards, which was really another form of indentured servitude; and to spend money (mostly from his own personal wealth) to establish and maintain municipal guards and prisons. The failure to do these things meant either the payment of a fine or his imprisonment. These municipal guards acted as town police, though they were rather more like slave masters tasked with rounding up forced labourers and collecting tribute from everyone else instead of law enforcers or peace officers. But in the

uniquely strange political arrangement of the time, neither the *gobernadorcillo,* nor the Spanish administrators above him were in full control of the government and policing of the islands under Spanish rule. Real political control rested with the Spanish friars who ran the local convents, parishes and monasteries. Their permanent presence in the Philippines enabled them to know more about local conditions than did the assigned Spanish administrators, who eventually would come under their control. Furthermore, the operative principle at the time was the union of Church and State, which gave these friars increasing political and civil responsibilities until ultimately there was no aspect of community life which they did not control. Policing, it could be argued, must also have fallen under their control. The little research there is on the details of Spanish era colonial policing in the Philippines provides that in 1836, the Spanish colonial administration established rural police forces, known as *Cuadrillos,* for keeping the peace in provincial towns. The law creating them called for the conscription of five percent of the able bodied native male population of the provinces for a term of three years' service. Their acceptance into these company-sized units was subject to the approval of the local parish priest, which shows how deeply entrenched the Church was in the affairs of the State at the time. They were also administered as military organisations. And then in 1842, the *Cuerpo de Carabineros de Seguridad Publica* was organised to maintain law and order and prosecute criminals. This corps was even more militarised than the *Cuadrillos* and relied on Spanish Army officers for leadership. Native Filipinos could only go as high as the rank of sergeant (Campos 1991, p. 76). Again, it is difficult to look for information on the history of policing in the Philippines during the periods before the American colonial era because of the lack of sufficient primary or even secondary sources. The American colonial period, however, provides a much clearer picture.

On 18 August 1901, the American colonial government in the Philippines, known as the Philippine Commission under an American colonial chief executive, Governor William Howard Taft, enacted Act 175, the colonial law creating the Philippine Constabulary, although it started out in its history bearing the name, 'Insular Constabulary.' Because the resulting abbreviation of this original name, 'I.C.' was translated into 'Inspected and Condemned' in the military slang of the time, the new police force adopted the new name, 'Philippine Constabulary', and the acronym, 'P.C.' Uniforms of the P.C. bore this acronym in the form of brass insignia on the lapels. This organisation of armed Filipino constables under the command of American officers was not meant to be a military body, but a police force whose tasks were: to preserve public order and to put down armed disturbances, two missions which the United States Army in the Philippine Islands at the time had failed to accomplish completely. These armed disturbances were either the results of actions by remnants of Filipino organised resistance against the new coloniser, the United States, or from newly established resistance movements attempting to regain Philippine independence, which had been won from Spain in 1898 (Hurley 1938, pp. 7, 13 & 26). US Army Captain Henry Allen was the P.C.'s first chief, and by 1902, it had grown into a force of 3,000 men (Gates 1973, p. 240). It is said that from 1901 to 1917, the Philippine Constabulary had been under the control of Army officers, 70% of whom were Americans. It was not until 1917 when increasing numbers of Filipino commissioned officers began to take up the leadership and management of the P.C. This was in part due to the resignation of American officers from the P.C. so that they could join their own forces being organised for the US entry into World War I (Campos 1991, pp. 76-77). In any event, most Filipinos did not welcome the Americans as liberators or civilisers, US war propaganda to the contrary, but rather as new colonial masters taking over from Spain (Kramer 2006, p. 2).

But even before the creation of this semi-military constabulary, the Americans had already put together a colonial policing structure while hostilities were still ongoing between the military forces of the United States and the revolutionary Filipino Army at the time, which, after fighting for independence against Spain, could not accept that a new colonial power was to take over. General Order (GO) 43 (issued in 1899) and GO 40 (issued in 1900) directed American Army officers, all under the overall command of US General Elwell Otis, to establish municipal governments in the areas of the Philippines that had been pacified and placed under effective American control. These municipalities were to have their own *presidentes* (town mayors), local councils and municipal police. The American military used these means to complement their pacification operations against Filipino resistance, thus coopting local Filipinos in a policy to strengthen political and colonial control. American commanders, however, were reluctant to issue firearms to these municipal police units (Linn 1989, pp. 20-21 & 164). The American established police forces in the Philippines, both in the form of the P.C. and the municipal police establishments, were meant to take over the US Army's military function of pacifying the new colony taken from Spain as a prize for the latter's defeat in the Spanish-American War and keep the newly colonised people under subjugation (Kramer 2006, p. 32). This, arguably, was a most unusual mission for the newly established police. Officially, hostilities had been considered ended by 1900 with the supposed defeat of Filipino organised resistance, but Filipinos, sporadically and in scattered bands continued to resist the colonising efforts of the United States. The P.C. then became increasingly involved in colonial pacification and counterinsurgency operations for the United States (Linn 1989, p. 117). The P.C., as a result, left behind a legacy of abuse for which it had been severely and constantly criticised. Indeed, as part of its counterinsurgency operations, it used a system of concentration camps to confine and control people, preventing

what Americans called, 'Filipino insurgents' (*insurrectos*), from obtaining local support. In one such incident, 500 people from two villages near the town of Bacoor, Cavite, a mere 10 miles south of Manila, were forcibly herded into a crowded, disease ridden camp guarded by armed P.C. constables (Kramer 2006, pp. 177, 247 & 293). This foreshadowed what Nazi Germany would eventually use almost a half century later to exterminate its racial enemies. This is definitely not what policing ought to be, but a police institution with such a history would have to consider its past if it is to develop a mechanism for better governance as part of its reform efforts.

When the United States finally allowed the Philippines its independence in 1946, the P.C. and the local municipal police system would survive and continue on as part of the newly independent nation. It should be noted that the P.C. actually ceased to exist for a time immediately after World War II. The post-war demobilisation of the Armed Forces of the Philippines resulted in the reorganisation of its service branches, and seeing there was little need for a military institution with police powers, the P.C. was not re-established in the post-war military. The Philippine Army's Military Police would take over some of the P.C.'s functions. But the onset of the first post-war communist insurgency (The Huk Rebellion) in the Philippines required the reestablishment of the old P.C., as the Military Police found itself inadequate to the task of counterinsurgency. So, in the years 1947 to 1949, the P.C., 17,000 strong at the time, was revived and reorganised out of a strengthened and rearmed Military Police (Valeriano 1961, pp. 21-22). The P.C. would become a separate component of the Armed Forces of the Philippines (AFP), which, together with the Army, Navy and Air Force, would constitute the Philippines' military establishment. While the three latter branches of the military were to deal with possible external threats against the Philippines, the P.C. was meant to deal with internal security problems, such as sedition or rebellion, as well as with

crimes that were beyond the jurisdiction or capability of the local police organisations of the time (Davide Commission 1990, p. 115). The 'Huk' Rebellion began with peasant unrest in the 1920s, exploding into full blown armed struggle by the 1950s and would last into the 1960s. The P.C. took responsibility for putting it down, but as a result, it became little more than a private army under the control of the Philippine agrarian elite which controlled the provinces and towns of the countryside. These agrarian elite had already made similar use of their respective local police forces previously (Goodno 1991, p. 34). While the P.C. initially took the lead role in suppressing the Leninist inspired Huks (Kerkvliet 1974) and the Maoist inspired Communist insurgency that succeeded it after the Huks had been effectively defeated in the 1960s (Davide Commission 1990, p. 116), the P.C. eventually found itself out of its depth. The other branches of the Armed Forces of the Philippines were soon taking on the main burden of counterinsurgency operations, while the P.C. was relegated to a supporting role. This became especially true from the 1950s to the late 80s when US military assistance programs to developing nations, of which the Philippines was a major recipient, stressed the role of developing nations' armed forces as being Counterinsurgency (COIN) institutions, thus changing their role from being defence forces oriented against external threats, to security forces dealing with internal security. Furthermore, the military forces of many developing nations under American support, the Philippines included, were eventually given expanded roles that allowed soldiers and officers to hold both civilian political and administrative functions as well as military positions. The Armed Forces of the Philippines would become more politicised as a result of this, and for the P.C. in particular, policing would be redefined as a military or security mission (Casper 1995, pp. 31-35). This is similar to cases in Latin American policing, such as in El Salvador, where, until the 1990s, policing was defined as an internal security function under tight military control (Stanley 1996, p. 41).

When the late President Ferdinand Marcos declared martial law in 1972, the Armed Forces of the Philippines, with the P.C. as its lead branch, became the implementing agency and the basis of martial law policy, carrying out anti-sedition campaigns; silencing political opposition; enforcing Marcos' laws, decrees, regulations and orders; depoliticising the civil populace; taking over civilian government duties in addition to their military functions and becoming a tool to control political participation (Casper 1995, pp. 93-95). Although the Armed Forces had been portrayed through Marcos' propaganda mechanisms as 'A Catalyst for Social Change' and again as a 'Training Institute for National Leaders', a 'Defender of the Seat of Government' a 'Nation Builder' and as a 'Model for National Discipline and Self Reliance' (Maynard 1976, p. 337 cited in Miranda 1985, p. 92), in fact it had become little more than the primary support of the Marcos Regime and the enforcer of its will (Hernandez 1983, p. 17 cited in Miranda 1985, p. 92). Within a few years after martial law had been declared, 67,000 Filipinos were arrested on political grounds, largely by the P.C., thus effectively depriving people of democratic political rights and paving the way for the establishment of the Marcos authoritarian dictatorship (Goodno 1991, p. 67). Furthermore between 1972 and 1985, the Armed Forces of the Philippines, including the P.C., increased in strength from 60,000 to 250,000 personnel, with an accompanying proportionate increase in defence spending. The military budget was raised from 13.4% of GDP in 1972 to 21.8% in 1985. The P.C., by 1985, had reached a strength of 42,000 officers and other ranks, making it only second to the Army in terms of manpower (Casper 1995, p. 93 & Goodno 1991, p. 71). Unlike the Army, however, which only had military capabilities and functions, the P.C. had both military as well as police powers all rolled into one. To make matters worse, Marcos in 1976 integrated all of the local police forces of the Philippines, which up to that time had been under the organisational and operational authority of local political executives and were

thus separate and autonomous, into one national police service, known as the Integrated National Police (INP) and placed them under the operational control of the P.C. The PC was part of the Armed forces and under Marcos' control as he was commander in chief of the Philippine military establishment. Thus, the supposedly civilian INP came under the control of the Commander in Chief powers of the president (Abueva 1988, p. 56). This combination created the PC-INP. The INP was nominally a civilian police force, but since it was under P.C. command and control, its civilian character was lost (Hernandez & Ubarra 1999, p. 9). The experience of martial law not only made policing even more militarised than it already was, but it also made it highly politicised and extremely powerful. Just as it was in the years before martial law, and indeed, not long after its initial foundation in 1901, the martial law era PC-INP had become notorious for corruption and the abuse of power (Davide Commission 1990, pp. 110-111).

The end of the Marcos Dictatorship and the restoration of democracy in 1986 would ultimately lead to the drafting of the 1987 Constitution of the Philippines, which is still the effective constitution of the country at this writing. As had already been seen, the 1987 Constitution mandates the establishment of a unitary national civilian police for the Philippines in an effort to do away with the abuse and corruption that had characterised the old police-military hybrid of the PC-INP. Thus, the relevant laws that Congress had enacted pursuant to this constitutional mandate abolished the PC-INP and established the Philippine National Police (Nolledo 1998, pp. 1 & 32). This new establishment, however, is little more than an effort to replace one uniform with another, for according to Chapter III, Section 23 of RA 6975 (The Congress of the Philippines 1990, pp. 39-41), the officers and other ranks of the old Philippine Constabulary were simply allowed the option of giving up their military commissions or enlistments and sign up as civilian police officers under the new PNP. INP

officers and personnel were simply reclassified as PNP personnel, since the INP, while under the military command and control of the P.C., was not officially a military institution. This writer himself was one of the last to train as a reserve commissioned officer of the old Philippine Constabulary but chose not to continue either as a soldier or as a policeman. He has, however, numerous relatives and associates who, being P.C. officers had transferred to the legally civilian PNP and remain in the police service. P.C. officers and other ranks who chose to keep their military commissions were allowed to join the Philippine Army, but in this writer's personal experience, relatively few P.C. personnel chose that option.

The PNP not only took over the policing functions of the PC-INP, it also absorbed the policing roles of the Philippine Coast Guard, the P.C. Narcotics Command (Hernandez & Ubarra 1999, p. 12), the Philippine Air Force Security Command and the National Action Committee on Anti-Hijacking of the Department of National Defence (The Congress of the Philippines 1990, p. 41). It can be argued, then, that the Philippine National Police is civilian in character by law, but it is still essentially a military institution. Indeed, under RA 8551, in Title II, Section 3 (The Congress of the Philippines 1998) it retains the P.C.'s security functions, as the law requires it to support the Armed Forces of the Philippines in counterinsurgency, not just through policing, but by combat operations as well. By personal experience, this writer knows for a fact that the PNP organisation, part of its training and much of its equipment differs little from the Army's. It is not unusual, for example, to see police officers engaged in counterinsurgency operations out in the countryside or in the bush dressed in military combat uniforms, albeit with a camouflage pattern slightly different from that of the Army but nevertheless using the same standard weapons and equipment that Army soldiers are issued with. Sometimes such police officers, almost indistinguishable from soldiers by the way they are dressed and equipped, patrol urban city streets during times

when security alert levels are raised, alongside more orthodox looking police. This has been a personal experience of this writer every time there has been an election, a local or national emergency, an important matter of state (such as the Roman Catholic Pontiff's 1995 visit to the Philippines for that year's World Youth Day) or any other issue or situation that would justify such actions by the state.

To further illustrate the case being made here that the police institution in the Philippines is still highly militarised, one only needs to look at the PNP organisation. It has company and battalion sized units stationed in provinces, cities and towns performing internal security functions and counterinsurgency in addition to policing. These are known as 'Mobile Groups', and those assigned to regional police jurisdictions, which usually cover several provinces (and their municipalities) and cities are known as 'Regional Mobile Groups.' Provincial police jurisdictions are assigned 'Provincial Mobile Groups', and city police have their 'City Mobile Groups' (Philippine National Police 2008). This seems to follow the old P.C. military organisation, which, from its inception, operated largely through company sized (about 120 personnel) or smaller formations, as these were more useful for sporadic skirmishing in the countryside or in the bush against insurgents and bandits, with the rare battalion formations (three or four companies) deployed once in a while depending on the need, according to Hurley (1938). Among the PNP's operational support units is a tactical strike group known as the 'Special Action Force' (Philippine National Police 2008). Established under the P.C., in the 1980's and trained by British Special Air Service (SAS) personnel, the Special Action Force continues to exist as part of the present PNP where it performs the same functions as it did in the Constabulary of old. It had been designed as, and it continues to be a special operations-capable force, organisationally and operationally analogous to the Philippine Army's elite 1st. Scout Ranger Regiment, and is meant to deal

with everything, from terrorism to insurgency as well as ordinary crime (White 2004, p. 389 & Ylagan, personal communication 17 May 2009). Finally, the PNP's rank and command structure follows the military's 'scalar' design as defined in Mintzberg (1979, p. 228), in which there is a single linear order, or a chain of command within the organisation, from the lowest rank (in the Army, a private) with the lowest authority and obeying the most orders, to the highest rank (a general, or a field marshal in some large armies), which carries the highest authority and position. The P.C. followed the Philippine Army's rank structure completely, and this writer's service with the P.C. reserve is experiential proof of this knowledge. The present PNP may have changed the names of the ranks, but each rank corresponds to an equivalent Army or military rank, except at one level. The table below shows the PNP ranking system as enacted in RA 6975 and RA 8551 and compared with the Philippine Army's. (See table on the next page):

PNP Ranks	Philippine Army Ranks
A. Commissioned Officers	
Police Director General	General (Four Stars)
Police Deputy Director General	Lieutenant General
Police Director	Major General
Police Chief Superintendent	Brigadier General
Police Senior Superintendent	Colonel
Police Superintendent	Lieutenant Colonel
Police Chief Inspector	Major
Police Senior Inspector	Captain
Police Inspector	Lieutenant
No police equivalent	Second Lieutenant
B. Non Commissioned Ranks	
Senior Police Officer 4 (SPO 4)	Master Sergeant or First Sergeant
Senior Police Officer 3 (SPO 3)	Technical Sergeant
Senior Police Officer 2 (SPO 2)	Staff Sergeant
Senior Police Officer 1 (SPO 1)	Sergeant
Police Officer 3 (PO 3)	Corporal
Police Officer 2 (PO 2)	Private First Class
Police Officer (PO 1)	Private

Table 1: Comparison of PNP and Philippine Army (military) ranks: Note that there are two other branches in the Philippine Public Safety Services, of which the PNP is part. They are the Bureau of Fire Protection (BFP) and the Bureau of Jail Management and Penology (BJMP). The rank terminologies for these two other safety service branches are similar to the PNP's, except that instead of the word 'police', fire service officers have the term 'fire' before the rank, and jail officers have the term 'jail' before the rank. Hence, 'Fire Inspector' and 'Jail Inspector' would be the correct terms applying to the fire and jail service equivalents of police inspector.

The one rank level where the police and military have no exact equivalent to each other is at the subaltern level, where the military has a first lieutenant and a second lieutenant, while the PNP only has the rank of inspector. By personal experience, however, it is still common for people, including police personnel, to address police by their equivalent military ranks. For instance, it is still common to hear of directors or chief superintendents addressed as 'general', or of inspectors addressed as 'lieutenant' both verbally and in correspondence. Indeed, as this writer was preparing his University Research Ethics Committee application, there was a requirement to secure a letter of permission from a police chief superintendent in the Philippines to be able to conduct research with the PNP. This man had to be addressed on paper as 'Chief Superintendent_____.' However, the subordinate PNP officer giving this writer the instructions on how to write a message requesting this permission addressed this chief superintendent as 'General_____.' Relations between superiors and subordinates continue to follow the military's patterns. There are salutes for commissioned police officers

as well as the usual military courtesies, drills, ceremonies and protocols one normally does not find as commonplace or as embedded in a civilian police institution as one would in the military. Incidentally, there have been some changes in the military non-commissioned ranking system in the Philippines, with the introduction of at least two higher ranks above master sergeant but below second lieutenant. They are 'Senior Master Sergeant' and 'Chief Master Sergeant' (T. Sgt. Salazar, personal communication 12 December 2004). The PNP may or may not have created similar equivalent ranks, but it is still true that the PNP follow the military rank system structurally if not in name. Perhaps it is to enable better command and control when operating with the military in security operations, but this is only speculative at this point. Let it suffice to say, however, that the present PNP is simply an extension of the old militarised PC-INP, albeit renamed and reclassified. While it may be legally defined as a civilian institution, it quite possibly maintains much of its colonial and military characteristics. Designing a mechanism for supporting better governance and managing ethics would have to seriously consider these factors.

At present according to the International Institute for Strategic Studies (2008, p. 400) the PNP has 40,500 personnel backed by 62,000 auxiliaries, by which is meant people who perform para-policing duties but are not under the PNP organisation, such as municipal or city traffic aides who regulate traffic (which may include the power to issue traffic citations) in many cities and large towns. These are organised and funded by local city or municipal governments and are not part of the PNP command structure. The PNP could deputise them, however, according to RA 6975 and RA 8551. This police manpower is spread out among 15 regional and 73 provincial police commands. Another source places the manpower strength of the PNP at 120,000 (Quimson 2006, p. 26). It would appear, however, that the latter figure is correct, based on initial interview data with police officers at senior staff level at the

National Headquarters of the PNP in Camp Crame, Quezon City. The officers interviewed have verified that the personnel strength of the PNP stands at about 120,000. Out of this number, there are, based on the latest data on hand, 319 PNP officers serving in various United Nations peacekeeping duties all over the world, out of a total of 670 Filipino peacekeepers in all from both the military and the police (United Nations 2008, p. 2). Thus, in any attempt to improve police governance and ethics, the issue of police involvement in international operations and diverse cultural, political and social environments needs to be considered in addition to its historic colonial and military origins, its role as a pacification force involved with internal security as well as law and order in both colonial and post-colonial times.

1.4. Research Questions

This study seeks to answer the following questions towards fulfilling the objective of establishing and managing an effective ethical culture in the Philippine National Police for improving the governance of policing within a socially and culturally diverse community:

- *What is ethical management? What could be done to improve governance in the Philippine National Police within the broader scope of the socially and culturally diverse local, national and regional communities within which this police institution works?*

- *Is it possible to adapt the concept of a learning community to enable the formation and structure of an ethics management and governance mechanism in the Philippine National Police to transform its institutional culture? How would it work?*

- *How could such a process become sustainable over time and applicable to other policing institutions in the world dealing with similar problems in policing ethics and*

governance in a diverse social and cultural environment in local, national and regional contexts?

1.5. Rationale for the Study

If there is any important reason for conducting a study like this, it would have to be for the purpose of increasing knowledge and hopefully adding a new dimension to the area of ethics research in general and police ethics studies in particular. As previously stated, this is an area where relatively little work has been done in contrast to other fields of public sector management research. As far as the Philippine National Police is concerned, there is very little real research being done on that institution, and virtually nothing on its ethics and governance. What little research there is largely consists of surveys being conducted under the PNP itself, engaging external survey organisations, or under independent entities such as Transparency International or Amnesty International. As this study would show, these surveys either promote a positive image of the PNP in the case of the former, or a relatively negative one in the case of Transparency International or Amnesty International reports. It is hoped that this research would serve to provide a more objective view of the PNP in terms of its ethics management and governance.

Perhaps it could also be said that this study seeks to find the links between managing ethics in a public sector institution where this is arguably a serious issue, and the wider field of governance wherein stakeholders and participants in the wider society could be involved in the development of ethical practices and institutions. The increasing complexity of modern society would arguably have need for more ethical policing under better governance now and into the future. By informing and exploring the concept of police ethics management in relation to the governance of policing, particularly in the PNP, this study could hopefully contribute towards better policing and better police governance in other areas of the world

where police and the state need to be more accountable and ethical towards the people they seek to serve and govern. More ethical policing under a democratic framework, as defined in Pino and Wiatrowski (2006) and Shearing (1996) may be part of the answer towards more effective democratisation in developing nations like the Philippines. Good policing is in everyone's best interests especially in democratic and democratising societies.

Chapter II: A Review of the Literature

2.1. Introduction

This chapter seeks to present much of the research and written work undertaken on the subject of policing, its ethical requirements and its governance. It includes a review of the relationship between ethics in policing and its management as well as its governance. It will also attempt to argue why improving ethics and governance in policing is important in the contexts of the relationship between the police and society, policing and democracy, and the issues affecting police ethics in the light of police organisational culture. Finally, in order to introduce the institution in which this research is being conducted, a brief review of the PNP ethical doctrine is presented and critiqued.

2.2. The Governance of Policing and Police Ethics

Governance could be defined in a number of ways. In relation to policing, it could be understood as a general idea denoting governmental activities originating from both inside and outside the state. It involves the dispersion of governing processes within and among networks of agencies across the social arena rather than remaining solely in the institutions of the state (Jones 2003, pp. 604-605). It takes place through interactions between and among state and non-state actors, where they seek to manage each other in an attempt to produce what they consider desirable effects (Shearing 1996, p. 287). Governance could involve processes and institutions that guide and restrain the activities of groups, whether these may be small, large, formal or informal groups of people (Keohane & Nye 2000, p. 12 cited in Goodsell 2005, p. 18). Another definition, which would be significant when the issue of society and risk management enters the picture, is that governance involves a process for design, planning, policy making, managing and evaluation to reduce risk (McIntyre 2004, p.

40). Regardless of the nuances in the definitions, however, there is arguably a close and crucial relationship between the governance of policing and police accountability on the one hand and police ethics on the other. It is not really possible to take these issues apart from each other and in isolation. Ethics could provide the necessary guidance and restraining influence over police power, and so ethics is governance in policing. Given the power of police to exercise violence legally, issues of values and ethics should arguably play a dominant role in the normative and practical dialogue on the future of policing (Newburn 2003, p. 10). Police power and discretion, furthermore, means that police officers could not afford to be ambiguous in decision making. It is necessary then to determine the best and most harmonious relationship between the police mission, the characteristics of a good officer and the practice of good policing (Neyroud 2003, p. 584). The ethics part of this equation lies in what makes a good officer and what constitutes good policing. Taken within an understanding of what police are supposed to be doing; the police mission, is how police ethics merges with police governance. Police governance is arguably deeply enmeshed with police management. Thus, somehow, there should be a way in which ethics could be managed into the police institution as the starting point for the better governance of policing. The term proposed for this concept is 'Ethics Management.' It is possible to have 'ethics in management,' which is really the role ethics ought to have in making management decisions and policies, particularly when it is agreed that management has social responsibilities (Preston, 2007, p. 170). But 'ethics management' is different. If it involves the management of ethical principles and practices into the institution, and this is the meaning being proposed here, then it would require the design and establishment of a model mechanism for such management to work out. Police ethics and governance could arguably begin within the police organisation and institution. The first and most significant aspect of this research effort

involves finding and designing an institutional model for enabling the police, particularly the Philippine National Police, to define, internalise and practice its ethical principles as part of its management. By ethics is meant the human capacity to choose among values, which specifically translates as being concerned with what is right, fair, just or good and what ought to be done in the light of all this (Preston 2007, pp. 7, 17). It could also be as McIntyre-Mills (2006, pp. 90, 91) defines it: the human capacity to make decisions based on the process of placing one's self at the receiving end of decisions, then making a choice or judgement based on that process. This would involve thinking of or reflecting on the implications of one's decisions and assumptions towards others by thinking of these same implications towards one's self and so hopefully making ethical practice and accountability possible. A thorough justification of a decision would consist of a complete account of that decision's consequences or outcomes as well as a similarly complete account of the principles on which it had been based and the effects of observing those principles (Hare 1975, p. 69).

According to the German philosopher Immanuel Kant, ethics originate from the pure moral law, which human beings could apprehend and grasp because the human being is equipped with reason (Singer 1994, p. 18). Reason is the beginning of ethical thinking. Without reason, it would not be possible to critically reflect on one's assumptions and decisions, as understood in McIntyre-Mills (2006). Ideally, the ethical life is, in classical Greek philosophy, such as in Aristotle's *Nicomachean Ethics*, embodied in a life of reason. Ethical people and ethical society could only come about when people are able, by an act of reason, to understand what constitutes the ethical and apply it in life (Bluhm 1965, p. 75). Moral judgement, which is the ability to evaluate the rightness (or the lack of it) of something should have its firm foundation in human reason (Rudinow & Barry 1994, p. 15). But the person who has reason and exercises critical reflection and ethical decision making could

only make true ethical choices if reason were accompanied by freedom. The freedom to choose what is right or just is as important as the rightness or the justice of the decision. A Fourth Century A.D. Christian saint, theologian and church father said it this way: 'No one is doing right if it is done against one's will, even if what is being done is good' (St. Augustine 1998, p. 14). Finally, according to the classical Greek philosopher Aristotle, ethics, which he made synonymous to virtue, could be taught, learned, turned into a habit and internalised. This makes it possible to engage in a dialogue with others in order to explore options and make correct responses through learning from experience (McIntyre-Mills 2006 & Singer 1994, p. 17). Police ethics, like that of the medical profession, is a form of applied ethics, which requires ethical theory to be accountable to practice and practical application. Conversely, in a reciprocal relationship, it also requires professional practice to provide an account to theory. Applied ethics, furthermore, is based on the imperatives of beneficence, where professionalism is required to care for the interests of stakeholders; respect, where practitioners have to recognise the autonomy and dignity of persons and individuals; and justice, which requires practitioners to take responsibility for the effects of their actions and professions on the wider society and the world (Pagon 2003, pp. 2, 4). There is, then, an important link between what police do and how they do it, and the rest of society. This link could be strengthened as part of governance through collective learning and dialogue.

Police work within social settings. In the Philippines it is especially true of the PNP, since as the sole national police service it is the only institution that has extensive daily involvement with the community as a whole, thereby affecting people's lives at so many levels, from working out traffic snarls to solving crimes. In the Philippines, it is even possible to include maintaining internal security (Quimson 2006, p. 26). Police law in the Philippines, particularly Title I, Section 2 of RA 8551 specifically provides that the PNP 'shall be a

community and service oriented agency responsible for maintaining peace and order and public safety' (The Congress of the Philippines 1998). Since the police work among people, it stands to reason that ordinary citizens are stakeholders in policing as much as are police officers. Therefore, the ordinary citizen has the right to participate in police decisions. Given the insular character of police culture, this is arguably difficult. However, reforming police culture through the establishment of a strong ethical component in police management is important, if not crucial. The negative characteristics of police culture, if not reformed, would conflict with the police mission of providing fair and equitable service, particularly to the poor and vulnerable with whom they come in constant contact (Foster 2003, p. 199). Such police reform would require efforts both within the police institution and outside it. These could include changes in leadership behaviour among those in leadership positions (Lewis 2007, p. 137); improving accountability measures by strengthening monitoring and supervision, especially in high risk areas of police work (Quinton & Miller 2003, p. 7); improving police training to include in it a strong ethics component (International Association of Chiefs of Police 1997, p. 1) and a strong social awareness dimension, focusing on the increasing plurality and multi-cultural diversity of modern society (Reiner 2005, p. 692). In 1981, the police institution in the UK went through a broad and deep public inquiry as a result of the Brixton riots in April of that year. The resulting report of the inquiry headed by Lord Scarman (hence, the 'Scarman Report') made it clear that police reforms were necessary in order to equip the police with the capacity to respond effectively to the changes occurring in wider society, especially since society is increasingly becoming more multi-ethnic (Savage & Charman 1996, pp. 48-49). This is important, as ethical values tend to have a deep relationship with cultural or even sub-cultural perspectives, and the cultural norms and mores of the society within which policing operates would have an impact on police ethics (Preston

2007, p. 29). Changing police culture into one which includes an ethical dimension requires reforms in both the cultural knowledge and the structural conditions of policing (Chan 1997, p. 238). The content and strength of organisational culture influence ethical behaviour (Robbins, et al. 2003, p. 154). If this is the case with ethical principles, and ethics form part of the broader perspective of governance, then governance, especially the governance of policing, has an equally deep relationship with culture, both organisational culture and the cultures of wider society. This could pose a real challenge for any effort by the PNP to redefine itself institutionally and organisationally, since it is a politically controlled and established police service with a strong and continuing colonial heritage and a militaristic character.

Society and its problems are becoming more complex. What police do could be considered attempts to resolve complex problems, which involve richly interconnected sets of parts. More often the relationships between and among the parts are more important than the nature of the parts themselves (Jackson 2000, p. 1). Police are part of a large complex set of relationships in the society within which they work. Thus, society has to have some involvement in policing if policing is to have the capacity to deal with these complex problems. It is imperative to involve ethics management in policing if this is the end in view, since ethical values and assumptions define the way social problems, including complex ones, are understood and resolved (McIntyre 2004, p. 59). This understanding would be the key reform effort in policing in relation to society. Strategy is the most important variable in organisational and institutional design for organisations and institutions operating in complex environments. Such complexity requires strategy which considers complexity (Gerloff 1985, p. 41). Organisations, after all, must manage contingencies and risks, not all of which could be fully known or apprehended, but organisational strategic choices have to include them as

possibilities and judged according to their possible consequences (Manning 2006, p. 53). The police institution, as part of its strategic choices while working with risks, would have to negotiate its mission, strategic decisions and operational considerations with the local, national and even regional communities being policed (Neyroud 2003, p. 599). This would have to involve the active and meaningful participation of society outside the police institution in the workings of the police and its accountability. This is a matter of institutional design, which is premised on the idea that a hard, paramilitary entity as the police, by itself resistant to change (Lewis 2007, p. 137) is flexible and adaptable enough to re-invent itself according to two principles of institutional design: 'Revisability' and 'Sensitivity to Motivational Complexity' (Goodin 1996, pp. 40, 41). The police institution, somehow, would have to be transformed into one capable of adapting and learning, constantly reflecting on its roles and missions in relation to the society in which it functions. The classic police organisation that is based on a pragmatic top-down bureaucracy based on a hierarchy of means and ends (Simon 1964 cited in Mintzberg 1983, p. 14) has to change. In this sense, institutional reform in policing, starting with ethics management, looks beyond the police organisation and expands the concept of policing as an institution to include social entities and stakeholders which may not be police officers or personnel, but are part of policing all the same. The research questions in Chapter I are an attempt to arrive at answers that would hopefully attain this object, that of enabling the police institution, particularly the Philippine National Police, to become a more ethical institution. Hopefully it is possible for this study to contribute to the establishment of an institutional model for managing ethics into the Philippine National Police then contribute further to the improvement of police governance through the development of an ethical culture in policing. Furthermore, it could be possible to

hope that this effort may enable the PNP to overcome its problems inherited from its militaristic and colonial past.

2.3. Police and Society

It would be difficult to think of human society without some form of policing in place. After all, people have to have a trustworthy institution upon which they could entrust the enforcement of their social rules, the maintenance of their interrelationships with one another in a fashion that is orderly and harmonious, the protection of life and property, the control of social deviance, and the penalisation of those who insist on deviating far enough from society's rules as to cause harm or upset the social order. Policing has always been a social necessity (Kleinig 1996, p. 11). Indeed, it is quite possible to define policing as the personification and institutionalisation of relations of power within specific social contexts (Findlay 2004, p. 58). Society could still be said to have plenty of faith in its police (Newburn 2003, p. 1), perhaps even in the Philippines. But at present, it is becoming increasingly clear that the public police could no longer fully deliver on society's great expectations, even in something as fundamental as the enforcement of law and crime control (Reiner 2000, p. 217 cited in Newburn 2003, p. 1). Even so, the public and society in general continue to demand better and more responsive police services, given that present-day crime is not only complex, it is increasing in the level of complexity (Directorate for Police-Community Relations 2003, p. 6). It is important, then, to understand first the nature of present-day society, and then define the role of policing in it before any prescription towards better governance of policing or of ethics management in the police could be made. The Systems Approach, after all, is based on an understanding of the environment of the problem, before the problem itself could be dealt with, as understood in C. West Churchman's (1979) *The Systems Approach*. This is important to note, as this study operates on a critical systemic view.

The activities of the police today could be said to take place in what Inglehart (1997, p. 325) calls a 'Postmaterialist' society. Other writers call it 'Postmodern' society, which, as it is defined by C. Wright Mills (cited in Reiner 2005, pp. 686, 687) constitutes the collapse of the explanatory and ethical frameworks inherited from the 'Modern' age, or the Age of Enlightenment, as explanations of the world and of ourselves. These explanations, which are absolutes and are termed 'Grand Narratives' or 'Meta Narratives' have broken down in terms of their validity, and so Postmodernism is characterised by an epistemological break in human conceptions of knowledge and ethics. Thus, whatever the terminology, there has been a marked change in the values of individuals and society. People emphasise and prioritise the quality of life over all other values in such a society, a transformation of values that has been the result of the attainment of high levels of economic growth and relative economic security (Inglehart 1997, p. 325). It is significant to note that in the early 1990's many governments in the Association of Southeast Asian Nations (ASEAN) rated economic development and economic security as more important than democracy and human rights. Only the Philippines, during the 1993 UN regional consultation in Southeast Asia, refused to countenance the idea that economic growth entails the sacrifice of democratic rights (Eldridge 2002, p. 38). Postmaterialism and its values, however, have grown deep and strong roots in advanced industrialised democracies, where public trust in institutions of authority has been significantly affected. These values have arguably brought about an increase in the degree of risk to which people are subject. Most of these risks could not be foreseen, because people in postmaterialist society have to live with and among very complex institutions and practices that are little understood and even less under control (Inglehart 1997, pp. 325-327). The consequence is a crisis of trust in society (O'Neill 2002, p. 15). Economic development, which Inglehart (1997) states is an important outcome of postmaterialism, has been

considered a subversive force, undermining the growth of democratic values (Mahbubani 1998, p. 76 cited in Eldridge 2002, p. 39). Indeed, evidence from research over the years has shown that people's trust of public institutions, including government and the police, has actually eroded as postmaterialist values have strengthened their hold (Inglehart 1997, p. 293). This erosion of trust has been accompanied by a clear decline of traditional patterns of deference and the formerly unquestioned acceptance of authority, a process that has been termed 'Desubordination' (Reiner 2005, p. 684). The Postmaterialist or Postmodern social system is arguably a risk society which is defined as a society organised in significant ways around the concept of risk, and this concept, furthermore, increasingly governs social problems in terms of discourses and technologies (O'Malley 1998, p. 1). Policing this risk society has become a function of risk reduction rather than law enforcement. Preventive or pro-active policing in the UK, for example, which involves police helping citizens minimise the risk to themselves of becoming victims of crime has already replaced the traditional police roles of crime control and law enforcement (Reiner 2005, p. 618). Ericson and Haggerty (1997, p. 1) have actually argued that policing at present is fundamentally a form of risk communication, as policing is a matter of responding to individual demands for service as well as institutional and social demands for knowledge about risk. While the Philippines is considered a developing nation, and so it is not an advanced industrialised society, its police institution is no less as risk focused in its approach and methods of policing as the police in the more advanced nations of the west. Policing has universally become more risk focused (Shearing 1996, p. 289). With changes in policing functions and in the relationship between citizens and the police, the latter have increasingly started to question their role in the more complex world within which they must now operate (Bayley & Shearing 2005, p. 717). In a report of the International Association of Chiefs of Police (1999, p. 9), it has been claimed

that police leaders and managers have begun to see themselves and the officers under their command less as crime fighters and increasingly as facilitators of police and community relations, as the police in general are expected to work more and more closely with an increasingly risk conscious and pro-active thinking citizenry.

Postmaterialism (or postmodernism) has also arguably strengthened market-oriented thinking, not just in the operation of the public services of many nations, but also in the way society thinks and behaves. Indeed, it has been argued that postmodern society has made consumerism the essential soul or the driving force of social action and the fragile basis of social order (Bauman cited in Reiner 2005, p. 688). Police forces and policing have not been immune to its effects, even as police arguably tend to resist them. In keeping with this, the 'Market Model' of governance has introduced sweeping changes in the way government and public services, including the police, operate. Key elements of this model include (Beresford 2000, p. 78):

- The primacy of free enterprise and individualism, thus minimising government intervention in society and in the way goods and services, including public ones, are distributed and delivered;

- The suspicion that extensive welfare systems become captive to special interests and so contribute to inflation; and,

- The idea that citizens should pay for the services, even for public ones that they use or consume.

This model has arguably changed the public outlook towards government and government institutions. Government institutions themselves have had to struggle to redefine their

functions in the light of this new operating philosophy, where citizens become 'clients' or 'users' and public services become 'commodities' to be bought or sold. New Public Management (NPM), which has characterised the restructuring of many western democratic governments as a result of globalisation, rests on the idea of removing the differences between the public sector and the private sector, essentially making the former behave like the latter, emphasising that the market is superior to the state (Leishman, Cope & Starie 1996, p. 11). Values have also arguably changed. This has largely been the consequence of the impact of rational choice theory, on which marketisation is based, in public life (Zender 2004, p. 285). People are now considered to be driven by economic concerns. They seek to maximise gains at a minimum cost. Individual persons are little more than creatures of self interest, acting and behaving in ways in order to obtain the highest possible benefit. Self interest has become the central motivation for human behaviour, and social research in relation to policing seems to bear this out (Cochran & Malone 2005, pp. 118-119). Hence, the ordinary citizen is little more than an economic entity exercising instrumental rationality to attain the greatest possible outcome at the lowest possible cost, as derived from and understood in Goodin (1976). Government decisions have had to be evaluated on the basis of economic efficiency (Beresford 2000, p. 60). This 'market state' is no longer driven by a welfare agenda, but rather by a more fragile and turbulent desire to satisfy popular demand and create the conditions for people to enjoy themselves. At the same time, it has created an unsettled society increasingly concerned with security and safety in a climate of uncertainty (Neyroud 2003 citing Bobbit 2002; Garland 2001 and Neyroud 2002, p. 579). For policing as a government function and for crime control, this has had far reaching consequences. To begin with, if policing is now a commodity to be paid for by clients who consume it, who is to say that policing is still a public service? Furthermore, could it be this market orientation

that has been transforming traditional society into a risk society? O'Neill (2002) seems to think so. Indeed, crime is no longer considered a social aberration or a pathological deviance, but rather, another form of rational economic activity, where the criminal is trying to maximise gains at the lowest possible cost, and crime happens to be the selected instrument, because the criminal would think that his or her selected criminal act would provide the greatest gain at the least expense. Crime has become a continuation of normal social interaction and a form of economic activity no different from buying, selling, or employment in a job (Zedner 2004, pp. 284-285). This is the reason perhaps why, as mentioned earlier; policing has taken on the character of risk management and reduction rather than of crime control, since the key issue would be the distribution and circumscribing of risks, and so both citizens and their police would have to become risk conscious in this kind of society (O'Malley 1998, p. 1). Is this not the reason behind the new strategies and operational concepts of policing, which involve pro-active efforts seeking to prevent or pre-empt crime as much as possible before it occurs? Risk management basically revolves around the idea of trying to predict, and thereby prevent, risks. This presupposes that risks produce uncertainty and the greater the degree of uncertainty in a situation, the greater is the amount of information that would have to be acquired and processed by managers and decision makers to achieve a certain level of performance (Galbraith 1974 cited in Gerloff 1985, p. 32). Risk refers to external dangers of any form and kind, including natural and manmade disasters and threatening behaviour from enemies, whether real or perceived (Douglas 1990, 1992 cited in Ericson & Haggerty 1997, p. 1). It could also refer to manufactured threats that may not intentionally have been meant to cause danger or harm, but are the largely unintended consequences of scientific and technological intervention in the conditions and nature of social life (Giddens 1994 cited in Ericson & Haggerty 1997, p. 1). Thus, policing now

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involves a greater degree of trying to prevent crime, which is now deemed a risk, rather than solving it. It would also mean that policing is now dealing with uncertainty to a greater degree than before. To do this, however, police would have to assume that every person in society is a possible source of risk, and so there is a need to control what people do, what people say, and perhaps even what they think to prevent or minimise their becoming sources of risk. Thus, the traditional criminal justice principle of 'Innocent until proven guilty beyond reasonable doubt' is becoming less and less the guiding norm in policing, since the assumption that everyone is a possible source of risk arguably includes the thinking that everyone could quite possibly be a potential criminal. Policing has become a security and protection function involving the employment of preventative or deterrent mechanisms that could provide forewarning of risk, but are increasingly becoming intrusive to human privacy. Closed Circuit TV (CCTV) systems are a case in point, and they are proliferating, increasingly being used as policing tools (Zedner 2004, pp. 283-289). In a word, policing is becoming more pre-emptive and preventive rather than reactive.

It could also mean the marketisation and communalisation of policing, and so there is need to establish a distinction among three types of policing: that which is 'private', that which is 'communal' and that which is 'public.' Indeed, in this there is a definition of governance which utilises the word to underscore the point that collective goods, such as security are being promoted by a vast array of institutions, including, but not limited to the state and its policing, criminal justice and military agencies (Wood & Dupont 2006, p. 2). Postmodern thinking has led to major changes in the role of government and the nation-state. It is no longer the significant locus of power and has been replaced by the growing forces of internationalisation, or globalisation on the one hand, and also by the growing strength and importance of local identities and power bases on the other. Pluralism, diversity and

fragmentation have become major themes of the postmodern age (Reiner 2005, p. 689). Shearing (2006, pp. 11-12) argues that, besides the state and its public institutions, and government is the most visible and largest of these, there also exist 'Private Governments', entities barely acknowledged by scholars and policy analysts as sources of governance, but are defined as 'non-state entities that operate not simply as providers of governance on behalf of state agencies, but as auspices of governance in their own right (Macaulay cited in Shearing 2006, p. 11). At this point, therefore, there is need to differentiate between 'Police' and 'Policing' to accommodate this concept. In all this time, they have been used in the text of these chapters almost without distinction. They are distinct, however, and postmodern society has merely emphasised that distinction. The term, 'police' refers to that body of uniformed people who are hired, paid and directed by government, while 'policing' refers to explicit efforts to create visible agents of crime control or social risk management, whether by government or non-governmental entities. At present, policing is no longer the exclusive role of the police. Institutions other than the state, notably private companies and corporate entities offer private policing on a commercial basis. Meanwhile many communities police themselves on a volunteer basis (Bayley & Shearing 2005, pp. 715, 716). The emergence of policing bodies other than those of the state, as well as the growth of the private security industry have been and continue to be major themes in the postmodern era (Jones & Newburn 2005, p. 737). Policing is increasingly being undertaken by complex and diverse networks of public, private and hybrid agencies (Johnston 1996, p. 54). Indeed, it has often become difficult to distinguish the boundaries between public and private policing because of the operations of a number of agencies and entities whose formal status and functional activities are difficult to classify (Morgan & Newburn 1997, p. 69). Even so, while the public police may have lost its monopoly over policing, they still retain unparalleled and unrivalled

coercive and regulatory powers (Dupont 2006, p. 86). The term 'network' does not necessarily refer to clearly linked organisations, agencies or institutions, but rather, a network is more likely composed of open-ended, incomplete sets of links of varying strengths, densities and qualities; not assuming shared objectives or goals, but only transactions that intersect to form a concrete system of action (Manning 2006, p. 54). Networks tend to refer to patterns of formal and informal relationships which shape policy agendas and decision making. This typically defines pluralistic societies in which there are multiple and various influences operating on policy processes (Parsons 1995, p. 185). Governance takes place through these networks, which could be elaborate sets of relations formed among complex institutions and organisations (Rose & Miller 1992, p. 176 cited in Shearing, 1996, p. 287). This is best illustrated in the growing number of private security companies providing policing services for clients, which normally include business establishments, housing providers, private citizens and landlords. These clients choose the level and the kind of policing they desire, based on how much they could pay the providers and take control over policing. State or public policing, in this instance has become largely residual (Crawford 2006, p. 111). There may be times when public and private policing are involved together, but, as it is described by Manning (2006), these are transactional relations, not necessarily involving shared aims. There are relationships and interactions between and among these entities, which include the public police, private security firms, clients of these firms and the entities being secured against; entities who are considered sources of risk. The term 'hybrid policing' has been proposed to describe these combinations of private entities and the public police (Johnston 1996, p. 61).

Police research in many liberal democratic developed nations has shown that the private security sector is actually growing faster than the public police. Indeed, some police

departments have gone the way of the market in selling the protective services that they used to provide for free, thus blurring the already hazy dividing line between public and private policing (Bayley & Shearing 2005, pp. 716, 718). This has gone beyond the old traditional understanding of the liberal democratic state as one which is characterised by the division of labour between market and state (Elkin 1985, p. 179). Indeed, privatisation has gone so far as to develop at least three different forms of privatised policing. They are (Johnston 1996, pp. 60-61):

- The total privatisation of a public police agency, as what had lately happened to the Port of London Authority Constabulary, which was established in 1802 by an Act of Parliament;

- The privatisation of certain functions that had previously been functions of the public police, usually as a result of increasing public demands for such functions, but are beyond the capabilities of public policing. The hiring and contracting of private security corporations by citizens to undertake street and residential patrolling falls in this form of privatisation; and,

- The management and operation of public police agencies as though they were private commercial enterprises. In the interest of promoting effectiveness and efficiency, police agencies have been run like private corporations with flatter management structures and even what could pass for boards of directors.

The public police may still be considered a traditional institution, but they have not been unaffected by these changes. Marketisation, managerialism and New Public Management have each had their impact on police organisations. Some of these have enabled many police organisations to absorb new organisational principles, such as integrated policy

making, inter-agency cooperation, strategic planning, and performance management and evaluation. In the UK, 'best value' policing has been the main emphasis in many police jurisdictions, using a philosophy of continuous improvement (Neyroud & Beckley 2001, p. 16). A review of policy documents from the PNP Directorate for Plans (DPL) have shown that some of these managerial principles have been used in the PNP's performance evaluation system. This will be dealt with later. Pro-active policing, meanwhile, with its emphasis on preventing crime before it happens, has also begun to change the nature of policing. In the UK and many western police organisations and jurisdictions, the old paradigm of the uniformed officer on patrol as a form of crime prevention through visible deterrence has been replaced by specialist crime prevention units whose function involves providing advice to citizens on methods of minimising the risk of victimisation and alerting them to the perils of certain kinds of offences (Reiner 2005, p. 682). Furthermore, while preventing crime may have been traditionally the responsibility of the public police alone, the nature of local crime has increasingly brought together police and local communities into partnerships, such as the Neighbourhood Watch, which has been expanding in the UK since the 1980's (Gilling 1996, pp. 105, 108). This is yet another form of pro-active or pre-emptive policing as well as being essentially one form of community-oriented policing, governed by police and community partnerships of one form or another, based on the idea that community based policing strategies would enable the police to meet the specific needs of particular communities (Chan 1997, p. 189). As far as the PNP is concerned its National Headquarters staff organisation includes a Directorate for Police Community Relations which is involved with this aspect of policing in the Philippines (Philippine National Police 2008). The term, 'police institution' therefore, could be understood as exclusively referring to the public police, while policing, if taken as an institution, would have to arguably go beyond the state and include private

security companies and volunteer community police. Policing is no longer state-centred, and if this is so, then police power is no longer exclusively under the complete control of the state, nor is it exclusively accountable to it. Policing now has become a shared responsibility between government and its citizens, at times through the mediation of commercial markets, and sometimes arising spontaneously (Bayley & Shearing 2005, p. 717). At the very least, this would create problems of accountability and legitimacy, and both accountability and legitimacy are arguably essential in the management of police ethics and governance. Indeed, part of the reason behind the difficulties present day police have had in maintaining legitimacy is the growing perception of the inadequacy of accountability measures over policing (Reiner 2005, p. 683). These would have to be factored into any considered research effort at developing a model for police ethics management and better governance.

Shearing (2006) has argued that the growing extensive pluralisation or multilateralisation of policing is best described under what is termed the 'Nodal Model' of governance. This model is based on the following important aspects (Johnston 2006, p. 34):

- Conceptually, when speaking of governance, power is not situated in any particular locus, since governance is based on relationships contained within shifting networks of alliances rather than as the result of the actualisation of governing interests.

- Governance is not a rational and predictable process, where there is a clear connexion between governing entities, their objectives and their associated institutions and technologies on the one hand, and determinate governmental outcomes on the other hand.

The central tenet of this model is the concept of a 'Node', which is described in terms of its mentalities, institutional structures, technologies or methods and resources (Johnston &

Shearing 2003, Burris 2004 cited in Wood 2006, p. 219). Each node will tend to place its interests and survival ahead of other considerations, and only strong regulatory authority could temper this tendency (Dupont 2006, p. 110). Pluralism, after all, is based on the idea that policy is the result of competition and negotiation between and among groups, agencies, organisations and institutions (Cochran & Malone 2005, p. 118). These are what compose nodes. Thus, the Nodal Model assumes that there exists a degree of plurality in the mentalities, institutions, methods and practices within governance processes. Hence, governance is never fully actualised by individual, single nodes. Indeed, a plurality of nodes and networks characterise both activities that produce security as well as those that produce insecurity (Wood 2006, p. 219-220).

The shifting networks of alliances described above is based on the 'Policy Networks' approach in explaining how public policy, including that concerned with police and policing, is made. This approach, in seeking to explain the relations between central and local governments and between government and civil society, stresses the importance of disaggregating the policy making process into discrete policy sectors (Leishman, Cope & Starie 1996, p. 17). As for policing in the postmodern era, it has been going increasingly through the processes of pluralism, disaggregation and fragmentation (Reiner 2005, p. 692). It is little wonder that the public police have been increasingly questioning their identity and function.

But there is a far greater issue that merits concern. The pluralisation and fragmentation of policing under private corporate entities change the social basis on which policing is organised. Private policing, for instance, primarily serves the interests of clients and clients' communities, which are united by function rather than political geography (Bayley & Shearing 2005, p. 724). Thus, this social selectivity of private policing benefits

those who can afford to be its clients, leaving the rest of the population: those who cannot afford their own security providers and are thus underprivileged, to depend on the public police. This kind of exclusion, marked by the private enclosure of public urban space, such as the case with private gated communities or shopping malls and complexes, has become a powerful, but complex dynamic in urban social relations (Crawford 2006, p. 129). While community policing may not share this social selectivity, the way community policing is organised leaves room for the possibility that those members of the community who decline to participate in their own policing may not get the same policing service as those who do. It is a matter of differing interests (Bayley & Shearing 2005, p. 724). Therefore, the disaggregation and pluralisation of policing could actually lead to new forms of social discrimination. It is inevitable that inclusions and exclusions from particular goods and services will continue to occur if plurality continues to characterise governance (Dupont & Wood 2006, p.247), as it does in the postmodern age. As far as police governance and ethics are concerned, these issues make things challenging enough. As far as the Philippines is concerned, however, it may not be a completely postmaterialist society at this time, owing to the fact that it is an economically developing nation, but certain postmaterialist values and aspects of postmodern thinking have arguably crept into Philippine society. It is still, nevertheless, arguably a complex plural and diverse society, and so the PNP would have to consider these in carrying out its functions as well as in its efforts towards institutional design within the context of its history and character. Policing in Philippine society could also be described as plural in terms of the involvement of private security companies, para-policing as well as community policing. There are also agencies within the Philippine Government which carry out very specific policing functions but are separate entities from the PNP. For example, large airports in the Philippines maintain their own airport police forces, but this

writer is not too sure at this stage whether they are public or private in character. There is also the National Bureau of Investigation (NBI) under the Department of Justice, which performs policing functions in the areas of crime detection and investigation, forensics and crime laboratory operations, and policing roles defined in RA 157, the law creating the NBI (National Bureau of Investigation 2008). The PNP is also tasked with these roles. It is thus possible to imagine that a duplication of functions may actually exist between the NBI and the PNP. Finally, there exists the newly established Philippine Drug Enforcement Agency (PDEA) under the Office of the President of the Philippines, which is tasked with enforcing the laws dealing with illegal drugs and controlled substances according to Article IX, Section 82 of RA 9165. According to Article IX Section 86 of the aforementioned legislation, it assumes the functions of the PNP Narcotics Group, the NBI Narcotics Division and the Narcotics Interdiction Unit of the Bureau of Customs, effectively abolishing these three entities in an effort to streamline the policing of illegal drugs (The Congress of the Philippines 2002). Perhaps the 1987 Constitution's mandate for the nation to have one civilian police force may not have been followed to the letter. Models for police ethics and governance may need to include these parallel police organisations along with the PNP, although perhaps this would have to be addressed in future research, given the limits of this particular study.

In Chapter I, the idea of the use of police auxiliaries by local governments to supplement the PNP had already been discussed, as was the concept of community policing, for which the PNP has a distinct directorate within its organisational structure and a legal mandate under RA 8551 that it must obey (Philippine National Police 2008 & The Congress of the Philippines 1998). In terms of private security companies, there are as yet no clear statistics on the number of people or corporations involved in providing private security

services, although any person who goes to the Philippines cannot help but notice the ubiquitous presence of armed (sometimes heavily armed) uniformed private security guards standing in front of business establishments, public and private offices, schools, transportation terminals, on board some coastal shipping and around gated communities. In this writer's lived experience, Filipinos have grown up with these armed guards everywhere so much so that they are basically ignored, at least until people have to put up with their security functions. They do baggage checks, vehicle inspections and sometimes bodily inspections (by frisking or metal detector) or demand identification from people who enter premises under their watch. They also provide armoured car and security escort services for clients who manage banks and financial institutions. They patrol their clients' premises, and there have been incidents of gun fights between them and armed malefactors, such as in the case of bank heists. However, foreign tourists with whom this writer has become acquainted have always asked what they are, what they do and why they are everywhere and always armed. It is not always easy to answer these questions.

The PNP organisational structure has an office whose function is to regulate these private security guards and the companies that employ them, as well to license their firearms and those owned by private citizens. It is the PNP Security Agency and Guards Supervision Division or PNP-SAGSD (Philippine National Police 2008). Private security companies and employees may need to be included in any model of ethics management and police governance, since, if one of the functions of modern policing is the pre-emption of crime as discussed above, then these private security guards in the Philippines arguably perform a para-policing role even if, like police auxiliaries, they may not have the full scope of police discretion and authority in hand.

2.4. Policing and Democracy

But what is of greater concern is the future of democratic society within which policing takes place. Policing and security in a democracy must be conceptualised within an institutional framework that meets the goals of all institutions in a democratic society (Pino & Wiatrowski 2006, p. 4). Among these goals is due process under the Rule of Law, which would require inclusion and equality. The Rule of Law simply means that all persons are equal before the law, and this should not be mistaken for 'Rule by Law', which means that the legal and justice systems of the state are used as instruments to insure political conformity (Lee 2001, p. 89). The Rule of Law principle is one of democracy's most important tenets, without which society and its police could not be deemed democratic by any means (Pino & Wiatrowski 2006, p. 83). But the Rule of Law could not function without operating with two of democracy's most important elements, which are inclusiveness as understood in Young (2002) and the equal moral worth of every citizen in relation to everyone else as derived from Habermas (2005). The ability to view all human beings as having equal moral worth enables people to regulate and constrain their own political actions and desires (Nussbaum 1996, p. 133). Indeed, it is not possible for the law to treat everyone equally, if it is not based on the idea that everyone is morally equal to everyone else, and in a democracy, that moral equality should enable every person and citizen equal opportunities to be included (or excluded by choice) in the democratic dialogue. Moral equality is part of any ethical system, including ethics management in policing. It is also the ethical basis of all human relations (Morden 2008, p. 7). Could it be possible that pluralisation in policing may have actually weakened the concept of moral equality, and so has undermined democratic society?

There is a critical relationship between democracy, including its institutions and legitimacy and policing in a democratic society (Jones 2003, p. 606). This forms part of the

broader relationship between government and society in a democracy (Gaventa 2001 & Wilson 2001 cited in Cuthill 2003, p. 376). This relationship is even more critical in societies that are still in transition to democracy, that are developing imperfect democratic systems, or societies undergoing democratisation. But democratisation is, in any event, a continuing process that does not really stop at any one point in time. Even developed liberal democratic nations are still going through the democratisation process, though at a stage different from those of developing and transitional nations (Igaya 1999, pp. 1-2). Whatever the case, policing in a democratic society, whether developed, in transition, or developing, should be based on the concept of consent, and the legitimacy and public support of policing depends upon broad public consensus (Neyroud 2003, p. 591). Furthermore, it can be argued that the development of a democratic society is highly complementary to democratic policing (Pino & Wiatrowski 2006, p. 76).

Democracy can be defined as both a form of government and a human social philosophy in which people are empowered to make final decisions on major questions of public policy as a means of achieving the greatest good, or the 'good life' for all its citizens (Coronel 1991, p. 15). It would require some form of citizen participation in the way decisions are made (Neubauer 1971, p. 238). It could also be defined as, 'a political system where people have the ability to participate directly or influence indirectly through a representative process the major decisions and institutions that affect their lives within a collectively derived framework' (Jones, Newburn & Smith 1998 cited in Pino & Wiatrowski 2006, p. 72). As a functioning social philosophy, democracy would require the combination of formal processes and institutions as well as substance and results working together to enable people, acting as citizens, to work towards a desired future (Wintrop 2000, p. 3). Thus, the criterion for such institutions is that citizens create them through a deliberative process,

and in turn, the institutions are accountable to that process. These should all be transparent and open to public review, and if these institutions carry out the functions for which they have been established, they are considered legitimate (Pino & Wiatrowski 2006, p. 72). Deliberation is what makes a mass of people citizens, or a public body, without which democracy could not be sustained (Mathews 1994, p. 111). A legitimate democratic system has to have at bare minimum, at least three essentials (Young 2002, p. 5):

➢ The Rule of Law,

➢ Civil and Political Liberties, and

➢ Free and Fair Elections.

Collier and Levisky (cited in Storm 2008, p. 216) go beyond those bare essentials and actually propose the following conceptual benchmarks for defining a democratic system:

➢ Reasonably competitive elections that are based on broad suffrage and are not characterised by massive fraud;

➢ Basic civil liberties that include the freedoms of speech, assembly and association;

➢ Elected governments that are legitimate and have effective capacity to govern and,

➢ Political, economic and social features associated with industrial development.

It is possible to point out here that Young's (2005, p. 5) bare essentials cover more ground, for they could include societies that are not economically or politically advanced, but are nevertheless democratic to a greater or lesser extent, so long as they are legitimate, which means they are, as democratic political systems, generally accepted by their citizens (Putzel 1997, p. 241). Collier and Levisky's benchmarks clearly specify a democratic society living

within an industrially developed context. Regardless of whether one accepts the bare essentials or the industrially developed version, two things are still missing from both lists. To all of these, one must add Justice and Human Rights. Democratic societies are established on the basis of human rights (Pino & Wiatrowski 2006, p. 73). Human rights, in turn, are arguably based on the concept of justice. The obligations of democratic citizenship go beyond civil and political liberties, for indeed, O'Neill (2002) argues that behind every right and liberty is a counterpart obligation. If rights and liberties could serve to empower citizens in a democratic society, then that empowerment should extend to the responsibility to further justice. Citizens have duties of justice apart from their roles as citizens (Gutman 1996, pp. 70-71). Democracy works best when people and institutions work together to do what is required for the public good (O'Neill 2002, pp. 30-32), and the furtherance of justice is without argument, a requirement for the public good. The question, therefore, is where does policing fit in all of this?

If as Newburn (2003) avers, policing is a powerful social institution, then if it is situated in a democratic society, it could be a powerful democratic social institution. If one follows Wintrop's (2000) thesis, that a complete democracy involves both democratic theory and democratic institutions working together to create substance and results in society, then policing as an institution in a democracy should combine its institutional character with substance and results. It stands to reason that democratic society would be dysfunctional if one of its most formidable institutions, the police, did not live according to democratic principles. Indeed, policing in a democracy should serve to protect that democracy and further its development. Thus, policing should serve to uphold the rule of law, for it is to the law that the police are primarily accountable (Marshall 2005, p. 625). Beyond that, policing should serve to protect and uphold citizens' civil and political rights. But above all, the core

principle of policing should revolve around the idea of protecting human rights and furthering justice, for it is in these concepts that the relationship between democratic policing and democratic society could find congruence (Alderson 1998, Palmiotto 2001, Wiatrowski 2002 cited in Pino & Wiatrowski 2006, p. 71). The police ethos, therefore, which defines police governance, should be established within these principles, if policing in a democratic society were to uphold that society's democratic principles and way of life.

It could be said that in a democratic society, every citizen and every institution is a stakeholder. Both citizens and their police hold a stake in society's future. For democracy to thrive, its stakeholders must become 'movers and shakers', not just mere consumers of democratic benefits. There is a need for every democratic stakeholder to have the means to think in creative ways to achieve the future they would want for society (Beer 1974 & Gaventa and Valderrama 1999, 2001 cited in McIntyre 2004, p. 39). The consequences for this in the design of a model for police ethics management and better governance of policing would be critical. Since police have a stake in society just as much as any other citizen and stakeholder, but perhaps with much greater responsibilities, police and other social stakeholders would have to think and work creatively together. Thus, police ethics and governance could not be treated separately from the larger governance of society. This would mean the design of a model for ethics and governance that would enable citizens and police to participate in establishing a shared future and generate a shared dialogue (Friere 1982 & Reason 2002 cited in McIntyre 2004, p. 39). This goes beyond mere consultation and the provision of information by police to the public. It would have to mean a partnership between police and citizens, who would have to see each other as morally equal human beings and as fellow stakeholders with an interest in the future of society (Elliot & Nicholls 1996, p. 6). Citizens must be, among other things, diligent and active in establishing mechanisms of

police accountability and decision making. Indeed, one determinant of the quality of a democratic society is in the examination of how accountable the police are to the public (The Rights Consortium 2005, pp. 7 & 8). Perhaps this is part of the reason behind public dissatisfaction with policing. Recent UK Home Office research has shown that the British public does not think that the police are meeting the needs of local communities. The general public is not given opportunities to participate in decisions about policing (Docking 2003, p. 2). Public confidence in policing is closely related to police attitudes and behaviour towards the public, particularly in the degree to which they respect people's rights, freedoms and dignity (Neyroud 2003, p. 578). Even so, recent research in the UK has shown that public confidence in the policing system has been lately in decline (Quinton 2003, p. 1). The nature of the police institution and its institutional culture may be a significant reason behind this failure to establish a shared dialogue with the general public. Almost universally, police culture tends to be insular and paramilitary by nature (Lewis 2007, p. 137). Worse yet, police culture and conventional thinking among ordinary citizens tend to regard people outside of the police institution as potential law breakers, while police tend to be seen almost exclusively as enforcers of the law. If one went beyond the conventional view and looked into the role of the ordinary citizen, he or she is not just a possible violator of the law, but a law enforcer as well, since it is the ordinary citizen who actually mobilises police (Reiss 1971, p. 114). Then again, conventional views and police organisational culture arguably play a role in this misunderstanding of the relationship between the citizens of a democracy and their police. Organisational (as well as institutional) culture is defined as deeply held assumptions and beliefs shared among an organisation's (or institution's) members (Schein 1985, p. 6 cited in Foster 2003, p. 197). Common and shared membership in the police organisation, as well as shared risks and dangers create a unique and insular occupational culture among

police (Reiss 1971, p. 121). As such, police culture tends to be defined by behaviour that excludes 'outsiders' (Foster 2003, p. 197). Research in Australian policing has also shown that the police institution tends to resist change, even though police reform has been an urgent political agenda among Australia's governments (Chan 1997, p. 1). Therefore, a critical requirement for more ethical police and a more democratic governance of policing necessarily includes reforming police culture (Quinton & Miller 2003, p. 7). It is not possible for a democratic society to be fully democratic if the governance of its key institutions, policing being one of them, is not done in a democratic manner.

Pino and Wiatrowski (2006, pp. 83-86) have proposed the following principles for democratic policing:

> The Rule of Law: This refers to the idea that laws and legal institutions are established through a democratic process and are used to regulate individual, systemic and organisational behaviour and resolve disputes. It also means, as stated previously by Lee (2001, p. 89), that everyone and everything is equal before the law's authority.

> Legitimacy: This refers to the concept that people and institutions exercising authority are doing so according to the defined purpose of law and social institutions. It is based on the consent of the governed.

> Transparency: This refers to the degree of visibility that government operations and activities have for the public. If citizens establish government, they have the right as stakeholders to know what that government is doing. This leads to the fourth principle, which is,

➢ Accountability: This is the assurance that institutions and persons in authority are responsible to citizens and legitimate political leadership. It also implies the extent to which such institutions and persons give outsiders (i.e. citizens and political leaders) the capacity to measure performance against declared and ascertainable criteria (Freckelton & Selby 1988, p. 2).

➢ Subordination to Civil Authority: This implies that the police will not be a law unto themselves. Making policing accountable to legitimate civil authority would mean that the police, as a social institution, would be used in the public interest.

The principles above would be essential in democratic policing, and so they should be included in any proposed model for ethics management and better governance in policing. These, and the understanding that present day democratic society is more complex and risk oriented than in previous eras of human history, is increasingly becoming more postmaterialist or postmodern, and is becoming more pluralist and diverse should make this research a challenging endeavour. Policing itself is changing according to the changing times. Any efforts towards promoting better policing should also keep this in mind.

As to the relevance of these principles to the Philippine National Police and Philippine society, it had been noted in the previous chapter that both the PNP and Philippine society have been established through the admittedly undemocratic efforts of two past colonial powers; 333 years under Spain and about half a century under the United States. Much of this colonial legacy continues in post-colonial Philippine society and its policing institutions (Abueva 1988, Constantino 1970 & 1978). Furthermore, from 1972 to 1986, there was that long interlude of dictatorship under the late Ferdinand Marcos, where the military and police had become instruments and bulwarks upholding authoritarian rule (Abueva 1988, Goodno

1991, Hernandez & Ubarra 1999 & Miranda 1985). The PNP, if it is to police a democratising Philippine society, has to have the institutional capacity to overcome its colonial and authoritarian legacies and then become a lead institution in supporting democratic governance beyond itself. This is will not be easy. Authoritarianism and colonialism leave imprints on society long after they have been overthrown because they systematically try to alter the traditional functions of important social institutions, such as the public police. The experience of authoritarianism and colonisation could threaten post-authoritarian and post colonial states, societies and institutions because the residual effects of authoritarianism and colonialism could make it difficult to revert back to pre-authoritarian and pre-colonial behaviour and structures (Casper 1995, pp. 3 & 7). If the Transparency International (2007) Global Corruption Barometer report is true in saying that Filipinos perceive the PNP to be their most corrupt public institution, and if one takes the view that police corruption (as well as social corruption) are detrimental to the process of democratisation, then perhaps there is a great deal of truth to Constantino's (1978, pp. 129, 130 & 137) assertion that corruption is not just a government or police malady, but merely part of a wider social illness; that it is the consequence of a basic defect of national life, a distorted sense of values across society; and that corruption is merely the result, at least in the Philippines, of Philippine society's colonial economy and thinking. A tolerance for corruption in Philippine society could be the result of past colonial experience, as tolerance of this kind is not merely a passive activity. It is part of the discourse of colonialism that continues well into post colonial society (Slemon 1995, pp. 49 & 51-52). Kleinig (2005, p. 596) is of the view that police corruption is just part of a wider civic corruption. Whether or not it is a function of a colonial history, he does not say. However, it is possible to imply it. Perhaps the argument regarding corruption in relation to colonialism could be made for authoritarianism as well. Authoritarianism is itself the result of

a colonial social mind set. If so, then democratising policing and society in the Philippines is not only an extremely critical issue, but a complex and difficult one as well.

2.5. Policing, Organisational Culture and Ethical Considerations

Policing, especially in a postmodern democracy and crucially in a democratising developing society, must be governed by ethical principles and practices. Better and more democratic governance of policing requires ethics management. Every person, police officers included, is constantly confronted with the need to make ethical choices, and the great responsibilities and powers involved in policing make these choices critical (La Follette 2007, p. 1). If an ethical decision is the right decision, then it is also the most practical decision in relation to personal, institutional, national and even international decision making (Myers 1991, p. 6). The question, therefore, is, what ethical principles should govern policing and, in particular, the Philippine National Police? Equally important, how could these ethical principles, once defined, be managed into the police institution?

Perhaps it is safe to say that any ethical code of conduct for policing could include both teleological and deontological principles and elements. Teleological principles, such as Utilitarianism are based on the idea that ethical decisions are evaluated based on calculating the good in terms of consequences (Preston 2007, p. 36). Policing ethics could not do away with teleological principles, because the consequences of the use of police power and discretion could have negative and undesirable results. Policing, as a profession, is pragmatic, as it involves real life situations. Abstract virtues alone may not possibly govern police behaviour and decisions adequately. The function of policing is to regulate and protect society, employing legitimate force if required (Reiner 2005, p. 675). This function, especially if it involves the use of force, no matter how legitimate it may be, places human

life and human rights and freedoms under decisive police authority. It also defines what the police profession is (Miller, Blackler & Alexandra 2006, p. 9). Policing, therefore, should be firmly grounded on the morality of consequences. But teleological principles should work hand in glove with fundamental virtues that would have to provide the final guide should the calculation of consequences fail. Thus, deontological principles of ethics, based on the idea that the good is determined by some view of what is right, or on the appreciation and fulfilment of one's duty regardless of the consequences (Preston 2007, p. 36), could still provide the fundamental ground norms of policing. Immanuel Kant's Categorical Imperative, which states, 'Act only on that maxim through which you can, at the same time, will that it should become a universal law' (Singer 1994, p. 14) is often cited as a classic example of deontological ethical principles. Kant further believed that ethics originates from the pure moral law, which human beings could apprehend, owing to the human capacity for reason (Singer 1994, p. 18). In other words, reason enables the human being to be ethical. However, ethical principles based on faith could arguably be considered deontological as well, since the basis of many ethical principles based on religious teachings is usually not based on a calculation of consequences. The oft-quoted 'Golden Rule' in the Christian bible, '...however you want people to treat you, so treat them, for this is the Law and the Prophets' (Matthew 7:12, New American Standard Bible) is remarkably similar to Kant's Categorical Imperative and is not based on computing the good based on consequences, but is taught as a moral duty, at least for those whose faith is based on this teaching. Robbins, et al (2003, pp. 150-151), writing from a business viewpoint, have proposed four ethical perspectives:

- ❖ The Utilitarian view is really the teleological perspective, in which decisions are made solely on the basis of consequences for the majority of people involved;

❖ The Rights view is based on the idea that what is ethical involves respecting and protecting individual liberties and privileges, such as the right to privacy or freedom of conscience;

❖ The Theory of Justice view involves the fair and impartial enforcement of rules, regulations and laws, which means that ethics is predicated on fairness and impartiality, and;

❖ The Integrative Social Contract Theory is based on the idea that ethical decisions should be based on both empirical and normative considerations. Since policing is arguably based on a social contract arrangement between police and citizen, this would be a good perspective to include in any police ethics management model.

Regardless of these considerations, however, it is important to first establish a basic conceptual framework of ethical doctrine for policing, and then manage them into the police institution somehow. When people begin to think systematically about practical ethical issues, this is the beginning of moral theory (La Follette 2007, p. 2). Taking from Aristotle (2000), ethics can be learned, which is what ethical thinking could develop. Moral theory or morality, which could come about when ethical thinking becomes part of the institutional or social fabric (Preston 2007), finds its link with ethics here, when such thinking becomes part of the institutional and social norm. Hopefully, if it becomes possible to manage ethics into policing, particularly into the Philippine National Police, then the expected end result could be police officers who could also be practical moral theorists as they carry out their duties. There is a need to combine the police mission, the character of a good police officer and good policing practice (Neyroud 2003, p. 584).

Neyroud and Beckly (in Neyroud 2003, p. 584) propose the following principles of policing, which could also work out as fundamental and universal principles for police ethics:

❖ Respect for personal autonomy: Derived from the ethics of duty, in policing this would include respecting the rights and the dignity of citizens and those of colleagues, and to never use people as a means to an end;

❖ Beneficence and non-malificence: (Ross 1930 cited in Neyroud 2003, p. 584) Refers to the requirement for police to help people without harming others;

❖ Justice: This principle includes respect for human rights and the enactment and enforcement of morally upright laws;

❖ Responsibility: (Mulgan 1977 cited in Neyroud 2003, p. 584) This is related to accountability, since it refers to the requirement for police to justify their actions and take personal ownership of them;

❖ Care: Police officers are interdependent with each other and with the people and communities they serve;

❖ Honesty: This is a crucial virtue that is central to policing and the authority and legitimacy of individual officers (McIntyre 1981 cited in Neyroud 2003, p. 584); and,

❖ Stewardship: This refers to the concept of trusteeship over those less powerful as well as over police powers. It is also related to keeping social trust, which is essential to any functioning society (O'Neill 2002, p. 1).

These proposed principles clearly combine deontological and teleological ethical concepts and could provide a basic framework for police ethics. Indeed, they could be found within the

codes of ethics of several police institutions. The Code of Ethics governing the UK police, for example states that honesty and integrity, fairness and impartiality, politeness and tolerance and the appropriate general conduct of officers are among the most important principles and guidelines for ethical policing (Quinton 2003, pp. 44-45).

Managing these principles into policing practice in general, and particularly of the Philippines, would be a major challenge. To get an understanding of the nature of the challenge, lessons could be drawn from a 1999 research survey regarding police officers' opinions on police misconduct in the United States. This may not be Philippine data, but certain general conclusions could be obtained. Respondents to this survey were asked to rate whether or not they agreed with certain statements about misconduct. The findings show that 98.5 percent of police officers surveyed strongly agreed that police misconduct, which is both an ethics and a governance issue in policing, could be dealt with through strict and fair discipline within police forces. 95.4 percent believed that, in addition to such discipline, the development of clear policies, regulations and professional ethical standards would improve police behaviour. Only 69.3 percent agreed that a good internal affairs system could help reduce police misconduct; 58.5 percent thought that if officers became members in professional organisations, police behaviour would improve, and interestingly, only 41.5 percent thought that citizen review boards, which are accountability mechanisms external to the police institution, are a good means of regulating police conduct (Hunter 1999, pp. 164-165).

Among Lord Scarman's findings in his report (the *Scarman Report* 1983 cited in Reiner 1992) on policing in the UK in the 1980s was that the paramilitary nature of policing strategy and organisation made it intrinsically incompatible with cooperating with the community. It stands to reason, then that the more militaristic the police, the less capable it is

of community cooperation. Lord Scarman believed that police reform required certain organisational changes in policing so that reform efforts could have an impact on the rank and file culture. He believed, further, in using low profile consultative approaches within police organisations in instituting organisational reforms (Reiner 1992, p. 256). In another study on the subject of transforming police culture, this time in Australia, Chan (1997, p. 232) found that one of the most frequently advocated models of reform for policing involves the promotion of professionalism in police work. Professionalism, offered as an alternative to the insular paramilitary occupational culture of policing, involves impartiality, accountability, specialist knowledge and ethical standards in police work (Brogden & Shearing 1993, p. 108 cited in Chan 1997, p. 232). It would mean that traditional police culture should be replaced by a professional culture (Chan 1997, p. 232). The common thread running through these findings in three different policing contexts is the idea among police officers that ethics and governance problems could be resolved through efforts and mechanisms internal to the police institution. While it could not be denied that internal police reforms are required to make ethics management and better governance possible, the exclusion of the general public, of society and its citizens as stakeholders in policing would not result into more ethical police. Internal reforms alone, arguably, could, at best, produce only partial and incomplete results. Every system has one or more functions in one or more larger and more complex systems of which it is a part (Ackoff & Pourdenhad 2001, p. 199). Policing is a system which works with and is part of the larger systems of society and state. Improving police governance is in the interest of every stakeholder in each of these systems.

Here now arises the issue of determining the ethical boundaries of policing as part of the effort to establish better police governance. The systems approach involves an understanding of the concept of boundaries, and anything that is described as a system, in this

case policing ethics as part of the governance of policing, involves describing its boundaries (Stewart 1972, p. 24). A basic assumption behind the need for better governance of policing is the issue of power, and while the subject of police power had already been dealt with earlier, the concept of power here requires a broader and deeper treatment. This could not be separated from the subject of ethical boundaries, because power and power relations are an aspect of social relations that could not be ignored when dealing with matters of governance (McIntyre 2004, p. 41). It is not surprising actually, that many recent studies involving police accountability and governance have been concerned with the social distribution of power (Jones 2003, p. 621). If in a democracy power is supposed to rest with its citizens, then it follows that police power and the relatively unsupervised discretion it carries with it to use the force of law as well as the criminal justice system and police instruments and mechanisms over human life liberty and property (Kleinig 2005, p. 597; Miller, Blackler & Alexandra 2006, p. 93), ultimately belong to the citizen. Again, this reiterates the statement already made that policing is a system that is part of a larger system, and that larger system is made up of citizens. Democratic police power then could be defined as the power of citizens to regulate themselves through the institutions of policing they establish for this purpose. Policing could actually by defined as a citizen's function and responsibility. It is an old concept in Western political thought, which refers to policing as the responsibility of every citizen to ensure the proper functioning of the polity or *polis* (Newman 1973, p. 3). But how is it possible for citizens to claim this power for themselves?

If Foucault (1980) were understood correctly, whoever rules in any society has power, since rule implies power. But this also implies knowledge. Power is so deeply intertwined with knowledge that the two are inextricably linked (Gaventa & Cornwall 2002, p. 70). This understanding of the relationship between power and knowledge is by no means new in

human history, for as far as the year 1620, Francis Bacon wrote 'Human knowledge and human power meet in one' (Williams 2006, p. 177, quoting Bacon's *Novum Organum*). Knowledge is both power over others as well as the power to define others (Foucault cited in Jackson 2000, p. 39). Therefore, power, knowledge and rule are important in the process of democratisation and democracy in relation to the question of who is able to use them to manage and determine the direction towards which society must go. Policing, if understood in this context, involves working with knowledge and police could be considered knowledge workers (Ericson & Haggerty 1997, p. 21). It is crucial, then, that the concept of police power should be broadened to go beyond the old boundary that defines it as little more than the judicial-legal capacity to arrest and detain persons or make decisions over who lives or dies. Police power could conceivably include the capacity to transform society. At the very least, democratic policing could take the lead in building and developing social relationships that are foundations for democratic principles, thus developing and strengthening democracy (Pino & Wiatrowski 2006, p. 74).

Taking from C. West Churchman (1970 cited in Midgley 2000, p. 137), the ability to determine the limits or boundaries of knowledge, and therefore power, within a system are critically important in understanding the nature of that system. The police organisation is a system and it is itself part of several other systems, including society and the state. Furthermore, while it may not be part of every other system within society, it interacts with other organisations and institutions external to it. Sometimes, policing even interacts with other systems beyond the state's political borders. 'Systems thinking' is an attempt to understand these complex relationships holistically in terms of how they are interconnected and in terms of their boundaries (Checkland & Scholes 1990, McIntyre 2004, p. 41 & Jackson 2000, p. 1). These boundaries are themselves 'social or personal constructs' that

define the limits of any knowledge being considered in an analysis. The setting of boundaries determines what knowledge is or is not pertinent, as well as the people who generate that knowledge, as these people hold the stakes in the results to which that knowledge may be put to use. Because it involves the ability to make decisions as well as having possible consequences for people who are involved, defining the boundaries of knowledge and power is an ethical matter (Midgley 2000, p.137). What ought to be done about power so that it may be exercised rightly, fairly and justly is an ethical issue at its very core. Since the police institution is one of the most powerful in society, it should be subject to ethical standards and scrutiny. Defining the boundaries of police power is not just a police responsibility. It is society's responsibility more than anything else.

Ulrich (1987, pp. 290-291) proposes twelve boundary questions that could act as guidance to any practical and systematic attempt to define ethical boundaries for policing, as well as for defining the boundaries of police power. They are:

1. Who is the actual client (or stakeholder) of the system's design?

2. What is the actual purpose of the system's design, as measured in terms of its consequences?

3. What is the system's in-built measure of success, based on a judgement of its consequences?

4. Who actually makes decisions and is able to actually change the measure of success?

5. What conditions of successful planning and implementation of the system design are under the actual control of the decision maker?

6. What is the condition of the system's environment, which are under the decision maker's control?

7. Who is involved as planner or system designer?

8. Who is acting as 'expert', what is this person's expertise and what role does this person actually play in the system's design?

9. Where do those involved find the guarantee that their planning will be successful?

10. Who among those witnessing represent the concerns of the affected, and who are those who may be affected though they may not be involved?

11. To what degree are those who are affected able to emancipate themselves from the premises and promises of the involved?

12. What world view actually underlies the system's design?

These boundary questions will be used as a guide to determine, as this study progresses, who the actual stakeholders of policing are and ought to be in the Philippines, as well as how to design a model for better police ethics and governance. They could be useful tools for analysis.

If democratic society follows its basic precept, which is that citizens are able to participate in the design, function and accountability of their institutions, then if these boundary questions are asked and require answers, the design of an ethical management and governance model for policing should include everyone who has a stake in it as an institution. This means the police could not leave the design or redesign of their institution to themselves alone. This task and the responsibility of setting the boundaries should involve citizens and

the wider society, especially in a democracy. Indeed, citizen and public participation may be a challenge for police to accept, but research has shown that there is a strong correlation between effective policing and public ownership and participation, especially at local community levels (Neyroud 2003, p. 591, 598-599). All too often, citizens feel they are not included or allowed to participate in police decision making, and that their ideas on police governance are frequently not sought (Docking 2003, p. 27). The idea behind these boundary questions is to use them in the attempt to design an inquiring system in which policing stakeholders could participate in a continuing dialogue, hopefully developing a capacity for them to think systemically in terms of their assumptions and values in the context of police governance and ethics. Decisions regarding how best to support better governance of policing and the management of its ethical boundaries would then be based on the consciousness of participants towards themselves, towards others and towards their environment. Furthermore, practical knowledge, defined as knowledge which comes from practical experience, could only be obtained through meaningful stakeholder participation, no less in policing reform as well as in any other endeavour that involves the powers of the state or its monolithic institutions. It may be all too easy for states and their institutions, such as the public police, to dismiss the values, desires, objections and wisdom of the ordinary people who frequently hold a more important stake in public decisions than they are given credit for. Dismissing such practical knowledge could mean that, when states or their institutions carry out decisions without the participation of seemingly unimportant stakeholders whose knowledge could be brought into the dialogue, this may lead to either serious policy failures or costly consequences for bad decisions (Scott 1998, pp. 6-7). Finally, it is hoped that this participatory dialogue would enable participants to think of themselves as being on the

receiving end of the possible decisions they are considering before actually making any of those decisions (McIntyre-Mills 2006, pp. 84, 85).

Managing ethics and governance in policing begins with managing the relations of power and with it, knowledge. Policing could be deemed a matter of knowledge management (Ericson & Haggerty 1997, p. 21). If this is so, then the environment of policing involves three essential constitutive interests as understood in Habermas (1984 and as cited in Guo & Sheffield 2007, pp. 616-617). These are the *technical interest,* which is concerned with 'reality in itself' and directs knowledge for predicting and controlling natural and social systems (Jackson 2000 cited in Guo & Sheffield 2007, p. 617); the *practical interest*, which is concerned with intersubjective understanding and communication (Burrel 1994 & Jackson 2000 cited in Guo & Sheffield 2007, p. 617) and the *emancipatory interest,* which aims to free people from imposed power relations over which they have little or no say (Guo & Sheffield 2007, p. 617). These tie in with Werner Ulrich's twelve boundary questions above. For example, the emancipatory interest could be taken up in the attempt to seek answers to questions 10, 11 and 12. In any case, democratic society, at the very least, is based on consensus, so the mechanisms that maintain social order are just as similarly based (Jackson 2000, p. 22). Where the distribution of power is unequal, such that one group of people is favoured over others, this consensus is not possible (McIntyre 2004, p. 41), since consensus is based on the premise that everyone has to have equal opportunities to access and use knowledge towards emancipation as understood in Habermas (1984). The group, therefore, that has a knowledge advantage over all others is in a position to deny these others the opportunities for power it could have for itself.

So, then, for ethics management and better policing governance to work, the processes leading towards these goals involve enabling the police institution to realise that, since police

are knowledge managers, they should open up institutionally to the greater public and the citizens they are supposed to be serving, so that it could realise the hope of building that intersubjective understanding beyond itself and actualise society's emancipation. Using Communicative Action (Habermas 1984 and as cited in Guo & Sheffield 2007, p, 620), it could be possible for police institutions to make themselves understood, revealing to society their hitherto hidden value systems and open the possibility for social communication and dialogue (McIntyre 2004, p. 39). In return, police could become more capable of understanding society and the many other social stakeholders of policing. Hopefully, this could enable the establishment of arrangements that would empower and constrain the police while simultaneously imposing clear limitations on its ability to influence policing in its own favour (Jones 2003, p. 606). In so doing, citizens could also be emancipated and protected from the unethical use of police power. Social communication, or discourse, is the institutional construction of knowledge which takes place within the social organisation of territories, material objects, people, rules, processes and technologies. Representational frameworks that stand for real world objects, events and processes provide the basis for shared understanding and knowledge that makes possible a capacity for action. As such, social communication conditions social organisation (Ericson & Haggerty 1997, pp. 83-85). Such social communication would also necessitate the establishment of mechanisms for discourse analysis within policing. Discourse analysis is a well developed procedure. It had its beginnings in social research to discover and analyse the subtle meanings manifested in everyday words and dialogues (Strunk 2008, p. 1). Not only could this develop police-society interactions, it may even promote better and more ethical policing within a culturally diverse society.

To enable police-citizen discourse, however, and so allow citizens to share in defining police ethics, police governance and the boundaries of these concepts, the police institution could make itself an open system within an open, diverse and complex democratic society. An open system is one which interacts and transacts with other systems, organisational and institutional in its environment and is also affected by events in that environment (Gerloff 1985, p. 23). An example of such a system is a community of practice, which is defined as groups of people who share a concern, a set of problems, or a passion about a subject or topic and who deepen their knowledge and expertise in such a topic through ongoing interaction with one another. As such, they are knowledge based social structures (Wenger, McDermott & Snyder 2002, p. 4, 5), which means they could be part of any knowledge management system. Open systems, such as communities of practice, depend on and contribute to their surrounding environment. Their interactions with other systems make them interdependent with one another. This interdependence brings with it constraints on the actions and decisions of systems, or their parts (Vickers 1983 cited in Whitman 2005, p. 312). The police institution may have to redefine itself for this to happen. But there is a greater challenge when the police institution is considered in an organisational context. The police are, after all, made up of organisations such as jurisdictions, precincts, police stations and departments. An organisation is said to be institutionalised when it begins to be governed by rules, standards and routines (Mintzberg 1979, p. 222). As systems, police organisations have already been described as bureaucratic and resistant to change. This resistance to change is part of the institution of policing, and so police organisations tend to be harder to reform, because such organisations tend to develop a culture that makes this so. Chan (1997) and Foster (2003) have found that the dangerous nature of police work could and does entrench an organisational culture in policing that is resistant to change. This organisational culture is

formed and strengthened by two factors: first, the need to survive, grow and adapt to their difficult work environment and second, the internal dynamics within police organisations that permit and enhance the daily functioning of police personnel and their ability to adapt (Schein 1993, p. 373). In this regard, police organisations could be considered as having a 'Strong Organisational Culture,' which is what happens when organisational members hold on to organisational values intensely (Robbins, et al 2003, p. 71). Even if organisational changes may have been established, the organisational culture of policing may refuse to change, and this would make police reform difficult. Police institutions would tend to have the characteristics of what Goffman (1961, p. 15) defines as the 'Total Institution.' While all institutions tend to encompass its members and to a degree set them apart from the rest of society, there are those whose encompassing tendencies are so complete that they include certain physical as well as non-physical barriers to social interactions. They are characterised as forms of concentrated power. These institutions surround their members completely so much so that they are difficult to escape from. They also produce and reproduce the normalcy of life within them even if these may seem completely abnormal to an outsider (Deleuze 1988 cited in Clegg 2006, p. 427). Goffman (1961) has used this term to describe institutions such as prisons and convents. The PNP, however, could be considered a form of total institution, as it so totally absorbs its members that it has its own institutional barriers against the wider society, especially in its organisational culture.

It would be difficult to transform the police, especially the PNP, into an open system. However, if this were attempted they would have to become learning organisations as understood in Senge (1990) to a significant degree and enable their management mechanisms to become adaptive. Adaptive Management is a systematic process for improving management policy and practice by learning the lessons of previous policies and practices.

Police organisations could acquire a culture of continuous improvement as they reflect and study previous actions and outcomes (Smith, Felderhof & Bosch 2007, p. 567-568).

Senge (1990, pp. 375-376) proposed that an organisation with a capacity to learn must have the following characteristics:

❖ *Personal Mastery:* This refers to the ability of organisational members to achieve a high degree of proficiency. If this is achieved, the results of work and effort become consistent, and learning becomes possible;

❖ *Mental Models:* These refer to internal perspectives of the world. People build assumptions or generalisations about the world and how it works. A learning organisation is able to build a collective mental model of the world among its members;

❖ *A Shared Vision:* A shared organisational mental model would result into this, which happens when an organisation is able to perceive itself as a single entity and builds a model of what it wants to become in the future, and;

❖ *Team Learning:* This shall have occurred when organisational intelligence exceeds that of its individual members, enabling it to create big results, certainly larger than those produced through individual efforts working independently. The value of organisational intelligence and institutional memory is best illustrated in what could happen without them. In their absence, organisations would repeat mistakes and lack the ability to make things happen (Hackworth & Sherman 1989, p. 574).

Thus, a learning organisation is one which has developed the capacity to learn, adapt and change (Robbins, et al 2003, p. 59). As such, it could only be carried out in group contexts,

not by individuals, since it implies that an organisation has more than one member, and it occurs when the organisation is able to acquire the know-how to carry out its collective activities. Once this capacity is achieved, it would mean that an organisation made up of people who share a history, values and experiences of group action or practice constituting organisational culture would be able to share and reflect on intersubjective meanings in their common collective practices. Furthermore, these meanings would have to be constantly modified or maintained (Cook & Yanow 1993, pp. 403, 409-410). This would mean that, if the organisation is able to cultivate a culture of learning and constant improvement so as to achieve better performance, and ethical practice and better governance are manifestations of better performance and improvement, then the organisation could be said to be under effective knowledge management (Robbins, et al 2003, p. 59). Wenger, McDermott and Snyder (2002, p. 19) propose a 'Double Knit Knowledge Organisation' as a way of linking the concept of the learning organisation with that of a community of practice. The diagram below illustrates its framework:
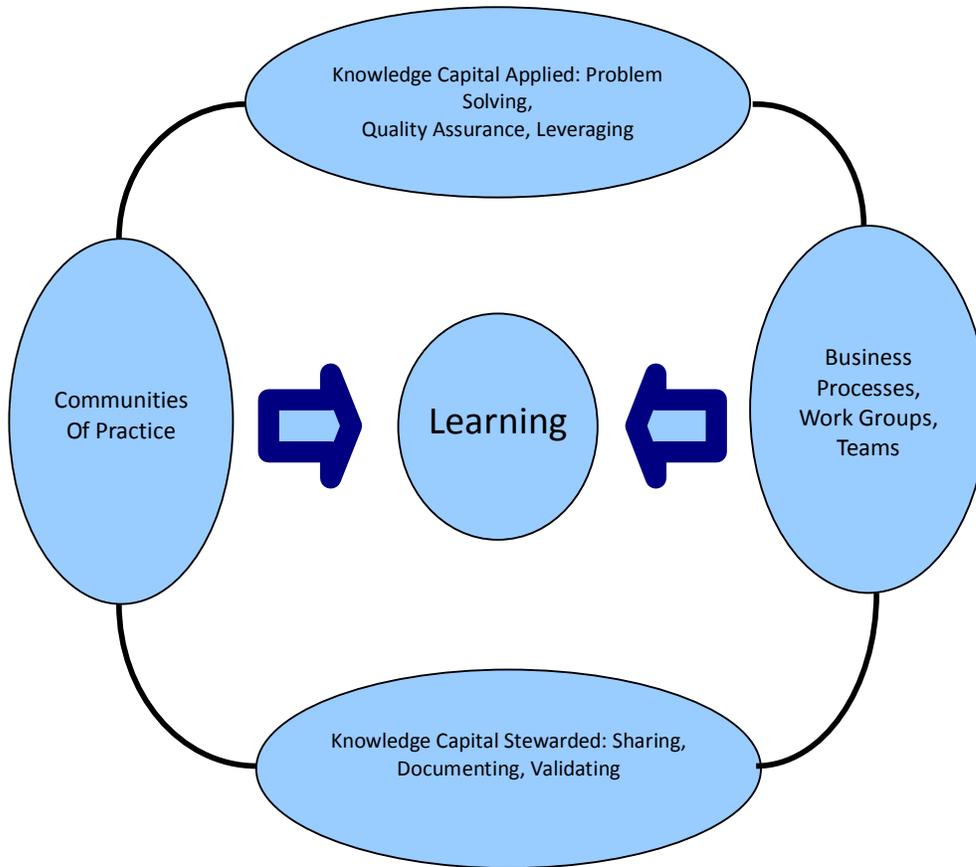
Figure 1: Double Knit Knowledge Organisation (Wenger, McDermott & Snyder 2002, p. 19)

This diagram presents the idea that learning organisations not only learn by themselves, but also within communities involving other organisations. Perhaps this framework could also be applicable to institutional settings, and policing is both organisational as well as institutional in context. This of course presupposes that the organisation is not only developing in this way within itself, but also while interacting with other organisations. Ethics can be learned, internalised and made a habit (Singer 1994, p. 17). Learning and education, after all, could be described as the transmission and internalisation of values (Schumacher 1993, p. 63). It could be possible to control the police organisationally and by extension, institutionally, and encourage desirable actions among police officers and

personnel while inhibiting undesirable ones. Ethics could thus become a function of organisational control (Hogsett 1982, p. 148) as well as a function of organisational learning. This would arguably require ethical principles and practices in all aspects of policing, including leadership and management, police training and education, operational processes (especially in the way police subsystems and subordinate organisations interact with one another and with echelons above and below them), operational techniques, accountability mechanisms, the police relationship with the communities they serve, and police organisational culture. The challenge, then is to find a way in which active citizen participation working with other factors both within the police and outside it, such as its leadership and management or its training and education for example, could combine to enable the police to become more ethical, become an open system and a learning organisation and come under better governance especially as it continues to operate in an increasingly globalising, complex and diverse society.

2.6. The PNP Ethical Doctrine

The Philippine National Police has not been operating without an ethical doctrine. Indeed, in August 1995, the PNP defined and published its police ethics in a book length manual known as, PNPM – 008 – 95: *Philippine National Police Ethical Doctrine* (Directorate for Human Resources and Doctrine Development 1995). It says very clearly in its Chapter I, Section 1; 'This manual prescribes the ethical doctrine for the Philippine National Police. Its purpose is to provide moral and ethical guidance to all PNP members.' Section 2 commands all PNP members to 'abide, adhere to and internalise' the ethical doctrine written down in it. Chapter II, Section 1 defines the PNP's core values, which are, as stated; Love of God, Respect for Authority, Selfless Love, Service for People, Sanctity of

Marriage and Respect for Women, Responsible Dominion and Stewardship over Material Things, and Truthfulness. What follows this section of Chapter II is Section 3; 'PNP Stand on Basic Issues, which includes its view of its own image as an organisation; its view of career management as the key to professionalism; its perspective on police management leadership, equality in the service, *delicadeza* (which is the Spanish derived Filipino term for 'social propriety'), political patronage and human rights. Chapter III lists and explains 15 articles defining police professional conduct in the PNP, beginning with 'Commitment to Democracy' and listing, among others; 'Commitment to Public Interest', '(Political) Non-Partisanship', 'Physical Fitness and Health' and 'Non-Solicitation of (Political) Patronage.' The next section provides seven PNP ethical standards, including; Morality, Judicious use of authority, Integrity, Justice, Humility, Orderliness and Perseverance. Each of these standards is briefly explained, and all are considered the generally accepted moral values of the PNP. What is interesting about this policy document and professional police manual is that, after having dealt with the moral, ethical and professional issues mentioned above, it goes on to define other aspects of police life, including a section on police courtesy, service customs and traditions. It even includes such sundry issues as proper table manners, manner of walking, the personal appearance of police personnel and social graces that Filipino police officers are supposed to practice (Directorate for Human Resources and Doctrine Development 1995, pp. i-ii, 1-15, 17). This, indeed, could be described as more than a police ethics publication. It is actually both a code of conduct and a manual of rules and regulations that is rather lengthy and extremely detailed. Having read through it, one finds it does not quite differentiate between moral and ethical norms that PNP officers and employees are supposed to adhere to and internalise, and the regulations of service life that could have been the subject of another manual. It is arguably too long for anyone to internalise and it does not define what ethics is,

let alone its relationship to policing in spite of the fact that it explains in detail each of the seven ethical standards that PNP personnel are supposed to live up to. Unlike similar police codes of ethics, such as those of the UK police (cited in Quinton 2003), where ethical principles that officers are expected to embody are summed up in the fewest number of pages and are within the capacity of individual police officers to read and review as frequently as they would, the PNP manual-length code is far too long to study and review within a reasonable time span. It is also safe to say that this code was issued as though it were an order or directive from higher command, and so it is unlikely that it was the product of a participatory inquiring system as understood in Ulrich (1983), Churchman (1979) and McIntyre-Mills (2006), where all stakeholders are made part of a dialogue among equals in an effort to define ethical principles and boundaries. It does not, for example, ask PNP personnel to think of themselves as though they were on the receiving end of a decision, which is part of a broader and deeper pragmatic view of ethics (McIntyre-Mills 2006, p. 85). It simply commands them to internalise and abide by the principles written out for them to follow, although this is not to say that the ethical principles written in the PNP code are not good principles. But it could be argued that principles that had been defined and put together after collective effort and dialogue among stakeholders would be easier to internalise and follow, regardless of the intrinsic merits of any principle in itself.

It is also worth noting that the performance evaluation mechanisms in the PNP do not give ethical factors the same weight in rating police performance as other factors. For instance, PNPM-DPL-DS 5-1-04, a PNP manual entitled *Police Non-Commissioned Performance Evaluation Rating (PNCOPER) System* describes and prescribes the official PNP performance evaluation system for all police personnel below the rank of Inspector (Directorate for Plans 2004, p. 1). Just like in the military, these police officers are termed

'non-commissioned', as their ranks parallel those of Army non-commissioned officers as explained in Chapter I. There are separate evaluation systems prescribed for non-uniformed PNP personnel and commissioned officers respectively. The PNCOPER system prescribes a total weight of 15 points for 'work output', 15 points for 'job knowledge', 25 points for 'work management', 25 points for 'interpersonal relationship'; which includes factors such as teamwork management, network building and motivation, 10 points for 'concern for the organisation' and a mere 10 points for 'personal qualities'; which include ethical and moral factors, such as moral uprightness, honesty, fairness and justice, responsibility, and discipline among other things. Each of these last mentioned factors, as well as the others not mentioned under 'personal qualities' merits just one point, and all ten of them make up the ten points for evaluating 'personal qualities.' This is the evaluation system for police personnel who are ranked Senior Police Officer 3 (SPO 3) and Senior Police Officer 4 (SPO 4). The lower ranks (SPO 2 on downwards) are evaluated in a similar way, but with slight differences in the assignment of points, though the moral and ethical factors under 'personal qualities' receive the same one point each (Directorate for Plans 2004, pp. 18, 40 & 62). This means, then, that superior officers evaluating their non-commissioned police personnel are expected to give only one point each for honest work, moral uprightness and the other moral and ethical factors involved in police work. The work related factors and competencies receive much higher ratings, thereby making it clear that police ethics, in spite of the provision of the PNP Code of Ethical Conduct requiring its officers and personnel to internalise and adhere to its ethical requirements and mandates, does not receive as much emphasis as it should. How could it be possible to implement police ethics and support better police governance if ethical factors receive very little weight in performance evaluations?

The PNP also has been attempting to implement various institutional and organisational reform programs in its own attempts at improving the governance of policing. It is not possible to present and describe all of these reform programs, but it may suffice to include in this thesis a brief description of some of these at a later stage.

Chapter III: Research Design and Approach

3.1. Introduction

This chapter seeks to discuss and explain the design of this study as well as the approach used to carry it out. The process and design of this study as originally planned as well as the tools that have been used to collect data are presented and explained first. There is also a paragraph that discusses an unexpected challenge that this writer had to overcome in the course of events. These changes led to the employment of an initial survey which made possible the exploration of possible research themes. These would, in turn, enable a more defined interview and collaborative inquiry discussion during the field work stage of this research.

3.2. The Research Process and Design

The first part of this process consists of an investigation into the PNP as an institution, particularly with its ethics management policies and the state of its ethical health as a policing institution from the available literature. It is hoped that at this stage, the broad problem areas in policing ethics in the PNP could be identified or diagnosed. This also includes a study of ethical principles and practices that could be of use in the PNP, particularly in view of the objective of developing a model for ethics management. As stated in the literature review (Chapter II), policing ethics could start with a definition of the particular teleological and deontological principles that would apply to policing and then establish a theoretical mechanism for their practical application. An attempt could also be made to address the issue of systemic boundaries as understood in Midgley (2000), though the final decision on these boundaries would have to be made much later into the research itself, since the decision on

where to draw them rests on the stakeholders involved as understood in Midgley (2000) and Ulrich (1983).

An important part of this secondary research is an attempt to study other policing institutions on issues of ethics management. Many problems in the PNP stem from the basic issue of colonial economy and thinking (Constantino 1978, p. 137) as discussed in the previous chapters. Other nations' police forces may actually have similar characteristics or historical experiences as the Philippines, and a look into their own approaches to dealing with their problems is important. It is hoped that by the end of this part of the study, it would be possible to construct a tentative model for ethics management as a working hypothesis that could be tested out. Eventually, it is hoped, an attempt to test out the theoretical assumptions made in the first part of the process might be carried out through extensive field work in the Philippines. The research questions written out above in the first chapter could only be answered hypothetically in part one of this research process. Concrete answers to these questions would have to be tried out in the field. This stage includes, first, a determination of the critical focus groups around which the study would work. These groups would have to include important stakeholders in policing, and so would, perhaps, comprise police personnel, ordinary citizens, and people involved in the oversight of policing. Participatory Action Research (PAR) through Collaborative Inquiry, which would be part of the last stages of this study, would require this determination before the study could push forward, as understood in Wadsworth (1998). Note that in Figure 2, this stage of the process involves a non-statistically significant initial survey of PNP personnel through a 16 point questionnaire that would be sent to the Philippines and distributed to three different police jurisdictions. Research assistants had been recruited through telephone and email six weeks prior to this. These assistants have been this writer's former academic colleagues at the University of San Carlos,

and others have been previous associates and contacts in the PNP. Their specific instructions include where and how to distribute these questionnaires as well as when and how to collect them.[1] The main reason behind this initial survey is an unexpected problem that will be described briefly in subsequent sections of this chapter, even if initially, it was not part of the overall research plan.

PAR is research methodology requiring stakeholder participation because it does not have a place for the expert. In a sense every participant in it is an expert and co-researcher, building and contributing to new knowledge drawing from lived experiences. Once focus groups are determined, they are to be invited as participants or co-researchers and issues would be discussed and defined, lived experiences would be recorded or documented, and hopefully establish a process in which lessons learned could lead to the creation of a model for police governance and ethics management (McIntyre-Mills 2006, pp. 89-90). Perhaps it needs to be said that the establishment of the process is just as important as the model building, since if the process is maintained, model building could go on into the future, relying on the idea that no result is permanent as to make it impervious to future changes. Once the preliminary survey is carried out, actual field data would have to be collected in person through semi structured interviews in the three places where the questionnaires were to be sent: Metro Manila, where PNP National Headquarters is located; PNP Region VII (Cebu Regional PNP, Cebu City and Cebu Province) and the local police station in a rural town, the Municipality of Isabel. Interview participants in all three areas consist of PNP personnel, ordinary citizens and other stakeholders involved in policing. The purpose behind this arrangement is to help this writer obtain the best possible information from three different levels of policing in order to understand how police ethics and governance are

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[1] This writer assumed all the postal and printing costs for 100 questionnaires.

understood at the national level, the regional level and the municipal level. Given that the PNP is a very large bureaucracy, the perspectives and views of senior officers and other stakeholders at the national level may vary with the views of officers and stakeholders at regional and lower levels. It may also be possible that perhaps the view of a police officer or a citizen's view of policing may be conditioned by the environment around that officer or citizen. Thus, an officer assigned to a large sprawling metropolis like Manila may have a different understanding of policing from those of colleagues assigned to a smaller city like Cebu, or a provincial police office in a rural area where insurgency and crime are both included in police operations, or perhaps a small rural police station in a rural town very far from the administrative centre in Manila. It is hoped this would provide a richness of depth upon which analysis could be based. The interview respondents include both male and female participants from both police and citizen stakeholder groups. There is also an effort, as much as possible, to interview participants from all practicable religious and cultural backgrounds and, in the case of the PNP respondents, from all possible rank levels. The diagram below shows the research process as explained:
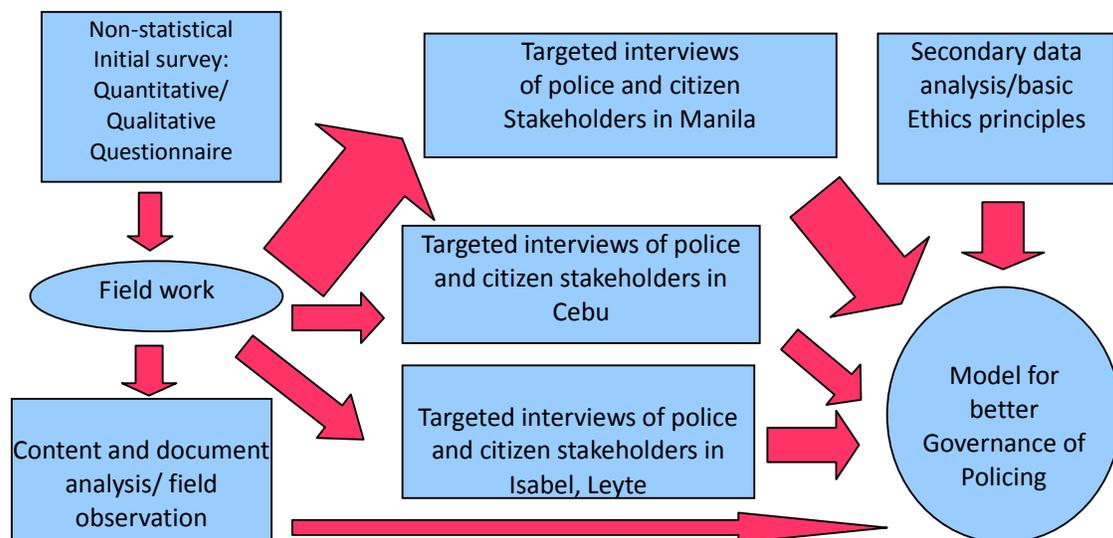
Figure 2: The Research Process

The participatory action research phase of this study follows the process illustrated in the diagram below:
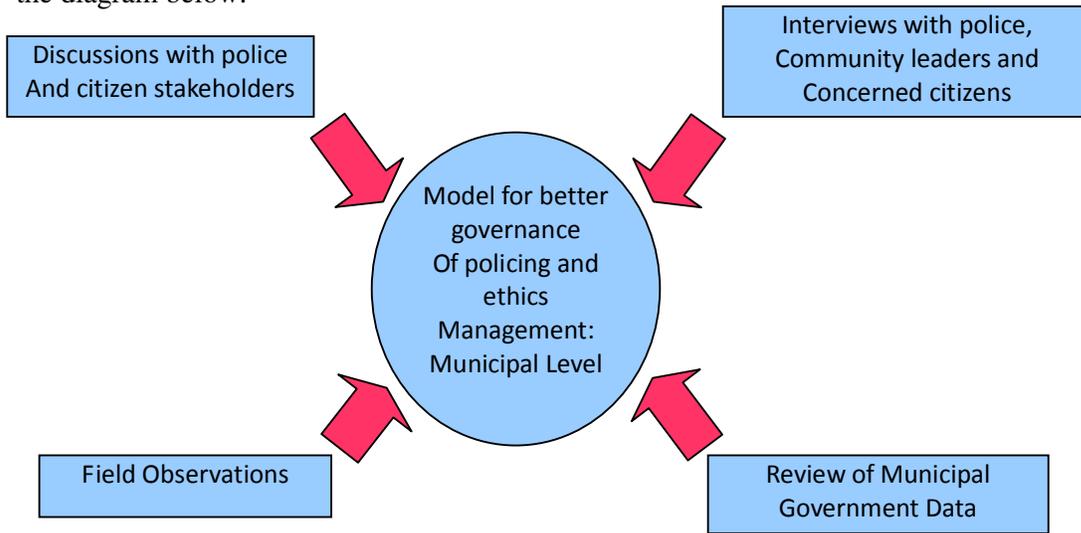
Figure 3: Research Design

It is hoped that, at the final stage of field work, a focus group discussion in the form of a collaborative inquiry could be made. A collaborative inquiry is a form of research where the participants work together to contribute to the thinking and planning that goes into the study and its results (Reason 1988 cited in Kakabadse & Kakabadse 2002, p. 340). It is a form of PAR as it involves participants as subjects and co-researchers and is based on their personal experiences as collaborators, seeking to understand and create meaning around these experiences (Kakabadse & Kakabadse 2002, p. 339). If the result shall have been the ability of policing stakeholders in the Philippines, beginning at the Municipality of Isabel, to think systemically and learn collectively enough to want to apply the process towards constantly improving policing, then it does not really matter what management or governance model is established. The idea that people could work together towards improving a social institution such as policing and learning as they do so would be enough of an accomplishment. Collaborative participation among morally equal stakeholders is the ideal state. While this study does not claim the ability to achieve this, it retains this aspiration. This collaborative

inquiry discussion is to be carried out in the Municipality of Isabel, among police officers assigned to that town's police office, and selected members of the municipal community who are stakeholders in the town's policing. The reason for this is that time constraints and limited resources preclude the conduct of similar discussions in the larger cities of Cebu and Manila.

However, there has been another reason behind the focus on the municipal level as far as the collaborative inquiry stage of the research is concerned. Time and resource constraints aside, the idea is that police reform, particularly with regard to ethics management and better governance, may be as much a bottom-up process as it is a top-down one. This is possibly crucially important. It is possible to assume that the PNP may perhaps be trying to carry out its own efforts at improving its ethics and governance. If so, it may be possible to argue further that the PNP may actually be carrying out these efforts largely through a top-down approach, which is saying that the PNP command at the highest levels is defining and determining the plans and directions for reform. As argued and stated in the review of the literature in the previous chapter, police officers see any effort towards improving ethics and governance in policing as something that should be based on processes and mechanisms internal to the police service. Thus, it may be safe to assume that the PNP thinks along the same lines. It is perhaps a good idea to explore the possibility of reform in ethics and governance as coming up from the bottom, that is, the community level where policing is at its most basic and substantial. Since the lowest organisational level of policing in the Philippines is at the municipal level, if this writer's understanding of the Philippine National Police (2008) organisational system is correct, then perhaps it is at the municipal level that the bottom-up process of improving ethics and governance could start. This collaborative inquiry could be seen as a possible prototype for the actualisation of such a process.

The main effort of this study involves organisational and institutional analyses of policing in the Philippines based on the principles of social system analysis as underlined in Checkland and Scholes (1990, p. 49), where policing roles, values and norms and the interactions among them would be dealt with in order to determine the main problems of governance and ethics management in this police institution and how they are being addressed. Wherever possible, it has been compared with case studies on policing practices in other relevant contexts and places. From there, the actual data from field research work interviews and a collaborative inquiry discussion could be integrated to form at least a tentative model for improving ethics and governance in the Philippine National Police. Perhaps it should also be said here that part of the primary data on the PNP has been drawn from primary documents when they could be obtained. These include actual copies of laws and legislation on policing and related subjects, the Constitution of the Philippines, PNP rules and regulations, relevant archived historical documents, and PNP manuals or operational doctrine. The resulting challenge has been the development of the end outcome bringing in all of the relevant findings and results for the purpose of finishing this thesis. Let it be noted, though, that the end outcome will be open to further amendments and revisions long after the completion of this study. The design of an ethics management model could be described as a process that is constantly in flux, so therefore, future research on the subject could be carried out beyond this particular work.

Perhaps it could be important to include here that this study is largely based on Checkland's (1999 cited in Holwell 2000, p. 777) 'Soft Systems Methodology.' It is primarily qualitative in its approach. Hence, following Burrell and Morgan's (cited in Jackson 2000, pp. 22-24), analysis of social theory, the interpretive nature of soft systems methodology (Holwell 2000, p. 776) makes it largely subjective in character. However, in order to include

a degree of objectivity in the study itself, hard data in the form of interviews and statistical facts would have to complement the subjective interpretations involved in soft systems approaches, even if such statistics are either secondary or non-significant or even both. After all, constructing a model for ethics management requires the use of systems as organising frameworks for thinking (Flood & Jackson 1991 and Holwell 2000, p. 777). Since policing involves many stakeholders with an interest in how well it works as a social institution, and each stakeholder has a mental model of the policing system and its purpose based on the stakeholder's understanding, experience, values and education, then there could arguably be a multiplicity of views regarding policing and its essential purpose (Smith, Felderhof & Bosch 2007, p. 568). Model building under these considerations would have to be largely interpretive since it would be difficult to fully quantify into hard data such factors as how stakeholders view the world based on their specific values. Hence, the use of qualitative methodology has been chosen because of the need to understand and interpret the meanings that policing stakeholders attribute to policing governance and ethics. Interpreting and understanding meanings is the expected outcome of a study based on Soft Systems Methodology (Holwell 2000, pp. 776-777 & Checkland & Scholes 1990, p. 1). Soft Systems Methodologies have been in use as tools in social science research to enable research participants to tackle real world problems in all their richness, allowing lessons to be learned and so make sense of complex situations. It is also fitting to use such a methodology since this research comes from a systemic perspective, which means that research participants, and by this is meant everyone involved in this study, from the PhD candidate facilitating it to the individual police and citizen stakeholders included in its processes; would have to engage the world through the use of concepts coming from their experience of the world (Checkland & Scholes 1990, pp. 5 & 23). This study is based on the hope that every participant would

eventually be able to see police governance and ethics management of the police holistically, and then be able to relate themselves to the policing system with which they have an inescapable working relationship. Hopefully, purposeful action could result from it, in the form of activities and efforts meant to promote better policing. If the police, as an organisation, are able to develop members who can think beyond their individual roles and achieve the capacity to understand their organisation in its entirety or as a whole, they shall have developed the ability to think systemically, and so hopefully understand the consequences of their actions and decisions in relation to the entire organisational system (Varona 2005, p. 17). This is learning and reflection on an organisational scale. This kind of reflection and learning establishes a critical consciousness that has a profound effect on the way people make decisions (Constantino 1970, p. 92). If it is possible to develop a learning organisation of the public police, perhaps the process of learning and thinking systemically could include the stakeholders beyond public policing and expand its boundaries to the greater society. The research process here, it is hoped, may become the basis of future processes of police governance in the Philippines and anywhere else in the world where it may be useful.

3.3. Research Tools

As indicated, this study proposes to use the interview, document analysis and the collaborative inquiry discussion as tools to collect primary data. The questionnaire, initially not included as a research instrument, has to be used to address an unexpected problem, which would be discussed later. Thus, a sample questionnaire, sample interview topics and collaborative inquiry issues could be found in the appendices of this thesis. Analyses of other primary sources such as laws or legislation, policy documents, public records and a very small sampling of historical records and publications written in the colonial era of Philippine

history, if only to fill the missing gaps of the literature and the background of the study, supplement the research tools mentioned. For example, it has been difficult to get a clear picture of what colonial era policing must have been like under the three centuries of Spanish colonial rule, and this knowledge would indubitably help in understanding the impact of colonialism on the present day PNP. Some of this information could be had at the early stages of this research, but only from secondary sources, and even these are extremely rare in Australia where this work is being written. Some primary sources, such as the Constitution of the Philippines; certain laws and policy documents relevant to the subject; the novels and writings of Dr. Jose Rizal, a Filipino patriot who wrote about life in Spanish era colonial Philippines which was era in which he spent his lifetime; and even one historical work on the Philippine Constabulary written in 1938 written by the late American writer Vic Hurley are part of this writer's personal collection. Some of these have been included in the previous chapters.

3.4. An Unexpected Problem

It may be worth a few words to spell out some of the obstacles and difficulties that this writer has had to go through to get the data needed to write this chapter and all others that follow. Perhaps in sharing this lived experience, it may help other researchers who plan on transacting with agencies and government offices in developing nations for their research to plan more appropriately. What works with straightforward efficiency in developed nations may not always be the case in developing ones. The end of 2008 saw the approval of this study's ethics clearance application with the Social and Behavioural Research Ethics Committee (SBREC) of Flinders University. During the period of this application and its approvals process, this writer had begun getting his Philippine passport renewed, as it was set to expire in March 2009. Calls and requests for assistance had been made to the Philippine

Embassy at Canberra, ACT as early as July 2008, hoping that by the time SBREC shall have rendered its decision, a valid and updated set of travel documents would be ready for field work travel to the Philippines. Unfortunately, and this is partly because this writer had forgotten just how bureaucratic the Philippine Consular Service could be, the Philippine Department of Foreign Affairs, which is in charge of all diplomatic missions and services, had mandated some time before that the Philippines was transitioning from the old handwritten passport to the newer machine readable passports. It was required, among other things, for applicants holding the old handwritten documents renewing into the new passports to have to make a personal appearance at either the Philippine Embassy at Canberra or at the Philippine Consulate General in Sydney. To add to this burden, the new passports were to have a photo of the applicant set in a royal blue background, and in Australia, where passport pictures have white backgrounds it required the purchase of a piece of royal blue cardboard to be tacked to the background wall of a photo studio in Adelaide to fulfil this demand. But the worst part of this problem was the expense of having to go to either Sydney or Canberra from Adelaide on a very small student stipend, stay there in rented accommodation for a day or two, just for the purpose of getting updated travel documents. This writer had eventually managed to secure a renewed machine readable passport, but it had been a long ordeal, to say the least. Indeed, at the point of applying, which was in November 2008, this writer was surprised to find himself at the end of a long line of at least 500 other renewal applicants and only one processing machine and around four embassy staffers doing the job extremely slowly. When all was said and done, complete with frayed nerves and little good to say, the machine readable passport took nearly eight weeks to arrive in the mail, which was in January 2009. This little misadventure put off the original plan of doing several weeks' field work in February 2009, and so everything had to be rescheduled. It was quite a good turn that

the research plan was flexible enough to be modified to suit this new set of circumstances, since at the approval of this study's ethics application, this writer immediately sent by courier 100 questionnaires in three batches for the initial survey. Ninety-nine of these questionnaires returned, and the missing one could not be accounted for in spite of so much diligent searching. However one missing questionnaire is not deemed a great loss. Thus, while the passport renewal problem was becoming a sore point, at least some data had been collected for this writer to begin some initial tentative analysis. Even so, it was at the time a fearful foreboding of the nature of bureaucratic inefficiency in the Philippine Government, since if it could happen in the consular services it may as well be the same in the Philippine National Police. In the end, however, as things turned out, bureaucracy did not completely stymie the research effort.

3.5. Preparation for Field Work: Exploring Research Themes

The problem of field work delays due to passport problems has made it necessary to include an initial survey requiring the use of questionnaires to the research process. This has been, among other things, a good way of managing time while the bureaucratic processes involved in renewing a passport dragged on. The questionnaire's 16 questions are written out such that some require little more than a multiple choice response that could be translated into quantitative data. Others ask for written explanations for answers that could elicit some brief qualitative information. This initial survey has been intended to obtain some useful preliminary information, with the idea of getting to know the research environment and its characteristics before actually conducting field work. Its results have been meant to assist in the development of subsequent relevant, helpful and appropriate interview questions, research themes and field work strategies. They have also been useful for creating a set of prompts and eliciting some initial responses to get a sense of where the 'right track' is in the progress of

this study. These responses would later become useful in establishing this study's key themes and the comparative weights of these themes for thematic purposes, guiding the construction of the interview and group discussion question schedules, and in initiating a conversation with a small number of people who are among the research respondents. That it has also managed to help continue this study right through the unexpected obstacle met during the attempt to renew this writer's passport is an additional blessing. It has been extremely helpful in getting a sense of how valid the literature review is and this writer's own lived experiences in the field as well as in filling the time while awaiting the results of the passport renewals.

The qualitative questions have become part of the themes that would be the subject of subsequent interviews. Of 100 questionnaires, 21 have been sent to uniformed officers assigned to PNP National Headquarters (PNP NHQ) in Camp Crame, Quezon City, particularly to the Directorate of Plans (DPL), the Directorate for Human Resource and Doctrine Development (DHRDD), the Directorate for Logistics, the Directorate for Comptrollership, the Directorate for Police Community Relations (DPCR), the Internal Affairs Service (IAS) and the PNP Training Service. The purpose for this is to get a preliminary indication of what the senior officers or their respective staff personnel think in terms of police ethics and governance, and so the 21 questionnaires have been distributed across these directorial staff offices (the directorates) and support units (IAS and the Training Service). It is not really possible to get a full and accurate figure of the total number of the uniformed personnel assigned to these offices, and subsequent inquiries into that matter have never been answered directly. Indeed, one superintendent assigned to one of these directorates, who had been interviewed during field work long after the initial survey, had been asked if he could give a ball-park figure as to the total personnel size of the various directorates and his reply, which is typical of the answers given by other respondents, was, 'I

can tell you that there are approximately 120,000 officers in the entire PNP, but I do not really know how many are assigned to the NHQ.' The offices and directorates themselves do not publish their personnel strengths. Indeed, in the case of the DPL, their office is protected by a heavy door with a coded electronic combination lock system, and the only way inside is to be authorised. Persons who are not part of the DPL have to identify themselves and state their business to an officer behind a two way mirror window with a small hole cut out of it on the side of that electronically locked door. A female police officer told this writer that the DPL has to have security measures like this because it keeps plenty of planning documents, many of which are confidential in nature. It is possible to argue, then, that exact personnel numbers are not a matter of public record and may even be confidential to a degree.

Twenty two questionnaires have been distributed to the uniformed officers of Regional Police Office VII (PNP RVII), in order to know what the regional level police think as compared to their colleagues at the National Headquarters level. Region VII is the Central Visayas, which is south of Manila and the National Headquarters. Cebu City is its largest urban centre and has a sizeable number of police officers assigned to it. Only 21 questionnaires have returned from Regional Police Office VII, which shows that the missing questionnaire is in this batch. The total uniformed officer population in this regional office is 6,421. It does not come as a surprise that it is possible to obtain this figure while it has not been possible to do so at the National Headquarters. The research assistant that this writer had contacted to facilitate this distribution is married to a lady who works in the International Justice Mission, which assists the PNP with training programs. A further 22 questionnaires have been distributed to the Cebu Provincial Police Office (PNP Cebu Prov.), which has a personnel strength of 1,411 officers, and it is in charge of policing in the rural provincial areas of Cebu Province. Twenty five questionnaires have been distributed to the officers of

the Cebu City Police Office (PNP Cebu City), which takes care of policing in Cebu City and has an official strength of 794 officers. The city and provincial police offices are separate and independent of each other and are both under the overall command and supervision of the regional police office (Philippine National Police 2008). Again, the purpose behind these activities is to get some inkling of what police officers at the provincial and city levels outside of Manila think.

The last 10 questionnaires have been distributed to the officers of the Isabel Municipal Police Station (PNP Isabel), which has 21 officers in all and is located in the Province of Leyte in the Eastern Visayas (Region VIII). This is meant to gauge the thinking of police officers assigned to a rural town, which is the lowest operational level in the PNP. Some municipal police stations have subordinate sub-stations known as precincts (Philippine National Police 2008). Isabel PNP has some outposts like these in parts of the town, but they are not manned full time, as there are only 21 officers assigned to police this municipality that has a population of 40,166, according to the 2000 census (Isabel Municipal Planning and Development Office 2002). Clearly there are too few police to have full time precincts.

3.6. The Interview Respondents and the Collaborative Inquiry Discussion

When the field work phase has finally been made possible, 45 respondents have been interviewed for this research and seven respondents have been gathered together for a collaborative inquiry discussion. Of the 45 respondents, 20 are PNP personnel of various ranks and assigned to various offices or units in the PNP, from a PO 1 all the way up to chief superintendent. Street level officers as well as staff officers and even one member of the Special Action Force have been respondents. Three of the PNP respondents are female, two respondents are Muslim and three are Protestants, all males. It has not been easy to find these

respondents, for indeed, the proportion of female to male officers in the PNP is deeply skewed in favour of the male gender, and the total population of Catholic officers in the PNP overwhelmingly outnumbers non-Catholic ones. A similar situation could be said for the Islamic police officers of the PNP. It has not been possible to obtain statistical figures as to the proportion of Muslim officers to non-Muslim ones, but it is perhaps safe to say that the overall proportion of Muslims in the Philippine population is reflected in a similar way in their numbers in the PNP. They are a minority. Indeed, not only are they a minority, but it is extremely difficult to distinguish a Muslim officer from one who is not, since all PNP officers wear the same basic set of uniforms. There are no special insignia or special touches that mark one group of officers from others in relation to religion or ethnicity. In a sense, therefore, the uniform of the PNP is an attempt to eliminate discrimination or distinction.

Apart from these 20 PNP officer respondents, there are 22 respondents who are not uniformed PNP personnel. Among these are two American nationals, one of whom is involved in a US Government training assistance program with the PNP, the International Criminal Investigation Training Assistance Program (ICITAP). This is described as a partnership between the PNP and the US Department of Justice in which the PNP seeks to raise its standards to internationally recognised levels (Dacles 2009, p. 21). One of the interviews in this research involves the American respondent connected with ICITAP, who has done a thorough review of the PNP Code of Ethics, describing its religious references. The other American respondent is an Evangelical pastor who has spent nearly two decades of missionary work in the Philippines, including the management of a Bible college, and is thus a good source for an outsider's view of how morals and values are inculcated into the Filipino youth. Since morality and religion seem to be heavily emphasised in the police, and perhaps even the greater society's ethics in the Philippines, this foreign pastor's views could provide a

perspective that the average Filipino may not see. There is also a non-uniformed senior level employee of the PNP (but is not a police officer) who is among these interviewees, as well as some ordinary citizens whose lives have felt the impact of policing under the PNP in some way. They include a barber who has done the tonsures of several police officers, including a previous director general; a courier who delivers messages to officers and offices in Camp Crame; a driver who has provided the transportation for this writer through Manila's dangerous streets; a retired PNP senior superintendent who had once commanded a city police office; a security supervisor managing the watchmen and security guards of a gated community; a legal firearms dealer; a gunsmith who illegally manufactures firearms; a peanut vendor; a public transport driver; a Filipino pastor involved with the PNP moral transformation program; two barangay leaders; two lawyers; a widow of a senior superintendent; an older sister of an errant PNCO; a city judicial employee; a civic action organisation leader and finally, a criminal suspect currently languishing in a city gaol. The remaining interview respondents include a very senior official of the Philippine Drug Enforcement Agency (PDEA), which is not part of the PNP but has law enforcement powers, and two members of the South Australian Police (SAPOL).

Map 1: Philippine map with research areas indicated

First Research Area: Metro Manila – PNP National Headquarters, one city police office and policing activities around Metro Manila

Second Research Area: Region VII – Regional PNP, Provincial PNP and City PNP.

Third Research Area: Region VIII: Provincial Regional Mobile Group, Isabel Municipal Police

Source: http://www.mapcruzin.com/free-philippines-maps.htm

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Chapter IV: PNP Perceptions on Ethics and Governance and Exploring Aspects of the PNP's Institutional Approach to Reform: Religion, Morality and Ethics

4.1. Introduction

Having already laid down the research plans based on the design explained in the previous chapter, this part of this thesis presents a portion of the findings that have been collected through the non-statistical survey, in which, as mentioned, research themes have been explored and developed, and the much more extensive semi structured interviews and discussions in the field. The interviews and discussions carried out during field work have provided the bulk of this study's data.

4.2. Exploring Themes and Thinking about Research Directions: Some Results of the Non-Statistically Relevant Initial Survey

The initial survey has provided this researcher with the means to encourage participants or respondents to think about the issues so as to draw out key themes that would be important in this study. To illustrate this, the first question in the questionnaire is: *'Are you aware that the Philippine National Police has a Code of Ethical Conduct?'* The table below shows the responses:

Responses	PNP NHQ	PNP RVII	PNP Cebu Prov.	PNP Cebu City	PNP Isabel	TOTALS
Yes	20	21	21	25	10	97
No	0	0	0	0	0	0
No Answer	1	0	1	0	0	2
Total	21	21	22	25	10	99

Data Table 1: Responses to Question No. 1: 'Are you aware that the Philippine National Police has a Code of Ethical Conduct? (NOTE: A questionnaire sent to PNP RVII was not returned.)

It can be surmised that, despite two respondents not answering the question, officers surveyed here are aware that their institution has a codified ethical doctrine. Indeed, subsequent interviews bear this out, as all police officers queried, from the highest ranking respondents, three chief superintendents, down to the lowest ranking Police Officer 1s (PO 1) have answered this question affirmatively. One of the chief superintendents even provided this writer a copy of the PNP's ethical doctrine manual, PNPM-0-0-8-95 *Philippine National Police Ethical Doctrine.* This is not surprising, since, as this writer has subsequently determined, this doctrinal manual is required reading for all police officers from basic training onwards. The question that comes to mind, however, is whether the knowledge that the PNP has such a code of conduct necessarily means that every police officer in the PNP leads an ethically upright professional life. Awareness of the existence of a doctrinal statement on ethics does not necessarily mean that its mandates are being carried out. The next table seems to shed some light on this, as it presents the responses to the second survey question: *'If you answered "yes" to No. 1, how strongly are ethics enforced in your view?'* The term 'strongly' here is based on the PNP's own ethical doctrine manual, which declares that 'PNP members shall adhere to high standards of morality and decency and shall set good examples for others to follow' (Directorate for Human Resource and Doctrine Development 1995, p. 16). Quinanola (1995, p. 3) argues that this should mean a Filipino police officer has to represent the highest manifestation of decorum and integrity.

Responses	PNP NHQ	PNP RVII	PNP Cebu Prov.	PNP Cebu City	PNP Isabel	TOTALS
Very Strongly	2	5	9	4	5	25
Strongly	6	11	9	12	5	43
Moderately	6	5	2	9	0	22
Weakly	7	0	0	0	0	7
No Enforcement	0	0	0	0	0	0
No Answer	0	0	2	0	0	2
TOTALS	21	21	22	25	10	99

Data Table 2: Responses to Question No. 2: 'If you answered "yes" to No. 1, how strongly are ethics enforced in your view?'

This table presents a picture seemingly showing that the requirements of the PNP ethical doctrine manual are more or less substantially being enforced strongly enough. Forty three respondents out of 99 (43.43%) seem to believe that ethics are strongly enforced in the PNP, which is 18 points higher than the 'very strongly' responses and 21 points above the 'moderately' responses. It also shows, however, that the 'very strongly' and 'moderately' categories are merely three points apart, which may suggest that more of the respondents were straddling the middle response. Subjectivity may have played a role in these responses. What one officer deems as strongly enforced may only be moderate to another, since the PNP ethical manual does not define these terms. However, what these survey questions have shown is that ethics is part of the PNP's management structures, which becomes an introduction to the first major key themes in this research: In the PNP, ethics management is deeply linked with morality and religion. As such, the PNP's ethics management methods largely focus on the use of religious mechanisms to improve individual police morality as part of the effort to improve police ethical conduct. Subsequent interview data would show some very interesting correlations with this part of the initial survey findings.

These themes are addressed by quoting certain major sections of PNPM 0-0-8-95: *Philippine National Police Ethical Doctrine* (Directorate for Human Resource and Doctrine Development 1995, pp. 4, 5 & 16):

> 'Section 1: Members of the Philippine National Police must adhere to and internalise the enduring core values of love of God, respect for authority, selfless love and service for people, sanctity of marriage and family life, responsible dominion and stewardship over material things, and truthfulness.'
>
> 'Section 2 (2.1), The Officer's Creed: I believe in God, The Supreme Being, The Great Provider, and the Creator of all men and everything dear to me.'
>
> 'Section 2 (2.4), The Officer's Creed: I believe in the sanctity of marriage and family life.'
>
> 'Section 3 (3.1) Ethical Standards: Morality – PNP members shall adhere to high standards of morality and decency and shall set good examples for others to follow. In no instance during their terms of office, among other things, shall they be involved as owners, operators, managers or investors in any house of ill-repute or illegal gambling den or other places devoted to vices, nor shall they patronise such places unless on official duty and tolerate operations of such establishments in their respective areas of responsibilities. They shall be faithful to their lawfully wedded spouses.'

These, in sum, are taken out of the PNP's own ethics literature in order to illustrate the point that ethical behaviour in the PNP is deeply intertwined with personal moral behaviour and religious faith. Before proceeding further, however, this writer has had some difficulty interpreting a portion of Section 3, Subsection 3.1 above, which states, '…nor shall they patronise such places unless on official duty…' This writer's misunderstanding of this subsection arose out of the manner in which it was phrased. Why would police officers, who are supposed to uphold high moral standards, be allowed to patronise while on official duty, places where illegal gambling and prostitution occur? One would suppose that police officers, whether on or off duty under this statement of ethical standards, should not patronise such establishments at all. This eventually was cleared up when a senior inspector from PNP Region VII provided the correct interpretation for this turn of phrase. He said that on duty, it

may be necessary at times to patronise these places in pursuit of suspects who frequently use such places to further their criminal activities, or when on duty cops have to pursue leads and conduct investigations in such places. This is especially the case for police officers assigned to plain clothes criminal investigation units.

One PNP officer interviewed, an SPO 3 who is a few years away from retirement and takes charge of a section in a large city police office, described some of the programs being undertaken in his particular police department, whose jurisdiction is in a highly urbanised metropolitan area. He states (translated from part English and part Tagalog dialogue:

> 'We have programs here in this office... uh, spiritual and moral enhancement programs. We don't like the term "Moral Recovery", because we have not yet lost our morality, so we use the term "Moral Enhancement."'

This bit of information is in reference to the 'Moral Recovery Program' that was a flagship project under the administration of President Fidel V. Ramos, whose central theme was the holistic and complete moral transformation of Philippine society, including everything from economic to social and even political and institutional reform. The PNP, among others, was included under its ambit. Its objective was no less than a grand institutional design for the entire Philippines: 'Building a People, Building a Nation' as it was termed (Licuanan 1994, pp. 35-54). The SPO 3 who made the statement above believes the term 'moral recovery' does not quite sit well with him and his fellow officers, as it implies the recovery of lost morality. He admits that police morals may have become corrupted, but not entirely lost, and so there is a need for enhancing and transforming the police officer, rather than recovering what was never lost to begin with.

In any event, this respondent goes on to describe what 'moral enhancement' means in his particular police unit:

'Every Saturday, at every precinct (in this city), we have a program called, "Moral and Spiritual Transformation", which is conducted by the PNP Chaplain Service from Camp Crame. This program consists largely of seminars and other activities related to enhancing PNP moral and spiritual values. Every first Friday (of the month) there are masses (Roman Catholic religious services) held at the central office (his police department) which the district PNP chaplains hold regularly. Every second Sunday of the month, around 100 police officers assigned to this city who have been previously selected would go around and attend church services at different churches all over the city. (Besides that) we are all required to attend regular seminars on moral and spiritual enhancement. Transforming a person morally is a gradual process.'

Note that the interview question that was asked which led to this answer was about what a particular police department is doing in relation to enforcing police ethics. The answer seems to use the word 'moral' more often than 'ethics.' There is also a heavy emphasis on the theme of religious observance. This is not only true with regard to this particular respondent. It is actually a very strong recurring theme across the spectrum of interviews and questionnaire data. Filipino police officers, and arguably Filipinos in general seem to view the ethical side by side with the moral and the religious. It also seems that, as seen in the previous table, 'strong enforcement' of ethical standards in the PNP is measured in part through compliance with these moral enhancement programs and religious activities. However, to return to the original subject, consider the Table 3 below:

Responses	PNP NHQ	PNP RVII	PNP Cebu Prov.	PNP Cebu City	PNP Isabel	TOTAL
Yes	19	14	17	23	9	82
No	0	2	0	1	0	3
Don't Know	0	2	2	1	1	6
No Answer	0	0	2	0	0	2
TOTALS	21	21	22	25	10	99

Data Table 3: Responses to Question No. 4: 'In your view, does a person's private moral life have an influence on that person's professional ethics?'

Eighty two out of 99 PNP respondents say 'yes' to the question on whether or not there is an influential relationship between a person's personal morality and that same person's professional ethical uprightness. It is also a constant and repeated response to the qualitative questions in the questionnaire and in the subsequent interviews in the field. Not only are morals strongly tied to ethical behaviour, there is also a very close and inseparable link between moral and ethical behaviour on the one hand and religious or spiritual faith and practice on the other. Consider for example this extract from the PNP Code of Ethics:

> 'Chapter IV, Section 7, Sub Section 7.1: PNP members are traditionally religious and God-loving person (sic). They attend religious services together with the members of their family' (Directorate for Human Resource and Doctrine Development 1995, p. 27).

To find this provision in that part of the PNP Code of Ethics that deals with police traditions makes religious observance and faith part of PNP institutional tradition. The fact that it is in the PNP Code of Ethics at all and has the same authority as the provisions on professionalism and the expected personal moral standards that PNP officers are supposed to uphold in the same Code of Ethics underscores this point. Among Filipinos at large and in their institutions, including the police, faith, morals and ethics are all merged together and have to be understood together. It is interesting to note that an American national who is officially involved in providing training assistance to the PNP as part of a linkage project with the US Department of Justice (see reference to ICITAP later in this chapter) and who has been giving ethics training to PNP officers has a unique perspective on the PNP Code of Ethics. This American and his colleagues have been giving all forms of specialist training to the PNP, including various aspects of law enforcement, procedures, police operations and others. He states that there is an ethics component in each of these courses, but that ethics by itself is also the sole subject of a specific course in the curriculum. Since he has been teaching police ethics to the PNP, and at the time of the interview with him, more than 400 PNP officers from

the rank of PO 1 to Police Director have gone through the ethics course alone, he has had to review in close detail the relevant PNP documents, including the PNP Code of Ethics. He states:

> 'The very definition of what is ethical varies from culture to culture. As an American, I found numerous references to God and religion (in the PNP Code of Ethics among others) as the basis for ethical behaviour in the PNP, which one would not find in an American police institution.'

As a result, this American trainer of police officers has had to 'adjust my point of view in trying to design materials for the ethics course.'

It is perhaps important to note that there seems to be little difference between what is termed 'spiritual', which may not necessarily be religious in character, and the religious, which may not necessarily be spiritual. Filipinos are a deeply religious people, and this religiosity is often tied up with both the ritualistic as well as the spiritualistic aspects of life, and then both these aspects are deeply linked to the realities of daily living and used as the lens through which people live out their lives. Political and social resistance throughout Philippine history up to present times, for example, whether directed against encroaching colonial powers or unpopular political leadership, have always had a strong religious dimension (Varona 2008, p. 9). And while the Philippines is a multi-cultural and multi-religious nation, much of the religiosity is firmly Roman Catholic. Summary findings on religious beliefs in the 2000 Census in the Philippines (International Religious Freedom report 2004 cited in the US Department of State 2009, pp. 1& 2) state the following:

- Approximately 81% of Filipinos surveyed claim membership in the Roman Catholic Church.

- Approximately 5% are Muslim, although the Muslims claim that they comprise between eight to twelve percent of the Philippine population.

- Approximately 0.08% claim to be Buddhist.

- Indigenous and other religious traditions comprise approximately 1.7% of the populace.

- Atheists, agnostics and those who did not designate a religious preference account for about 0.5%.

Much of the research into social theory and politics is done within a Roman Catholic (frequently interchanged with the term 'Christian') perspective. Consider:

> 'Christian faith shapes man's belief in a God who is the liberator of the oppressed and the defender of the poor, demanding from man faith in Him and justice towards man's neighbour' (Lesigues 1991, p. 136).

That quote above is taken from an article in a research journal that a Philippine university publishes. It would appear to be an attempt to integrate Catholic Moral Theology with social action. The article deals with what Christians should be doing as agents of social transformation, but a thorough reading of the entire work shows that the word 'Christian' as it is used, should more specifically have been 'Roman Catholic', since there is nothing in the article that comes from non-Catholic Christian sources or reflects non-Catholic doctrine. It is perhaps not surprising that there is a strong religious, and predominantly Roman Catholic, theme under consideration here. This is not to say that Filipinos are not entitled to religious freedom. The 1987 Constitution mandates this in two sections (The Constitutional Commission 1986, pp. 3, 5-6):

> 'Article II, Section 6: The separation of Church and State shall be inviolable', and

'Article III, Section 5: No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.'

Even so, it perhaps difficult to argue with the idea that in a nation where 81% of the populace profess to be Roman Catholic and most of the institutions of state and society are made up of people professing this faith, much of the religious and even moral dialogue has to be couched frequently in Roman Catholic terms. Indeed, Roman Catholic Christianity has completely absorbed Philippine society. Spain's forceful and relentless efforts at converting Filipino natives during the three centuries that it had colonised the Philippine Islands and the lack of a definite, organised and coherent native Filipino religion at the time (except for the small handful of Muslim enclaves in the islands north of the Sulu Archipelago in Mindanao) essentially meant that Spain's version of Catholicism would engulf Philippine social and political thinking and behaviour (Mahajani 1971, p. 22).

Regardless of religious denominational differences, however, while there is a definite link between morality and ethics (Cohen and Feldberg 1991, p. 24 cited in Neyroud & Beckley 2001, p. 20), one's personal morality and/or religious convictions may not always be completely in line with the ethical demands of one's profession. For instance, a doctor may believe with strong personal conviction that it is morally right for a person who asks to be allowed a humane death in circumstances of extreme pain or paralysis, when such a person believes a humane death would be a better choice than to live a less than optimum and painful life, to be allowed such a choice and be given assistance towards it. However, if that doctor is working in a hospital run by people who are opposed to it and would not allow it in their institution, or within a society whose dominant moral beliefs are opposed to such a concept, then he or she would have to abide by the ethical demands of his or her workplace or social setting. The alternative to that would be to resign from the institution or leave that

society and perform his or her professional practice elsewhere. Morality could be defined in the descriptive sense: as a code of conduct that a society or some other group of people, such as a religious one or an institution like the PNP, define for themselves and attempt to comply with. But it also could be defined normatively, which is to say that morality is a universal concept that any and all reasonable persons could apprehend and make as the basis of the behaviour of all moral agents (Stanford Encyclopaedia of Philosophy 2008, pp. 1 & 7). It is possible, then, for descriptive concepts of morality, such as the PNP Code of Ethics, to contradict the normative, though it would be ideal if the two could come together. Thus, another way of looking at the relationship between morality and ethics is this: if ethics is concerned with answering the question, 'What ought to be done?' and the question has no single categorical answer but becomes the subject of dialogue, then morality, faith and moral theology, among other things, could be considered as different points of view, or voices within this dialogue. Each point of view is part of a tradition or concept that proposes a paradigm for reflecting on the question and perhaps attempting to answer it as well (Longstaff 1995, p. 2).

Thus, the grand vista that is ethics has features in which one finds morality, religious beliefs or a combination of morals and convictions, and one's ethical environment may not always be in agreement with one's moral or religious points of view. With this in mind, however, the SPO 3 whose statements are quoted above considers the mandatory attendance of seminars on morality and spirituality and participation in masses and church services as part of the PNP's strong enforcement of police ethics. This interviewee also states in his view that the average police officer in the PNP does not always adhere to the mandates of the PNP Code of Ethics: 'There is much there (in the PNP Code of Ethics) that is not complied with.' This statement seems to imply that the enforcement of the ethical mandates of the PNP's own

ethical doctrine might not properly be considered a form of very strong enforcement. Furthermore, even if the PNP could manage to get every police officer to regularly attend seminars and church services, it does not necessarily imply that every police officer becomes an ethically upright professional or a morally upstanding person. There is, thus, a seeming contradiction here. This much, one could argue, is one of the main problems with the descriptive dimension of morality, and by extension, ethics. An institution can write out a very good code of ethical or moral conduct and try its best to get everyone to abide by it, through a system of rewards and punishments, training programs, organisational controls and injunctions and whatever else may be available to its leadership. It would not necessarily mean that it would make the institution and every individual in it morally and ethically right. The issue becomes even more problematic when the measure for compliance with ethical mandates is in the form of seminar or church attendance.

Be that as it may, it is still worth noting that there are two qualitative questions in the initial survey questionnaire in which the weight of responses very heavily centred on these themes. These are Question No. 3: *What, in your view, is the most difficult ethics problem in the PNP? Why?* and Question No. 16: *In your view, what areas of reform should the PNP prioritise in its reform programs? Why?* It is notable that 66 out of 99 questionnaires contained responses to both or either of these questions. This means that 66.67% of the respondents may have deemed these questions important enough to take the time to write out responses to them. In terms of weight as part of qualitative analysis, this would be fairly significant as part of the themes of morality and religiosity. Of these, 20 respondents answered both Questions 3 and 16. The rest answered either question only, but not both. Twenty two of these respondents actually used the term 'moral', 'moral values' or 'morality' in their responses, but there are other key words that are closely analogous to it. 'Discipline',

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'respect', 'honesty', 'character', 'dedication', 'etiquette' and 'integrity' are words that are used either on their own, or in consonance with morality and moral values. These words could be found in the answers of 33 respondents. One respondent answered Question 3 with the terms 'judicious use of authority.' Another respondent replied to Question 3 in the negative, saying that the most difficult ethics problem in the PNP is that police are engaged in 'numerous vices.' 'Vice' is a term that occurs three times in the responses given to this question. One respondent answered Question 3 with the words; 'having other families', by which is meant the propensity of certain PNP officers, in this respondent's view, towards adulterous relationships. Indeed, in the subsequent question as to why this is so, this respondent wrote; 'most (police officers) are womaniser(s).' One respondent used the word, 'impolite' to answer Question 3, which perhaps is part of the perceived problem of respect or lack of it by police towards ordinary citizens, superiors or even the institutions of the state. Two respondents wrote something about their perception of fellow officers' lack of respect for the PNP's traditions, which they think is a difficult ethics problem in the PNP. In four responses, religious themes are dominant. In terms of Question 16, similar responses to Question 3 could be found across the board. In 14 responses to this question, the words 'ethics and moral conduct', 'moral values' and variations on these terms occur, while four other respondents used the words, 'values', 'values formation', 'values training' and 'values enhancement.' One respondent used the words, 'religious programs' in answer to Question 16, while another wrote, 'being God-fearing.' It can be said, then, even on the basis of the initial survey data only, that the members of the PNP arguably place great emphasis on personal morality and religion when dealing with questions of ethics. This perhaps is enough to say that as far as PNP ethics is concerned, there is a very strong tendency to link the ethical

with the moral and religious, and this would have to be considered very strongly in the design of ethics management mechanisms for better police governance in the Philippines.

It is worth noting that the PNP ethical doctrine manual expressly requires all police units and commands to include ethics in all aspects of police operations and activities. It states in Chapter VI, Section 3:

> 'Propagation, development and adherence of this Doctrine is a command policy and its implementation thereof is a command responsibility of PNP commanders/directors at all levels' (Directorate for Human Resource and Doctrine Development 1995, p. 40).

Thus, in order to get some idea of how much ethics is part of police management, which would arguably have a significant influence on police operations, a question was included in the questionnaire: *How often are ethical matters, such as those listed down in the PNP Code of Ethical Conduct, included in your unit/organisation's conferences or meetings?* Conferences and meetings by themselves do not comprise the entirety of police management. But such a question, it is hoped, would render a glimpse into how much ethics are truly included in the PNP's management processes, at least as far as meetings and conferences go. The responses are in the table below:

Responses	PNP NHQ	PNP RVII	PNP Cebu Prov.	PNP Cebu City	PNP Isabel	TOTALS
Always Included	6	14	10	5	7	42
Often Included	2	2	9	3	2	18
Sometimes Included	10	3	2	10	1	26
Rarely Included	3	0	1	6	0	10
Not Included	0	0	0	0	0	0
No Answer	0	2	0	1	0	3
TOTALS	21	21	22	25	10	99

Data Table 4: Responses to Question No. 11: 'How often are ethical matters, such as those listed down in the PNP Code of Ethical Conduct included in your unit/organisation's conferences or meetings?

While the highest number of responses are in the 'always included' zone, note that if all the responses in the 'often included', 'sometimes included' and 'rarely included' categories were added together, they would come to a total of 54, which is a higher number than 42. It is also important to note that in two groups of respondents, namely those in the NHQ and those in Cebu City, more respondents actually ticked the 'sometimes included' category than the two higher categories. The 'always included' responses are overwhelmingly high in the Region VII police and among the police officers of the Municipality of Isabel. It is difficult at this point and based on these findings alone, to draw any conclusions. Could it be that at national headquarters level, as a retired police officer interviewee opined, ethical matters are only sometimes included in conferences and meetings because at the high command level, much of the content of meetings and conferences involves strategic and operational concerns and ethics are already assumed to be part of these matters? With regard to the Cebu City police, could it be that among city police officers, at least in Cebu City, the demands of street level policing often mean that ethics have to take second place to more important real world

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concerns, such as defeating crime at all costs? A Cebu City police officer, who was constantly repeating the plea that this researcher not identify him in any way, during an interview in a dark, out of the way setting far from prying eyes, mentioned that the Cebu City Police have always had to deal with rather dangerous criminals or other malefactors, and ethics are not as important as surviving this difficult environment. He is senior enough in rank to remember that during the height of the Communist insurgency in the Philippines in the late 1980's up to the middle of the 1990's, police have had to answer alarms and calls with drawn arms.

> '*Dong* (a term that elder people use to address young men in the Visayas Region of the Philippines; the feminine version is "day", pronounced "dai.") I remember when the NPA (New People's Army – the Communist insurgents in the Philippines) used to field urban hit squads. You remember them? They were the "Sparrow Units." They would pretend to start a fight in places like Colon Street, which would bring policemen over, and then they would shoot us police at close range when we tried to settle the fight. They would take the gun of the dead policeman to add to their stock of weapons. This is why for a long time, police in Cebu would always respond with guns already drawn.'

Apparently, the interviewee continued to say that warning shots were the rule, even if regulations forbade them. Indeed, the PNP Operational Procedures Manual clearly provides: 'The police shall not use warning shots during any police intervention' (Philippine National Police 2002, p. 2). This rule continues to have effect today as much as it did in the past. There were times when, this interviewee admits, police in Cebu City have had to carry out extra judicial executions of suspected rebels or criminals. The criminal justice process took far too long, the criminals or rebels were frequently better armed than the police, and ethics simply could not be applied, in his view, in situations where the 'enemy' (criminals and rebels) operated without any ethical or moral considerations themselves. This very short interview hidden away from the public shows several themes that will recur again and again throughout this thesis namely: Ethics and cutting procedural corners, the violation of critical regulations due to a perceived need to do so and the involvement of the PNP in internal security and

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counterinsurgency functions. This interviewee was recounting a time long past, however. He and other interview respondents have admitted that things have changed. The situation is no longer as tense, even in Cebu City. Even so, ethics are still a complex subject for the PNP.

4.3. Religion and Morality: Aspects of the PNP's Institutional Approach to Reform – Perspectives from the PNP Chaplain Service

In 18 interviews, the themes of spirituality and morality are constantly repeated. The lack or absence of morality, spirituality or both is often considered the main cause of the ethics problems in the Philippine National Police. Similarly, these ethical problems in the PNP could be addressed, according to these same respondents, if only the PNP did something to improve the average police officer's moral and spiritual fitness. It is almost always the case during interviews, however, that other themes would crop up while in conversations about morals and religion. These themes would be treated in succeeding chapters, but it is worth noting that both PNP and non-PNP respondents have been trying to link the context of morality and spirituality with some of the actual ethical problems that beset the PNP, such as corruption, institutional dysfunctions, poor leadership and others. Perhaps the best place to start in discussing this theme would be with one of the interviews at the PNP Chaplain Service. Police (and military) chaplains in the Philippines perform a role very similar to their counterparts in other nations. Baker (2009, p. xi) states that police chaplains in the English speaking world are professionals who provide specialised pastoral care and associated education to their constituents in the police service. Pastoral care could mean many things, and in the Philippines, chaplains are frequently ordained male religious leaders or clergy whose chaplaincy roles include the performance of their religious duties, such as saying mass or administering Sunday worship services, or in the case of Muslim imams, leading the faithful in prayer. It could also include the administrative side of religious clerical work, such

as the performance of baptisms, marriages, funeral services in addition to counselling and personal crisis management or assistance. The PNP Code of Ethics has this to say about the role of the PNP's chaplains in ethics management, taken from Chapter VI, Section 2, Sub Section 2.3 of PNPM 0-0-8-95 (Directorate for Human Resource and Doctrine Development 1995, p. 39):

> 'Priests/ministers/imams of the PNP Chaplain Service, while setting the example, shall actively participate in enhancing the internalisation of this (Ethical) Doctrine.'

For the most part the chaplains of the PNP perform their chaplaincy and clerical functions as though they are one and the same, and as part of their religious denominational or institutional persona. For example, the Roman Catholic priests of the PNP Chaplain Service are both ordained priests as well as commissioned PNP officers at the same time. As priests, they are bound to the Roman Catholic Church, but as police officers, they are also expected to perform their duties to the PNP. The same holds true for the Protestant and the Muslim chaplains in their respective contexts. Protestant or Evangelical chaplains are ordained ministers, and Muslim chaplains are imams. There are only 45 chaplains of three faiths (Roman Catholic, Protestant/Evangelical and Islamic) for the entire PNP throughout the Philippines. Police officers who belong to other faiths or denominations would have to seek chaplaincy type services with their respective religious institutions even if these institutions may not have people accredited to the PNP Chaplain Service. Then again PNP chaplains from all three subdivisions of the Chaplain Service have said that they would provide pastoral care to any PNP officer, regardless of religious affiliation, but they would not be able to provide certain clerical services for them, since their respective religious institutions would frequently not allow it. For example, a Roman Catholic chaplain could sit down with a non-Catholic police officer for a chat in relation to some personal problem and even dispense advice. But Catholic chaplains are usually not able to solemnise marriages,

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perform baptisms or funeral services for non-Catholics, not because the PNP has a regulation against it, but because the Roman Catholic Church's doctrine either does not allow it or makes it a complicated affair if it does allow it. For example, the teaching of the Roman Catholic Church on marriages between people of mixed faiths (i.e. one marriage applicant is Roman Catholic and the other is not), seems to show that while the Catholic Church allows it, such permission is only possible through the 'Express permission of ecclesiastical authority' as well as: 'express dispensation from this impediment (mixed faith marriage) is required' to make such a marriage valid. Indeed, the Roman Catholic Church considers it a 'tragedy of Christian disunity' within the home if Catholics marry non-Catholics (Catechism of the Catholic Church 2009, Art. 7, Par. 1634 & 1635). The experience of many Filipinos of different faiths who try to marry is that the Catholic clergy in the Philippines rarely, if ever, provide the desired dispensation. In one of this writer's lived experiences, a co-worker many years ago, who professed not to believe in God, wanted to marry a Catholic woman. But the priest who was to perform the sacrament required him to go through the sacrament of baptism first, thus becoming a Catholic, before he would agree to marry them. This colleague decided to marry his fiancée in a civil ceremony, although heavy pressure from his wife and her family, who were all Roman Catholics, eventually forced him to relent. It was with extreme and grudging reluctance that he had himself baptised in order to have a wedding in church.

Denominationalism still places boundaries between and among the Filipino faithful, and this is arguably an issue in an institution as large as the PNP, even though as a PNP administrative branch, the Chaplain Service is administered as one organisation. While it could be argued that these denominational boundaries exist only with regard to clerical functions and services, it could also be argued that in a largely Catholic nation, such boundaries could easily extend into other areas of religious faith or conviction. It may, and

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perhaps actually does pose a hindrance to managing ethics and improving governance in the PNP. Denominational boundaries in a deeply religious yet multi-cultural and multi-denominational institution could actually lock out and close certain areas that need to be opened and kept open. If openness is part of what enables an institution to become a learning institution as understood in Senge (1990); Wenger, McDermott and Snyder (2002) as well as McIntyre (2004 & 2006), then denominational divisions, which would close out certain parts of the institution to certain groups of people who are considered different in a denominational sense, would present an obstacle to openness and the sharing of values and world views. It is in this sharing of values, perspectives and experiences that enables institutional learning, and thus better ethics and better governance. This could only mean any of two possible alternatives. First, the ethics and governance framework would have to be completely secularised. But this would pose problems in a deeply religious Filipino society. The other alternative is to establish a truly meaningful, shared and open dialogue between and among faiths and philosophies, one that is completely free of prejudice and set positions. The chaplains on the Christian side of the fence have both stated that there are ongoing ecumenical dialogues between the Roman Catholic Church and the Evangelical and Protestant denominations, as well as interfaith dialogues with the Muslim side of Philippine society. Even so, in the experience of this writer, many of these ecumenical dialogues rarely amount to anything, since at the end of the day there is almost always a return to the original positions. One Evangelical seminary professor from the United States with whom this writer has had a long and lasting acquaintance in the Philippines used to say that the Roman Catholic Church still considers non-Catholic Christians as 'separated brethren' (Manges, Rev. E., personal communication, 21 June 2001). Incidentally, this writer has not met any female chaplains in the PNP Chaplain Service, even though there are female officers and non

uniformed personnel working as staff in the different chaplaincy offices. Religious regulations allowing ordination only for males seem to apply still in the PNP, at least in the three major subunits of the Chaplain Service, but the fact that women are a small minority in the PNP as a whole only highlights this issue.

In any event, in an interview with a very senior Roman Catholic Chaplain, when asked what the definitive role of a PNP chaplain is, the reply was: 'To uplift morale and guide policemen on their moral and spiritual journey to the Lord.' He adds later on in the interview, 'All ethical matters boil down to the state of a person's spirituality. Belief in the Almighty is the basis of ethical conduct.' This writer then asked about atheists or agnostics in the PNP. If this premise is correct, then because an atheist does not profess this belief in the Almighty, the atheist is, by this definition, unethical. His response was categorical:

> 'There are no atheists in the PNP. I have not heard of any in my experience. The Philippines is basically a Christian country. But even then, Muslims also believe in God.'

In a way, this reply seemed to avoid the issue. Perhaps there are no atheists in the PNP, but it still does not address the fallacy that because a person does not have a belief in the Almighty and such a belief is the basis of ethical behaviour, then it follows that such a person is automatically unethical. It is a contradiction that has never been resolved during the course of this study. Respondents either merely avoided the question or replied that they had no opinion. The rest of the interview became a discussion on Catholic Moral Theology in a nutshell, since it had become a lengthy discussion of the principles which ought to govern the behaviour of a Roman Catholic (Mortimer 1986, p. 398). To the question on how personal faith is related to one's professional ethics, the Catholic chaplain said:

> 'If you have that belief in God… a Supreme Being, then you have that relationship with God. If you say "God", then there is already that authority, and so your belief

is that you have to do good. In so doing you already have that good relationship with God… The more you are God-centred, the more you are effective and less prone to commit misdemeanours and abuses.'

Thus it is clear from this explanation that this police chaplain and ordained priest believes that faith in God is a necessary prerequisite to good ethics and professional ethical practice. When asked however, whether it is possible to be publicly religious but be privately immoral and professionally unethical, this respondent agreed that it is possible. However, that could be possibly because of a 'dysfunction in that person's religiosity.' Therefore, the Chaplain Service, in light of the PNP's efforts to reform and transform itself (of which more in later chapters), has the mission, according to this respondent:

'…to go to the inside, to the heart of every policeman. Any attempt at transformation will not be successful if it is merely external. Authentic transformation starts from the inside going outward. It can be done but it will take some time'

This conversation came to a close with this chaplain giving examples of what he and his fellow Catholic chaplains have been doing in terms of actualising this, which forms their part in the ethics management of the PNP. There are, according to this respondent, regular and frequent ecumenical spiritual enrichment seminars (recall the SPO 3 interviewed in the early part of this chapter) across the PNP and throughout the Philippines that the PNP Chaplain Service has been organising. Depending on the jurisdiction, local police commands could take advantage of these programs. Indeed, according to the SPO 3 interviewed previously, in his unit, it is compulsory for officers to attend these seminars in addition to participation in other religious activities.

The PNP Chaplain Service main office is in Camp Crame, which houses the National Headquarters of the Philippine National Police. Camp Crame is 33 hectares large situated along Epifanio de los Santos Avenue (EDSA) in Quezon City (Philippine National Police 2008). While the Chaplain Service is one organisation, its main building, which is beside the

base chapel, houses the offices of the Roman Catholic chief chaplain and the Islamic chief imam. To get to the Protestant and Evangelical chaplain's office, this entailed a long walk down a crowded avenue to a separate building approximately half a kilometre away. It had been a hot, humid day in the tropical high summer, with temperatures around 38 degrees Celsius. It was difficult not to sweat heavily while walking and worrying about how the Protestant chaplains would look upon a sweaty postgraduate student from overseas come to interview them. This writer did not know then how many chaplains there were in the Protestant and Evangelical side of the PNP Chaplain Service, let alone how they would consider a less than elegantly dressed stranger. Perhaps it should be noted here that Camp Crame has a very strict dress code for both police and civilians walking around in camp. Police officers have to be in complete uniform, which includes proper shoes, medals and decorations, trousers, uniform blouse, gun belt with holster (even if without the sidearm), polished brass and leather and correct insignia. One female officer, who comes to Camp Crame on official business at least once a week, wears her complete uniform with gun belt and holster on, but always without her sidearm. When asked why she never carried her pistol and always walked all over camp with an empty holster, she replied that whenever she goes into any of Camp Crame's offices to transact business, they always have these signs right outside their receptionists' doors or at their desks saying: 'No firearms allowed in this office', or 'Deposit all firearms here.' Apparently, to her, Camp Crame does not quite trust its own PNP officers with regard to carrying firearms. Thus, rather than having to go through the tedious process of depositing her weapon at every front desk in every office she has to visit, she had decided not to bring her pistol at all. When this writer made a more careful observation of Camp Crame's environment, it was quite true that the great majority of the officers walking around in camp did not have their side arms on, although they wore their

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prescribed gun belts with empty holsters. Those who did carry their weapons usually had the brassard and beret of the Camp Crame security unit, the camp police. With regard to civilian dress requirements, civilians in camp are required to wear long trousers as shorts are not allowed, and at least a shirt with sleeves. Thus, tank tops, thongs and similar such clothing could invite a warning and dressing down from camp police, if people wearing such things would be able to get into Camp Crame in the first place. The gate sentries are rather strict on this subject, as well as with the more serious issues of camp security. This writer was not dressed inappropriately, but the sweaty climate brought unsightly sweat smudges on this writer's polo shirt.

It also dawned on this writer why it was that the Protestant Chaplains' office happens to be in a building so far from the main office where the Roman Catholic and Muslim chaplains held court. It could have been explained away by the lack of space in the main office. Or perhaps there is still a degree of discrimination in regards to religion in the PNP. At this point, none of the respondents have intimated the existence of such discrimination, and even if the question had been posed to them, the general reply was that it did not exist. A superintendent working in police community relations said categorically:

> 'In terms of diversity (cultural and religious) there is only one standardised ethical doctrine... Most police officers follow the PNP's ethical standards...'

One can suppose by this statement the PNP considers its ethical doctrine, as expressed in its Code of Ethics manual, universal and non-discriminatory. And so, owing to this writer's haphazard appearance, it was with some unease that this writer walked into the Protestant Chaplaincy's office building to talk to a chaplain from that wing of Christianity. The interview schedule had already been pre-arranged, as was the case with all the other

interviews in Camp Crame, but one can never be sure if such preparations would still secure the desired result.

It was with much relief, then, that the lone middle-grade commissioned officer in that office seemed jovial and easygoing. He had been talking to a group of young men, exchanging pleasantries and banter while discussing some important issue with a mix of urgency and light conversation. One other police officer present, a PO 1 who was clearly acting as the receptionist, motioned for this writer to take a seat. As far as receptions go, it had been very warm and hospitable. It was later determined that these young men were actually Bible Baptist pastors who had volunteered to help out with the PNP Protestant Chaplaincy's grand project on spiritual and moral reform, which is called 'PNP-MOST' (an acronym that means: *Philippine National Police – Moral and Spiritual Transformation*). The middle-grade officer talking to them was, and still is, a senior chaplain for the Protestants and Evangelicals among the police. While the Roman Catholic chaplains had their own version of ethics management through spiritual and moral enhancement programs, the Protestant wing had its own as well, and it involves a great degree of non-police stakeholder participation. This middle ranking officer had been organising and supervising it with a very small budget and an even smaller staff. The Roman Catholic chaplain's office has a fair number of police and non-uniformed personnel assigned to it who handle the clerical and administrative aspects that the Roman Catholic chaplains require. These include the usual office functions of dealing with appointments, setting up tasks, and so forth. It also includes the processing of papers and documents for marriages, baptisms, funerals and similar activities related to Catholic sacraments. In contrast, the Protestant chaplain's office is almost totally bereft of staff. Indeed, at the time of this interview, there was only one other officer, mentioned above, in that office, acting as the receptionist and overall assistant. However, this theme regarding

the Protestant Chaplaincy's PNP-MOST program would more properly fit into the aspect of community participation in police management and reform, and so its details would have to be discussed in the appropriate chapter. At this point, whatever is relevant to the subject would be included. This protestant minister's definition of the PNP Chaplain Service's function is substantially similar to the Roman Catholic priest's statement: 'The general role of the PNP Chaplain Service is to provide moral and spiritual guidance to all PNP personnel.' Indeed, the basic foundation, to him, of police ethics and institutional transformation is the 'moral and spiritual transformation' of every individual PNP member, which is really fundamentally the same as the statements of the Roman Catholic chaplain on this subject. However, there is a subtle difference. He states,

'To me, "PNP" stands for "*Pulis ng Panginoon.*"'

'Pulis ng Panginoon' is in Tagalog, and it literally means 'God's Police', or to be more exact about the context of the statement, 'Police belonging to God', which implies the quality of possession, ownership or stewardship. It does not necessarily mean that God needs police officers to do His bidding and so God is like the PNP's operative supreme commander, but rather that the members of the PNP, the police, are under God's stewardship. This statement could be interpreted in the same way as '…one nation under God…' in the American Oath of Allegiance, as it arguably implies that the average American believes the United States is under God's stewardship. To this chaplain, he sees his role with zeal. He states:

'(The) transformation of the PNP is nothing without the basic foundation, which is Moral and Spiritual Transformation. This is why I have organised the PNP-MOST Program. I believe that God drives the transformation of the PNP.'

And he has been pursuing the PNP-MOST program with a single minded dedication. Still, however, the basis of what is ethical and moral is entrenched in religious terms. In this, the

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Protestant and Catholic chaplains have much in common. In the view of a Filipino Catholic priest who writes a regularly syndicated column in several Philippine national and local newspapers, ethics is essentially an act of faith. And faith has to be lived out if a professing Christian, (both Catholic and Protestant, although in this instance, the reference is towards Catholics), wants to live a life consistent with being a child of God (Cimagala 2009, p. 5). Both Roman Catholic and Protestant Theology have much in common on the subject of faith, morality and ethics. The Protestant Theologian John Calvin wrote that the human mind has an instinctive awareness of the divine, as God Himself has placed in the human essence a certain understanding of Him (Calvin 1960, p. 43). Upon this knowledge is the desire to be like the divine, hence, a desire to be good or morally upright. On the Roman Catholic side, there is St. Thomas Aquinas, who wrote that as God governs the world and the human individual, He enables the human mind to know what is good then provides the will towards that good (The Internet Encyclopaedia of Philosophy 2009, p. 3). Aquinas (2006, p. 61) himself believed that the beginning of an ethical life (a purified heart) is faith. If this faith is perfected through love (or charity), the person is thus perfected morally and then ethically.

Ethics is managed in the PNP in part through its chaplains, whose approach is deontological and virtue-based. After all, virtue can be learned. Moral virtue, on which ethics is based, is perfected through habitual practice. Ethics, after all comes from the Greek word for 'habit' (Ethos). Intellectual virtue, on which is based the rational foundation of ethical practice, grows through teaching (Aristotle 2000, p. 13). It is thus part of the mission of the PNP Chaplain Service to teach ethics and help PNP personnel get habituated to the ethical way through the use of mechanisms that could bring this about. One application of this approach is the PNP's use of moral and spiritual enhancement programs as a counselling tool for police officers suffering from stress because of personal, family or work related problems.

The Northern Police District (NPD) is one of Metro Manila's largest police commands, a jurisdiction that covers most of the metropolitan area's northern cities and towns (Caloocan City, Malabon, Navotas and Valenzuela) except Quezon City, which is its own police district. NPD have been networking with pastors of mostly Evangelical and Protestant denominations for them to offer counselling services to NPD officers, believing that police personnel could more easily relate to these ministers, who are presumed to be qualified counsellors. This is part of the NPD's proactive intervention to help troubled police officers, hoping that such an effort would make the PNP in general and the NPD in particular a more capable, credible and effective police service. It is all part of the PNP's existing grand strategy for institutional transformation, the Integrated Transformation Program (Laude 2009 p. 7), of which more will be discussed in succeeding chapters. Furthermore, this writer has been provided by a senior commissioned officer of the PNP with a copy of a briefing paper that had been used at a PNP command conference to present the idea of using Rick Warren's (2002) book, *The Purpose Driven Life* as the main material for seminars in moral and spiritual renewal. This book, authored by an Evangelical Christian writer, proposes a series of activities, meditations, exercises and readings over a period of 40 days which, if followed, could lead to a more spiritually fulfilled and morally upright life based on an Evangelical Christian perspective. It is supposed to guide people who follow its 40-day spiritual journey to understand their life's purpose as God defines it (Warren 2002, p. 9). Under the PNP's Integrated Transformation Program, where there is a moral aspect to improving policing, it had been renamed *The Purpose Driven Pulis* (Program Management Office 2008, p. 12), although it is not certain whether the PNP secured the author's permission to alter the title. Whatever the case, the basic foundation behind it all is the Judeo-Christian concept that there is an essential relationship between faith and moral and ethical experience, as every action is either an

acceptance or a rejection of God and His grace (Lesigues 1991, pp. 139, 141). Be that as it may, it is being proposed, and at this time of writing, several pastors involved with the PNP-MOST program have actually started using it as their basic seminar text, to use a modified and retitled version of Warren's (2002) book based on a clearly religious and spiritual theme to enable better ethics management in the PNP. As it stands, this is part of how ethics is managed among the Christian personnel of the PNP through religious values and mechanisms.

The interview with two Muslims, one a PO 1 who is a newly recruited and trained police officer and also new to the Islamic faith, and the other, a senior imam in the PNP Chaplain Service offers a glimpse into one of the non-Christian communities in this institution and how it sees ethics. While the religious framework may be different, the approach to ethics and its understanding of the ethical character is really quite similar to the Roman Catholic and Protestant view. It became a lesson on the Islamic faith for this writer who is neither Muslim, nor thoroughly familiar with its teachings. As a result of these interviews this writer learned and understood the Muslim religious faith as being profoundly based on a straightforward Theology: Do you best to be good before God (Allah), and God will reward you. The Muslim Imam of the PNP even mentioned something quite akin to the Christian Golden Rule, which is mentioned in the Holy Bible in Matthew 7:12. The Imam said, 'Good begets goodness and evil begets evil.' This is said to be a teaching out of the Muslim Holy Quran.

It is worth noting that Islam had been established in the Philippines well before Roman Catholicism or Evangelical and Protestant Christianity. That the vast majority of Filipinos do not understand much about Islam is arguably part of the reason behind the

existing conflicts between the Islamic and non-Islamic communities in the southern Philippine island of Mindanao. History records that the Muslim Sultanate of Sulu (in Southern Mindanao) had been established about 1450, and by the time of Spain's first attempt to colonise the Philippines in 1521, under the ill-fated Ferdinand Magellan, this Muslim kingdom had already been firmly in place for 71 years. There had even been Muslim inroads into the central and northern regions of the Philippine Islands. By the time of Spain's more successful colonial expedition to the Philippines in 1565 under Miguel Lopez de Legaspi, the Sultanate of Sulu had been in existence for more than a century. It had already developed a strong political state and an independent worldview. Spain's colonial policy of subjugating and baptising Muslims into Roman Catholicism brought about the Moro Wars. The present conflict in Mindanao between the Muslim Moro Islamic Liberation Front (MILF) and the Philippine Government is actually a continuation and an extension of the first Muslim resistance against colonial Spain (Abubakar 2005, pp. 51-52). Javellana (1998, p. 82) writes that at the time of Legaspi's arrival, several Muslim communities had already been existing in several coastal areas and had even established port cities in other parts of the Philippine Islands. George (1980, p. 19) writes that in the case of the Sultanate of Sulu in particular, it had been engaging in trade with places as far as China and Morocco and its capital, Jolo, had become a rich and important city well before the arrival of the Spaniards. However, these historians also say that Islamic faith had not yet sunk deep enough roots in all the other regions in the Philippine Archipelago to resist Roman Catholicism when Spain did arrive, in spite of efforts, albeit without centralised management, of Arab and Southeast Asian Muslim traders to convert Filipino natives into the Islamic faith (Mahajani 1971, p. 19). Be that as it may Philippine history bears out that while Muslim settlements in Luzon and the Visayas did fall to Spain's colonial conquerors, the Sultanate of Sulu resisted Spanish control and

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succeeded to the extent that while Sulu might have come under contested Spanish control territorially, the Muslims of Sulu themselves generally kept their religion and their identity largely as a result of this resistance, which in many cases, was so fierce that they were some of the worst bloodbaths in the history of the colonial era in the Philippines (George 1980, p. 21 & 41). Hence, while the Muslim kingdom of Manila in Luzon fell to the might of Spanish arms and was razed to the ground in 1570 (Agoncillo 1970, p. 66), the Muslim settlements in Mindanao, particularly that of Sulu, while eventually brought under nominal Spanish colonisation, resisted and remained largely intact in terms of religion and consciousness. Sulu and the parts of Mindanao that are adjacent to it figure very strongly in the Filipino Muslims' cultural world view.

The interview began at the Salaam Centre inside Camp Crame, which serves as a mosque of a kind and a meeting place for Muslims inside the Camp, both police or otherwise. This is where this Muslim PO 1 provided this writer with a snapshot of what Islam is in relation to policing and police ethics. At first, this young officer was reluctant to discuss anything with this writer, admitting that since he is still new to the Muslim faith, he may not have the requisite knowledge to say anything sensible and true. This writer convinced him that all that was needed were his views and opinions regarding what police ethics is in relation to his faith as far as he knew it. Eventually, a warm rapport was achieved, and this young Muslim officer began by saying how happy he was that his faith is now being recognised as a legitimate religion in the PNP and in greater Philippine society. Translating from Tagalog, he states:

> 'People are now gradually beginning to understand what Islam is as a religion gradually (sic). People's minds are beginning to open, and their eyes are starting to see what our faith is all about.'

He goes on to say that Islamic values do not go against the principles of good policing.

'As a Muslim policeman, I try to explain my faith by example while doing police work. I believe we should (*Dapat siguro* in his words using Tagalog), we should follow Divine Law to guide our conduct. If you are a cop, if you live according to the Prophet's teachings, you can consider yourself a hundred percent among the very best of police officers. Good conduct as a police officer is inseparable from obedience to the tenets of one's religion… If you are truly faithful as a Muslim, you are also a truly good police officer, but if you do not follow your faith, you lose direction.'

It is important to note here that the Tagalog words, *Dapat siguro* are part of this interviewee's reply. In the Tagalog language, *Dapat* is a word that implies an absolute sense of propriety and appropriateness. In it is combined the English concepts of 'ought' and 'should.' It also means that any departure from what is *dapat* or what ought to be is completely and thoroughly wrong, immoral and unacceptable. *Siguro* is a word used in Tagalog, but is derived from the Spanish word 'seguro' which could mean 'sure', 'certain' or 'secure' (Merriam Webster Spanish-English, English-Spanish Dictionary 1974, p. 415). However, in Tagalog, to add the word *siguro* to a word like *dapat* qualifies the first word. Tagalogs use *Siguro* when the speaker is not categorically sure of what he or she says. It could imply a fair amount of certainty without being completely sure of it, or on the other extreme, it could also mean that the person is not sure at all. It depends on how the words are spoken or delivered. If spoken in a tone of certainty, then *siguro* implies that it is more or less true or certain, albeit leaving room for some doubt. If it is said in a wavering tone, then the doubt is of a far higher probability than the certainty. In this particular conversation, there is far less doubt, given that this officer said it in very clear and definite tones, although his initial admission of being new to the faith, to him, means that he is not qualified to give a categorical statement on the subject. This is reflected in the fact that, as the conversation went on, he had a difficult time explaining how the five pillars of Islam actually link up with police ethics, particularly what is found in the PNP Ethical Doctrine/Code of Ethical Conduct. He did say:

> 'One's submission to the will of Allah, praise be unto him, should be reflected in one's conduct. One should be moved to do one's best, as Allah, praise be unto him would demand no less.'

Every time this officer mentioned Allah, he always added an Arabic statement after it, which, as the PNP Muslim imam would explain to this writer later, actually means, 'praise be unto him.' Apparently, it is a devout Muslim's practice to praise God every time his name is mentioned or invoked, and to say 'praise be unto him' every time the prophet Mohammed's name comes up in one's speech. To this new police officer and convert into Islam, the link between faith and practice is straightforward. If one is a good and faithful Muslim, it follows that one is also an ethical and professional police officer. This statement arguably applies to all other professions as far as Muslims are concerned. A true relationship with God, whether from the Christian or Muslim perspective, should translate into a morally upright and ethically correct life. For the Muslim in particular, there is little difference between religious observance and ethical living. Islam is rich in religious literature regarding the subject of ethics. Indeed, it had been found that much of what is written about what is ethical in Islam is almost entirely found in Islamic religious writings (Cook 2000, p.495).

The succeeding interview with a more senior police officer and a long serving imam in the PNP Chaplain Service was, similar to the conversation with the Roman Catholic chaplain, a lesson in moral theology, this time from a Muslim point of view. The bulk of his discourse dealt with the Five Pillars of Islam and how these are part of the personal, social and organisational ethics of a Muslim, especially Muslim police officers. According to this imam:

> 'The very foundation of ethics is Islamic teaching, which is really about good manners and right conduct. It also tells Muslims how to distinguish right from wrong. The Quran tells Muslims these things and teaches them. It is the ethical doctrine for Muslims, teaching them care, love, responsibility, humility and what

morality means... The Quran is exacting in its rules of behaviour and conduct from the private to the public life of a person.'

One thing stands out very clearly in this response. The Muslim, including those in the police service, is expected to conform very closely to the teachings of the Islamic equivalent of the Christian Holy Bible, their Holy Quran. Indeed, there is, according to the imam, a system of rewards and punishments for good and evil deeds respectively in the Holy Quran, and a devout Muslim police officer should take care to heed these. If a Muslim police officer is able to mete out temporary rewards and punishments in the worldly realm, and everything in this world is merely temporary, then it would be difficult to imagine what the rewards and punishments would be in the next life, where things are eternal. If a Muslim did something evil in this temporary world, the punishment here would be merely temporary as well, but in the eternal realms, the punishments would be for an eternity. Muslims serving as police are expected to be more ethical than the average Muslim, as they carry moral responsibilities that bear a heavier moral weight. Islam as a faith and as a religious system does not really allow worldly or secular affairs to come under the management of secular or worldly overseers. It has very strict and even rigid mandates with regard to what the faithful may and may not do, and this extends to how wealth may be obtained and used, how the state may collect and use taxation, how contracts are drawn and concluded, the punishment of crimes, the waging of wars and the governance of communities and institutions (George 1980, p. 21). Islam is an example of a religion where the religion itself is morality, and thus its ethical system as well. Most Christian denominations arguably think of morality as part of the Christian religion, not religion as morality (Mitchell 1986, p. 400). T. E. Lawrence (1922, p. 10), in describing the culture and religion of the Bedouin Arabs he had worked with in the First World War could probably have been describing the essence of Islam as a religion where: 'There is only truth or untruth, belief or unbelief without our hesitating retinue of finer shades.' This is especially

true for Muslims in the police. Islam's mandates should govern very strictly the ethics and conduct of a Muslim officer. It would be interesting to ask, however, what would happen if a Muslim officer, behaving as a good Muslim should, comes across a rule or regulation, or perhaps a requirement under the police code of conduct that contradicts his or her Islamic rules of conduct. Would such an officer follow the Islamic mandate, or the secular regulation? The imam conceded that this would be a difficult issue, but a Muslim generally believes that Islam's strictures and laws prevail over worldly rules and regulations. The imam did hasten to add:

> '...but the PNP Code of Ethics does not go against the teachings of Islam. In fact Muslims were part of the committee that drafted it.'

The imam then went on to explain how the five pillars of Islam and the Islamic articles of faith are related to police ethical conduct. For purposes of this study, only the five pillars would be dealt with. The first pillar, according to the imam in this interview is the Profession of Faith, in which the Muslim affirms, 'There is no god but Allah and Mohammed is his Prophet.' This affirmation of faith is an expression of a Muslim's acceptance that the will of Allah, revealed through the Prophet, rules his or her life and its conduct. A Muslim police officer then affirms that, above his or her profession as a law enforcer and the institution of the police in which he or she serves, in the words of the imam, 'There is a higher, divine authority to which the Muslim officer must obey and submit.' The second pillar is that which requires all Muslims to pray five times a day. The imam calls this *Salah,* and in his explanation, it develops the qualities of obedience, unity and respect. In the last mentioned, a better word would probably be 'reverence', since in the course of the conversation prayer is more of an act of reverence to Allah. If a Muslim officer adheres to this pillar diligently, he or she, '...becomes part of the unity that binds all Muslims, demonstrates obedience to the faith and respect (reverence) for Allah.' However, this

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reverence to deity should translate into respect for fellow human beings. The imam notes that for the PNP's ethical doctrine to work, respect is 'the most important of values to strengthen.' Note that in the initial survey, the word 'respect', or the lack of it is mentioned four times among the responses. At least four other respondents believe that the lack of respect towards non-police persons is a critical ethics problem in the PNP. Thus, the imam explained that if a police officer lives a life that includes and prioritises reverence for God, this would develop the character of respect. Obedience is apparently another police virtue that Islam could develop with this pillar. The police officer has to be obedient to the law if he or she is to enforce this obedience in other people. The third pillar is that which requires Muslims to give alms generously and regularly, which is called *Zakat*. If one of the doctrinal core values that the PNP Ethical Doctrine is 'responsible dominion and stewardship over material things' (Directorate for Human Resource and Doctrine Development 1995, p. 4), then this pillar is supposed to reinforce this. Muslims are expected to 'share their wealth with fellow Muslims.' The pillar that calls for fasting for 40 days is called *Ramadan,* and this develops the qualities of mercy and discipline. The PNP puts a premium on discipline, which the PNP Ethical Doctrine Manual defines as an institutional tradition: (Directorate for Human Resource and Doctrine Development 1995, p. 28):

> 'The discipline of PNP members is manifested by instinctive obedience to lawful orders and thorough and spontaneous actions towards attainment of organisational objectives guided by moral, ethical and legal norms.'

Discipline here is equated with instinctive obedience to lawful orders, which creates a problem by its very definition. Instinct arguably does not include reason, but to obey a lawful order would require a significant degree of reasoning. If it is to be 'guided by moral, ethical and legal norms' then discipline has to go beyond mere instinctive obedience. Morality, ethics

and law could not be understood without reason, as understood in Kant (cited in Singer 1994, p. 18).

There is a view towards improving ethics among PNP officers through discipline, and it comes from a secular source rather than a chaplain. One interviewee, an officer from the Directorate for Police-Community Relations states firmly that:

> 'When it comes to the management of the ethical conduct of personnel, the first thing needed is, uh, discipline. This is in addition to professionalism. Discipline is the key to an ethical PNP. After discipline comes their (meaning PNP personnel) well being. The PNP has standardised its disciplinary standards. They should transcend ethnic boundaries.'

Discipline is a theme that has been rather common in the initial survey, where 17 responses identified discipline, or the lack of it, as the answer to Question 3 of the initial survey questionnaire. Seventeen PNP respondents therefore thought that discipline issues were the most critical ethics problem in the PNP. Eight of these respondents went on to say that, in answering Question 17, improving police discipline through the enforcement of penalties for disciplinary infractions, a more consistent application of disciplinary standards, the setting of examples by PNP leaders and the inclusion of discipline in ethics and moral conduct programs would resolve the ethics problems of the PNP. There is validity in this view, as discipline is important in any organisation, perhaps more so in military and paramilitary ones such as the police. Discipline is also, arguably, part of moral fitness. However, the view of many respondents that discipline and the virtue approach are all that are needed to deal with ethics issues in the PNP shows that these respondents look at ethics management and police governance as issues that the PNP alone could deal with on its own. It is interesting to note that lack of discipline is an important theme among police respondents in the initial survey, but in the actual interviews in the field, very few police officers mentioned this as an issue, other than the officer whose response is mentioned above. However, it is notable that the

citizen respondents who are not PNP members highlighted this and repeatedly mentioned it in their conversations with this writer. Among the PNP interviewees, the imam mentions *Ramadan* as an Islamic religious pillar and explains how it could enable Muslim officers to develop discipline relevant to the police profession by starting out as disciplined individual persons.

Mercy would also be a good quality for a police officer, especially in the face of the difficult realities of police work. The pilgrimage to Mecca, or the *Hajj,* is supposed to develop the idea that all Muslims are equal before Allah, which is what the white robes that pilgrims wear in the holy city are supposed to symbolise. Every Muslim is expected to make this pilgrimage at least once in a lifetime. The imam states, 'All of us in the PNP wear the same uniform, which means we are all equal.' This pillar is supposed to develop a humble character in the believer, and if the Muslim is a police officer, humility would not be a bad personal and professional quality. It is interesting to note that this chaplain, more than his two colleagues in the Catholic and Protestant departments of the Chaplain Service, stressed this important insight:

> 'Police ethics is not religion specific. Good values encompass all religious beliefs. There are, as well, such things as universal ethical principles that encompass all religious systems. (For this reason) I would extend my services as chaplain to everyone, Muslim or not even if my primary responsibility is towards the Muslim officers of the PNP.'

It is also worth noting that none of the chaplains, nor any of the other interview respondents for that matter, have expressed the view that moral and ethical decisions may actually be based on perceptions, followed by gradual moral reasoning after the fact. This is the foundation of the Social Intuitionist Model of moral judgement (Haidt 2001, p. 817). In this view, reasoning comes after the intuitive moral 'feel' that all persons are supposed to possess. The respondents in this study have not expressed any opinions or perspectives in this

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direction. It may be safe to say that the respondents here do not think morality and ethics are part of human intuition rather than of faith and reason.

Here, then, on the one hand is the view that personal morality problems, including the lack of discipline, comprise the most difficult ethics issues in the PNP because they are the most prevalent and common problems. On the other hand, the worst ethical issues are those which involve the use of police powers and capabilities for extra-judicial executions that short-circuit the normal criminal justice process. Is it possible that there is a link between these two forms of unethical conduct? Could it be that there is discord in the individual, social and institutional dimensions of ethics and moral conduct? This is possible, since it could already be tentatively understood that, despite the strong religious and institutional mandates in the PNP towards better ethical behaviour among individual police officers, the problem of unethical conduct and personal moral indiscretions continue to exist in the police service. If one were to return to the descriptive and normative dimensions of defining morality (and ethics in which morality is part), then perhaps it is possible to understand this question better. It may be possible to employ mechanisms of better governance to establish a normative ethics framework in the PNP which could be understood, owned and adhered to by all reasoning human beings, particularly those who compose the police institution and the members of society in which policing is an inseparable part. In any event, one of the responses of the American respondent who is involved in the ICITAP perhaps underscores the crux of the matter:

> 'There is nothing wrong with the PNP Ethical Doctrine on paper. It is even far more developed than similar doctrines in other countries. The issue is not what is on paper, but that something is probably lost between what's on paper and what happens on the street.'

It may be that the value of a code of ethics could be debated, but in the end, they do say explicitly what are and what are not acceptable forms of behaviour. If a code of ethics is supported within an institution like the PNP with appropriate training, education, human resource development programs, institutional incentives and penalties, then within the institution there is a possibility that its members may internalise its principles (Mills 2003, p. 333). But this internal support should also be complemented by the wider support and participation of the greater society outside the institution.

From these interviews and studies, it is possible at this point to arrive at some tentative conclusions in so far as religious faith, morality and police ethics are related in the PNP's view of what is ethical. First of all, it is quite difficult to separate Moral Theology, whether Catholic, Protestant or even Islamic from ethics in both the Philippine National Police and in the wider Filipino society. This is reflected in the many references to religion that is contained in the PNP's own official ethical doctrine. This is arguably due to the religious nature of Filipino society and consciousness, the historical roots of which could perhaps be traced to pre-colonial times, right through the periods of foreign colonisation. Agoncillo (1970, pp. 23-24) writes that even before the entry of Islam and then the Spanish colonial era, pre-colonial Filipinos believed very deeply in a Supreme Being called *Bathala.* There were some lower ranking gods and goddesses after this supreme deity, and there were aspects of animism and ancestor worship, all of which permeated daily life and behaviour. Even today, Filipino religious expression is still based on an animistic core, even as institutional religions provide the visible dimension of religious belief (Woods 2006, pp. 118-119). At least 800 years before Islam came to the Sulu islands in the southern Philippines, a powerful Hindu political entity based in Sumatra, the Srivijayan Empire, extended its cultural and religious influences as far as the Philippines (George 1980, p. 16). The introduction of

theologically more organised religions, such as Christianity in its many denominational versions and Islam merely strengthened and enriched this deeply religious culture. It is also safe to say that, while there may be genuine differences in theology, tradition, institutional structure and religious practice, all three main faiths in the PNP, as represented in its chaplaincy, have contributed broadly similar values into the PNP's codified ethics. The emphasis has been on integration and dialogue among the faiths rather than focusing on the differences. This is not to say that issues such as religious prejudice or discrimination do not exist. They still do so, both within the PNP and in greater society. Second, religious themes permeate the institutional and social culture within which the PNP operates. Indeed, even the concept of whistleblowing is couched in religious and spiritual terms. The recently published primer on whistleblowing, which is a joint effort of the Office of the Ombudsman, the Society of Jesus (or Jesuits) and the United States Agency for International Development (USAID) states that whistleblowers might turn towards God, in order to gain the strength 'to speak and come out in the open' against corruption and unethical conduct. Such an action requires 'life in the Spirit' (Alejo 2006, p. 3). Thus, it is perhaps safe to say that the PNP Chaplain Service should continue to be involved, indeed, if it were possible, this involvement could be expanded, in managing ethics in the PNP. One of the more interesting responses to one of the qualitative questions in the initial survey; *in your view, what areas of reform should the PNP prioritise? Why?* The response here is: 'Religious programs… so to be enlightened with the words of God and be truthful in the service.' With responses like this and others similar to it, the PNP's chaplains should be a continuing part of the institution's governance. If religion is important to the stakeholder, then governance should include a religious dimension. But with this comes a note of caution. A better way would have to be found to mitigate, if not eliminate the denominationalism and other divisions that may

arguably accompany the operations of the Chaplain Service as it performs its role as part of police ethics management and governance. However, this is really just a small part of a much bigger picture. It is also possible to say with some caution that while the religious dimensions of ethics could be included in the ethics management and governance of the PNP, on their own, they are not adequate to the task. First, religion could be very easily used as an excuse for creating social and political divisions, where what should be an essentially personal subject, religious conviction, becomes rhetoric towards mistrust (Crabb 2009, p. 263). The presence of strong denominational or sectarian differences would arguably exacerbate this, and since these differences exist in the Philippines in general and in the PNP in particular, this could become an issue if it is not already so. Second, religious programs for improving personal morals and professional ethics, this writer argues, does not necessarily resolve the problem of people having one persona in private and another different persona in public. That is to say, what one person practices in private is not necessarily in consonance with what that same person shows in public. It is quite possible for a person, such as an officer of the PNP to be publicly zealous in terms of religion and upright in terms of morality and ethics, and yet be privately immoral or unethical. Consider the example of one particular respondent in this research. A long suffering wife of a former police officer confided to this writer, that her husband practised religion very rigidly, attending mass regularly and requiring the same of his family members. There were regular rosary prayers at home. The shock of her life came when she eventually found out that he had been maintaining a mistress for several years. She did not say anything regarding his ethical practices as a police officer, and so it would not be right to speculate. Still, religious zeal and moral rhetoric in public does not necessarily translate into private morality or professional ethical conduct, and no matter how diligently religious programs and seminars are carried out in an institution, it would not necessarily

improve the personal moral and ethical fitness of all of its members. It is possible that a component of governance that includes public participation in a collaborative context (Bogason 2000, p. 19) in policing is a necessary complement to this institutional virtue approach to make its effect more sustainable through police-community accountability towards one another. If the PNP is to become a learning institution, which is proposed in this study as the way in which ethical principles and practices could be internalised among its officers, it would need supportive processes involving the co-creation of knowledge and the sharing of learning resources and experiences (Stewart & O'Donnell 2007, p. 240).

However, before considering these issues, it is important to first see the linkages that respondents to this research have made between religious faith, personal morality and professional ethics in policing. These interviews go beyond the members of the Chaplain Service and into the wider PNP as well as the community of citizens who may not be police officers, but are nevertheless affected by the PNP's actions and decisions.

4.4. Religion and Morality: Aspects of the PNP's Institutional Approach to Reform – Perspective from PNP and Non-police Respondents

The average police office and the average citizen probably do not know Moral Theology as profoundly as the ordained ministers of the PNP Chaplain Service. Even so, the responses coming from these, for lack of a better term, 'lay' persons both in and out of uniform do mirror much of what the chaplains have said about what their view of ethics is. It goes beyond religion and enters the realm of morality. Perhaps it would be notable to begin this section with a presentation of the ideas of two PNP officers from what could practically be considered the opposite ends of the rank spectrum. Neither are chaplains, but one officer is a chief superintendent and is therefore equal to a military brigadier general, assigned to PNP

National Headquarters. This officer is assigned to a very important and sensitive position in the PNP Directorial Staff, and he is an avowed born again Christian of the Evangelical wing of Christianity. He considers the Holy Bible the sufficient, complete and ultimate authority on faith and practice. The other is a PNCO, a PO 3 assigned to what could be one of the most difficult areas of policing in the Philippines. It is a region in Luzon, just north of Manila, and it is well known for being a centre of illegal gambling. It has been said among interview respondents in the PNP that this and three other regions are so inundated with illegal gambling activities, particularly a numbers game locally called *jueteng,* that everyone, from congressional representatives, to provincial governors, city mayors and all other local government officials, right down to the lowliest schoolboy, and it goes without saying, the police forces in this region, are involved with it, either as gamblers or as recipients of its windfalls and benefits. A retired officer who now works in the private security business states that police and political corruption are so endemic in that region that it has become rather difficult to find honest cops and honest political leaders there. Apparently, according to this retiree, police of all ranks, from generals down to PNCOs and rookies are, for the most part, on the take, and many turn a blind eye to illegal gambling activities. Some officers even act as protectors of gambling barons. It is a form of large scale organised crime. In any event, this PO 3 assigned to this region could arguably be considered one of the few honest officers there. He belongs to a small, yet fast growing militant religious sect which could not be identified for reasons of this officer's personal security, as there are relatively few PNP officers who belong to this home grown Filipino religious institution, so to identify it might jeopardise this respondent's safety. Be that as it may, this sect is known for its very strict and extremely rigid code of personal conduct and morality. It is so well organised as a religious institution that any breach of its religious or moral rules and regulations would certainly bring

about swift disciplinary action from its ecclesiastical leadership. Thus, to think of this PO 3 as being involved in illegal gambling would be almost unthinkable, or the sect this officer belongs to would have made it known to all and sundry that a member of their congregation is living an immoral life. It is a closed communion church, which means that people who are not members of its congregations are not allowed to know the entirety of its doctrines or participate in its worship services and other institutional activities.

The chief superintendent interviewed here is of the view that an individual's 'personal righteousness' is the basis of correct moral, and thus ethical conduct. By personal righteousness is meant one's personal relationship with God. Citing the Holy Bible, he goes on to explain that:

> 'You know that it says in the Bible, "All have sinned and fallen short of God's Righteousness." If we make ourselves right before God, which is the role Jesus fulfils, and is the only way to get right with God, then our personal behaviour is changed as a result. But improving police morality in this way is difficult. It will take time. It will depend on the persons concerned. Dealing with tangible things that require improvement, such as police wages, equipment, training and facilities is far easier. Improving police morality will take time and requires an individualised approach.'

In a few minutes of conversation, this born again Christian senior officer essentially summarised the main theme and one of the most persistent ideas that keeps recurring in these interviews on what ethics in the PNP should be. It starts with faith in and a right relationship with God, which would lead to morally upright behaviour and character. This would then lead to personal and professional ethical conduct. Once more, the religious or spiritual dimension as well as that of morality form a significant part of this officer's world view. It is a perspective that other officers share.

The PO 3 is of the view that strong religious convictions could:

'…help an officer survive the corruption in the institution and become morally and ethically fit. But religion is a personal choice. It may not be for everyone. Besides, religious rites and rituals are one thing. Internalising the requirements of one's faith is something else.'

With the tenor of many of these interviews so far, one is almost ready to conclude that a large section of Filipino society and its police service are moral theologians of a kind. This officer goes on to add that:

'Ethics is based on one's moral fitness. However, a person must be given the chance to become morally fit.'

Again, there are the religious and moral dimensions, although this particular officer does not quite view religion in the same light as the chaplains or the chief superintendent. Could this be because of the fact that this PO 3 comes from a very strict exclusivist religious sect and to him religion has a narrower definition? Note, however, that he is able to separate the ritualistic elements of religion from that of faith. To him, it is faith that requires internalising rather than the outward manifestations of religious fervour. It is perhaps safe to say that this officer and the Roman Catholic chaplain interviewed earlier would probably disagree on the role religion really plays in the development of moral and ethical character. Still what is more significant is what these responses have in common. Moral practices and beliefs in many societies, it could be said, are carried on from generation to generation and across each generation through the mechanisms of tradition, law and religion. Morality, after all, is the result of the necessity of meeting common human needs, for in the necessity of creating stability in human relationships in order to live harmonious lives, people have had to define, preserve and transmit moral practices and beliefs in order to form a common and cooperative ethical framework (Preston 2007, p. 32). Morality deals with the pursuit of good, as well as the limitation of such a pursuit when its continuance affects others adversely. Custom, law, moral rules and even religious requirements and strictures could impose these limitations

(Peters 1956, p. 165). Thus, religion and its rituals could be considered as one of the main and most important mechanisms for defining, preserving and transmitting moral and thus ethical values, but it is not in itself a moral system. Morality and religion are distinct and are not connected with each other by definition either conceptually or in principle, even if they are closely related (Mitchell 1986, p. 401).

In other interviews of PNP officers besides the chief superintendent and the PO 3 above, one of the interviewees is a female commissioned officer who is also a lawyer. She did not begin her police career as an officer, which is where graduates of the Philippine National Police Academy (PNPA) start out upon graduation. She is one of those officers who, using the PNP's terms, was commissioned from the ranks through 'lateral entry.' She began her police service through the Police National Training Institute (PNTI) and upon finishing that course, entered the PNP as a PO 1. Her completion of her legal studies enabled her to become a commissioned officer (PCO) since lawyers, criminologists and people who have certain other specialist qualifications could allow PNCOs and even civilian applicants into the service, to become PCOs laterally. This means they do not follow the same linear career path that PCOs normally follow, which usually starts from the PNPA. In any event, there are two career paths in the PNP. If an applicant enters through the PNTI, they graduate into PNCOs, starting from PO 1 rank. Applicants who enter the service through the much more rigid PNPA graduate as PCOs, starting from the rank of Police Inspector. Thus, there is a separate linear career path for PNCOs and PCOs, and commissioned officers who are not from the PNPA are those who normally become commissioned through the lateral entry system. This is a pattern that was taken from the military. An old ex-police officer explained that the regular Armed Forces of the Philippines has a similar system dating back to the 1930s that had become the basis of the PNP's system. Applicants for military service could opt for enlistment and

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become soldiers, airmen or sailors and eventually non commissioned officers. For those wanting to become officers from the beginning, they could try to qualify through the Philippine Military Academy (PMA), Officer Candidate School (OCS), Philippine Air Force Aviation School (for those wanting to be Air Force officers/pilots), Reserve Officer Training Course (ROTC) or the Naval Training Centre (for Navy and Marine personnel only) and start their careers as officers. Discussing this in detail would be well outside the scope of this study, however, it will be explained later in a subsequent chapter that part of the reason behind the extremely militarised culture existing in the PNP is due to some of the issues under discussion here.

In any event, this young female officer and lawyer believed that ethics management in the PNP is a 'problematic area.' She has acted as hearing officer (similar to a judge in court, though with lesser authority) in cases involving fellow PNP officers due to her background in the legal profession, and in that capacity has heard many cases involving breaches of discipline and 'moral turpitude.' Philippine law generally follows the American legal definition for moral turpitude, which is a term used in criminal law to describe 'conduct contrary to community standards of justice, honesty or good morals.' Crimes where moral turpitude is involved are deemed inherently base, vile or depraved in relation to a person's duty to other persons or towards society as a whole (West's [Online] Encyclopaedia of American Law 2008). If PNP officers are involved in cases where moral turpitude is an issue, then it is safe to argue that there is also a serious violation of both the PNP Code of Ethical Conduct as well as of the law in general. She states that:

> 'In this there is no distinction in terms of rank or position. Across the PNP, it could be said that ethical standards are weak. But again, this is not a problem in the PNP alone. This affects other government agencies as well.'

Thus, in a word, ethics is, in the opinion of this officer, rather weakly enforced in the PNP. While it may seem that her second statement above about the PNP not being the only agency of the Philippine Government that has weak ethical standards might be interpreted as an officer's attempt to defend her institution, it could also imply that in her view, the problem of unethical conduct and weak ethics management is a much greater problem for the wider government of the Philippines. Four other interviewees have said the same thing. One is a police superintendent, one is a police chief superintendent (not the one interviewed above), one is a police chief inspector and the last is a senior ranking non-uniformed staff member at the Directorate Staff at the PNP NHQ. Initially, it sounded as though these respondents were proposing a sort of excuse for the ethical problems of the PNP in saying that the rest of the Philippine Government has similar problems. The police superintendent's response, for example, seems to bear this out:

> '...*pero* (but), immorality does not occur exclusively in the PNP. It happens in civilian (government) agencies as well.'

This response not only spreads the blame for the PNP's ethics problems, it also seemingly implies the existence of a civilian-police dichotomy in the Philippine government. It is easy enough to assume that this particular police superintendent may have momentarily forgotten that the PNP is a civilian agency by definition. But further analysis bears out that other respondents, as will be noted later, see the PNP as an agency that is not of the same league as the other civilian agencies of the Philippine government even as they contend that corruption and unethical behaviour are widespread problems that transcend government departmental boundaries. It will also be seen later that this response is typical of how the PNP sees itself in relation, not only to other government agencies, but also to the greater Filipino public. In any event, studies in police corruption do support the contention that corruption, and arguably all other forms of unethical conduct in the police has parallels in other government agencies and

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even in agencies and institutions outside of government, such as in industry, labour and other professions. This, it is argued, undermines the legitimacy of government and its institutions (McCafferty & McCafferty 1998, Langer 1986 cited in Das 2005, p. 4).

But to return to the female officer interviewed above, when asked what she thought the most difficult ethics problems were in the PNP, she gave three: 'corruption (which will be dealt with under the discussion on institutional themes)', 'personal affairs' and 'violations of the *Ethical Standards Law for Government Employees*.' When asked which was the worst of the three in terms of pervasiveness and impact on the institution she replied that 'personal affairs' are the worst, deeming it 'morally shocking.' By 'personal affairs', she was referring to the tendency of many PNP officers to get themselves into immoral relations with women: fornication, extra-marital affairs, adulterous relationships, or a combination of these three. It is seen primarily as a problem among male officers, although it is possible that female officers may be just as culpable of having immoral relations with men, or extra-marital affairs. Nevertheless, the primacy of male police officers as being involved in extra-marital affairs is the dominant theme in this area. A Baptist pastor, who is not part of the PNP Chaplain Service, but had been deputised under the PNP-MOST program for conducting spiritual and moral enhancement seminars, when asked what the most pervasive and worst ethics problem in the PNP was in his experience as a PNP-MOST volunteer resource person, he replied (translating from a mix of Visayan and English):

> '…alcoholism, women and problems involving the (police) profession. One of the (most difficult) problems among the police involves women, which is to say adultery. We pastors in the PNP-MOST are looking towards designing lessons that would help police (officers) become strong in the area of resisting this temptation. It has a bad effect on their families.'

When asked about the prevalence of this problem among female officers, the reply was:

'It is not too much of an issue among lady officers, but among their male colleagues, many are tempted by the flesh. In the PNP Regional Mobile Group, for example, this is a real problem, since they are frequently assigned to very distant places far from wives and children… Even among unmarried policemen, there are contests and wagers carried out among them over who has achieved the most sexual conquests. This could actually have consequences later in marriage, as actions like this are like parasites that stay with a person for a long time.'

While on this theme, half a kilometre from this pastor's church is the home of a local civic leader who is also a member of a local Seventh Day Adventist Church, also an interview subject since his involvement in civic action projects frequently brings him into close collaboration with his local police. It is his view that (translating from the Visayan):

'The pervasive problem of adultery among police officers is probably the main cause of corruption and all other unethical conduct in the PNP. Consider this: a policeman's salary is not nearly enough to support one wife and family. It could never support a wife and children as well as a mistress at the same time. Now, because he has to find the means to provide for both his legitimate and illegitimate women, and possibly children as well, he would then have to seek recourse through illegal means of obtaining money. This is where he gets involved in illegal gambling, connivances with drug lords, extortion and similar other corrupt and unethical activities. If policemen had no vices, the PNP would be ethically upright.'

One of the respondents of this study is a ranking official of the Office of the Ombudsman, which, under the constitution and laws of the Philippines, is the primary and preeminent agency that has the task of preventing, investigating, prosecuting and generally dealing with the problem of corruption all throughout the Philippine Government. Section 13 of Article XI of the Philippine Constitution lists down its powers, which are in sum (The 1986 Constitutional Commission 1987, pp. 41-42):

1. To investigate upon complaint by any person, or upon its own initiative any act or omission by any public official, employee or agency, if such an act or omission is possibly illegal, unjust, improper or inefficient,

2. Issue directives to public officials, employees or agencies to correct, stop or prevent any abusive or inappropriate acts in the line of duty,

3. Direct officials in charge in government agencies to take action against public officials or employees under their authority who are involved in such inappropriate or abusive acts,

4. Command such government officers to make available copies of documents involving contracts and transactions in which their respective agencies are concerned to determine if there are any irregularities in the use of public revenues and,

5. Investigate and act on inefficiency, red tape, mismanagement, fraud and corruption in government.

There are a few more in the list, but these five should serve to illustrate how broad and far reaching are the powers of this particular office in dealing with corruption, bad government and unethical conduct. The Ombudsman official interviewed here is a woman in charge of preventing corruption and whose office has a large and varied set of responsibilities and powers. Speaking of government officials and employees in general, she states:

> 'The Office of the Ombudsman could not investigate or prosecute cases of immorality (among government officials and employees) unless they break relevant laws. Even then, with requests for assistance (from any complainant) where acts of immorality are involved, the Office (of the Ombudsman) could still act to a degree. For example, if married (government) officials or employees are having affairs, they are actually violating the *Ethical Standards Act*. In cases like these, the Ombudsman can act, and we usually employ our conciliation powers to get the people concerned to resolve their problem.'

This writer: *'What is the relationship between personal morals and professional ethics?'*

> 'If you are immoral in your personal life, you will also be unethical in your profession and your official functions. For example, if you have another woman or man (adultery), where will you get the extra income to maintain him or her? The tendency

is to act corruptly to support that private immorality. The tendency is so big one is tempted to commit corrupt acts.'

She adds almost at the end of the interview, 'Police are noted for womanising,' in her professional experience as an Ombudsman official. Not only does this respondent echo the views of the female police officer, as well as some of the views of the local civic action leader interviewed previously, she has tried to link private morality with publicly unethical, particularly corrupt, conduct. It also, perhaps, reveals how deeply rooted and widespread the problem of immorality and unethical conduct are in government, the PNP notwithstanding, that there is at least one law actually penalising immorality among public officials and employees, the *Ethical Standards Act (or Law)* for government employees, and several agencies, of which one is the Office of the Ombudsman, tasked with dealing with these issues. This law, in effect, makes some forms of private immorality public crimes. In spite of the existence of legislation and agencies tasked to handle these problems, however, immoral and unethical conduct are still pernicious and colossal problems in the Philippine Government in general and in the PNP in particular.

With the present minority of women in the PNP, and because this is a taboo subject in the Philippines, it has not been possible to obtain a clear perspective on the female side of this issue. It became apparent to this writer eventually that, while men and women may find it difficult to discuss immoral sexual relations and extra-marital affairs, it is far easier to get people talking about this topic with regard to men than with regard to women. A sociology professor at the University of San Carlos in Cebu City explained to this writer in what could be described as 'a conversation that had turned into a lecture', that adulterous relationships, while frowned upon when the menfolk of Philippine society commit them, are almost expected of masculine behaviour given the machismo culture that permeates Filipino males. Among women, however, the social distaste and ostracism as consequences of their

involvement in adultery are far worse. Terms like *disgraciada* (disgraced one) or *nadumihan* (dirtied) usually accompany women who are involved in sexual indiscretions, and the former term usually applies when an unmarried woman becomes pregnant out of wedlock. In contrast, men who sire children out of wedlock or in an extra-marital affair are called *barako*, which is the word for a wild boar or a male bush pig. It is often considered a compliment or a term that one so named should be proud of. Apparently, a *disgraciada's* status is expiated if she gets married. *Pokpok* (literally, 'to pound' as with a hammer) is a colloquial term that is used to refer to a prostitute, but it has been used to refer to women involved in what are seen to be immoral sexual activities. This is perhaps a very good example of moral double standards which have gender dimensions (Crisostomo, L., personal communication, 10 July 2009). Machismo itself is perhaps as much about male dominance as it is about how men perceive women, and this in turn affects their attitude towards womenfolk. A Filipino historian who was once this writer's colleague in academia attributes these cultural characteristics and double standards to the Hispanic influences which date back to the Spanish colonial era (Pacana, M., personal communication, 10 July 2009). To another female PNP officer, a chief superintendent, 'The most important ethics problem in the PNP is with regard to the way it deals with women.' To her, the institution does not have much in the way of gender sensitivity. The attitude towards women in the wider society, if this is true, seems to be the same attitude prevailing in its police institution. In this, she has similar ideas as the civic action leader and Seventh Day Adventist interviewed previously. Thus, it is not surprising that in the majority of interviews where this subject is brought up, and this comprises a significant part of the responses among eight of the interviewed officers and non-police respondents as well as one response in the initial survey, where the respondent wrote that most PNP officers have 'other families' and are 'womanisers,' there is a strong

undercurrent in much of this data collected that the terms, 'moral', 'morality' or 'moral values' are strongly linked to issues of sex, sexuality and family loyalty. This could be seen not only in the interview and survey data, but also in the PNP's own Code of Ethics or Ethical Doctrine, which repeatedly makes reference to this theme. For instance, in the PNP Officer's Creed, which is embedded in the PNP Ethical Doctrine, among the things that PNP officers are expected to swear themselves to uphold is (Directorate for Human Resource and Doctrine Development 1995, p. 5):

> 'I believe in the sanctity of marriage and family life: I shall set the example of decency and morality, shall have high regard for family life and value of marital fidelity.'

Furthermore, Quinanola (1995, p. 51), in a series of essays on what police morality and ethics should be, believes that a morally upright police officer (actually, the term 'policeman' is used and has been the term most frequently in use throughout the research process, thus implying a strong masculine leaning among the respondents) should 'fiercely assert and exalt the state of married life.' Furthermore, a police officer is expected to respect women, uphold chastity and morality as virtues, ennoble family living and maintain family values in everything that he or she does. It is perhaps appropriate to cite here the idea that excessive attention to morality, as the PNP's chaplains, its own Code of Ethics and police writers like Quinanola have been doing in stressing this on the PNP, may actually reflect its foreignness to the daily life of the PNP as an institution and among police officers as members of that institution. This could be said, as it is clear that there are many PNP members, and perhaps even significant segments of the PNP as an institution that perform in ways that are not entirely consistent with their definitions and concepts of morality (Gaita 1999, p. 6).

To underscore this point, a senior commissioned officer at the Directorate for Investigation and Detective Management (DIDM), part of whose function is to act on

complaints and charges that people file against PNP personnel said to this researcher that the most prevalent ethics problem in the PNP relates to 'marriage problems', by which he meant; separations due to adulterous or extra-marital relations involving PNP officers. This also includes non-support issues, which is to say police officers who have extra-marital relations or sexual relations outside of marriage and have children as a result of these liaisons frequently do not provide financial or other support to the women who have these children and the children themselves. These may be the most prevalent ethics cases, based on the DIDM's investigation records, but they are not, in the opinion of this senior officer, the worst ethics cases he has ever investigated. In his experience, the worst breaches of police ethical conduct involved a police officer who attempted to assassinate a former provincial governor in Mindanao and several cases (some still under investigation) involving police officers being employed to perform extra-judicial executions on suspected criminals, especially in the Philippine south. He mentioned Davao City, where it is common knowledge that its local government employs hit squad and vigilante tactics, often involving military or police operatives, to eliminate suspects before their cases are ever heard in court. This could imply very strongly the view understood in Neyroud (2005) and Reiner (2005), that unethical and corrupt conduct among police is merely symptomatic of the lack of ethics in the wider polity. Perhaps some of these respondents' consistent statement that the problem of unethical conduct and behaviour is not limited only to the PNP, but is a wider problem everywhere else in government has much credence. The American ICITAP instructor interviewed previously is of the view that:

> 'There are some institutional and cultural issues that drive ethics problems in the PNP. Filipino society is generally tolerant of minor bribes, and minor bribes lead to bigger bribes.'

Another American national, also a respondent to this study but not directly involved in policing, makes an interesting point. This American is part of the Evangelical Free Church Mission to the Philippines. An ordained minister of this denomination, he and his family had been deeply involved with Filipino society for more than two decades of missionary service. This service includes the establishment of a tertiary level Bible College, which is still in operation. This interview and conversation occurred at his residence and in a most convivial atmosphere. In his view:

> 'It has often made me wonder why it is we have had students who were brought up as good Christians, taught the Bible, and then we put them through education under conservative Christian values, only to end up getting pregnant (out of wedlock). I think it is because many Filipino children are raised in a way in which they are not able to develop a moral compass.'

This writer: *'What do you mean by that?'*

> 'Well… (pause), consider the way many children here are disciplined at home. We've observed that many parents simply threaten punishment or inflict them on their kids without really explaining to them why they are being punished and what was wrong with their actions that have brought about the punishment in the first place. So, children grow up fearing punishment, and this fear becomes a deterrent for actions that they do not necessarily think are wrong.'

This writer: *'So, then, when they grow up and lose that fear…'*

> '…Yes, they then tend to model their moral behaviour on other things, such as what their friends say, what you call "peer pressure", or on what they see and read in books, TV, on the Internet and other mass media. (Another pause) I could be wrong, but this is what we have seen in our many years of service in the Philippines.'

It is quite safe to say that the issue of where and how a person's moral character is formed is outside the scope of this study, and a statement such as the one above might spur research in human behaviour, which is where such a subject matter belongs at any rate. Still, if one believes in the premise that unethical conduct at the institutional level and immorality among members of these institutions is part of a bigger issue; that of unethical conduct and immorality in the broader society, then perhaps there is need to ponder and consider these views. After all, to resolve institutional problems of ethics in policing requires an

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understanding of how these problems are related to the much deeper and wider social environment in which policing functions. The governance of policing would have to be linked to the governance of society, and this arguably begins with some insight into how that society sees the world and lives with it. Society's definition of what is moral, and ultimately what is ethical could arguably be based on, at one level, the individual human being and on another level, how these individuals work together in response to collective needs. The individual human being, it needs to be said, has the rational capacity to define morality and ultimately, ethics. This is a key feature of the various interpretations of the Natural Law Theory of ethics and morality, even as Aristotle (2000), Aquinas (2006), Hobbes (1962) and Kant (1987) may have different ideas as to whether or not Ethics is part of human nature intrinsically or whether it is a potentiality that needs to be discovered, nurtured, learned and internalised (Singer 1994, Preston 2007 & Stanford Encyclopaedia of Philosophy 2008, pp. 1-7). Even if it is argued that ethics and morality do not arise out of Natural Law but on divinely appointed mandate (i.e. the Bible, the Quran, the Ten Commandments and similar religious authority), it would still require a significant amount of rational capacity to be able to derive moral and ethical principles out of it. Perhaps the knowledge of God is inherent in the human being (Calvin 1960, pp. 43-45), but human reason still exists to enable understanding. At any rate, at the collective level, individual ideas would have to be tested out and synthesised into a common framework that defines the social ethical perspective. What people are and what they become is part of their relationship with society. There is no real or unavoidable conflict between the individual and society. Conflict arises because of the way society and its institutions are organised (Hurst 2000, pp. 44-45). The PNP's own institutional approaches to improving police ethics, while helpful, could be better served if society were involved in the process. This may be a difficult thing for the PNP to work out. In

relation to Ulrich's (1987, pp. 290-291) questions, the PNP arguably sees itself as the main and centrally important stakeholder in its efforts to make itself better and more ethical. People outside the PNP could be seen as incidental stakeholders only. However, what ought to be the case is that society is as important, if not a more important stakeholder in policing, than the PNP's officers and employees. The PNP's worldview is arguably one based on its own institutional needs and capacities, when it ought to include the wider society and polity if it is not to be trapped in a narrow focus and approach. On this note, perhaps it is worth looking at the broader and deeper institutional, political and social issues that contribute in no small way to the ethics problems in the PNP. While individual virtue based ethics training with a strong religious dimension could arguably contribute towards more ethical police officers, it could also be argued that this approach alone would not serve adequately enough in improving ethics management and improving governance in the PNP because many ethical issues and problems in the institution come from the institution itself. Institutional acts are carried out by persons dominated by institutional rather than personal ends (Barnard 1938, p. 31). Thus, even if it were possible to train every PNP officer and employee to be morally upright and spiritually fit, if the PNP itself as an organisation has within it characteristics that encourage unethical conduct and immorality, then such an approach to virtue would not suffice. The next chapters could hopefully make this clearer.

Chapter V: Unethical Conduct, Corruption, Abuse of Power, and Cutting Corners – Selected Narrative Case Studies of Unethical Police Behaviour

5.1. Introduction

At the end of the initial survey and the interviews carried out with the respondents from the PNP Chaplain Service, the non-chaplain side of the PNP, and respondents who are not police officers, it had become possible to obtain a glimpse into a portion of the PNP's institutional approach towards improving the ethical behaviour of its members and implementing some ethics management, as well as reforming itself as an institution. It is possible to see here some indications of the PNP's preference to dealing with its own issues as much as possible within itself and by its own efforts. Furthermore, much of what it considers sufficient to improve the ethical standards of its members is defined in an approach that is largely based on religion and personal morality. This chapter shows that these approaches are not sufficient towards improving police ethical behaviour or institutional reform. The selected narratives here show that, while it may be possible to say that the PNP's approach may not be completely without merit, it still falls short of what is required to improve police ethics or to deal with the PNP's institutional defects. Not all that is unethical or corrupt is exclusively the PNP's problem. Indeed, much of the corruption and unethical behaviour that this writer has seen and even endured while on field work in the Philippines lay outside the PNP. Even so, the lack of police ethics and the problem of corruption still exist in the police service of the Philippines. This chapter discusses and presents various different forms of immoral and unethical conduct, corruption, abuse of power and the use of procedural short cuts that could, it is hoped, provide a broad enough vista showing the nature and part of the scope of the subject matter at hand.

5.2. Shortcomings in the PNP's Approach to Ethics Management: A Problem Child in the PNP

The first case study here came about from lengthy conversations with the sister of a low level police officer living in a rural municipality. During this writer's field work, the officer in question had been assigned to a regional mobile group unit. It had not been possible to interview the police officer himself, as he was very difficult to find. His sister, however, has suffered much from his activities, and since his indiscretions have become thoroughly well known to a great many residents in this small town, it is worth using this as the first case study. For purposes of confidentiality, no personal identities will be divulged, and the name and location of the town itself will not be mentioned.

She began her story with a narrative about a sexual liaison in which her brother, who was at the time 17 years of age and not yet a member of the PNP, had been involved. One of the youngest of a large brood of children, this brother had been secretly sleeping with one of the family's house helpers, until she eventually became pregnant, thereby making this future officer a father while legally not yet an adult. The Family Code of the Philippines defines adulthood, which is also the age of consent as well as the earliest time in a person's life in which he or she could legally contract marriage, as 18 years of age (De Leon 1989, p. 45). In any event, this person did not marry the woman with whom he had sired a child. There was pressure from the woman's family for him to 'live up to his responsibility' (interviewee's terms) and marry her, at least as soon as he had turned 18. The woman in question was much older. This respondent, her parents and other siblings closed ranks around their brother and prevented this marriage from happening. He had been taken to another part of the Philippines and placed under the care of one of his older sisters so he could be as far as possible from the proverbial hornet's nest he had begun to stir. In the respondent's words:

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'You know, at the time, we were only concerned for _____, as he was too young to be a father. He had not even finished high school at the time, and he would not have been able to provide for his family as he would have been unemployable. You know how it is in this country. Unless you have a college degree, you cannot hope to get a decent job. Even college graduates are finding that a challenge nowadays. I remember him coming to me and crying his eyes out, saying, "Help me *Ate* (the Filipino term of address for an older sister), help me." Now in hindsight, I think we made a terrible mistake. We should have had him take responsibility for his actions... When he was taken by *Ate_____* (one of the family's older sisters, and so addressed as *Ate* by this respondent, who is the younger sister) to live with them at _____, he was so irresponsible, it took him ten years to finish a four year college course. Can you believe that? *Bulakbol* (a term for 'truant') *kasi eh.* ('He was a truant', although this English translation does not quite capture the regret and contempt in the Tagalog and the tone of voice in which it was delivered.)'

When he did join the PNP through the PNTI route towards becoming a PO 1 after finishing his tertiary degree, it was largely at the forceful insistence of his father (*Pinilit siya ni Papa:* 'Papa had to force him into it.')

This writer: *'So why was he forced into becoming a police officer?'*

'Well, what else could he do? His grades were so bad, it was quite unlikely he would have found gainful employment anywhere else.'

This writer: *'But, would not those same low grades preclude his entry into police training? The Philippine Public Safety College* (in which the PNTI is part) *has certain minimum standards for recruits, which include academic performance.'*

'Papa retired from the Philippine Constabulary. (He retired with the rank of colonel). He still knew enough people up in the highest levels of the PNP who could pull strings for his son. Many of these senior PNP people used to be his subordinates. They managed to get _____ into the service.'

This revealed that some corruption involving patronage politics actually occurred in getting this person into the PNP, and indeed it was corruption aided and abetted by unethical conduct. In terms of weight, corruption is the second heaviest theme after morality among the interview and survey responses in this study. Indeed, in the initial survey's Question 3, 16 respondents believed that corruption was the most critical ethics problem in the PNP. It is

possible to assume from this that many police officers now serving in the PNP may have become officers through corrupt or unethical methods circumventing the usual qualification procedures and rules.

This writer: *'Was becoming a police officer his ambition?'*

> 'No. He did not really want to be a cop. He did not want to be anything, or maybe he did not know what he wanted to become. You have to understand that my brother has no sense of responsibility. He only wanted to sit around and wait for us to provide for him. His philosophy in life is apparently to do nothing but depend on others without doing anything himself.'

The police officer's sister here seems to be saying that her brother's becoming a PNP officer was not due to any personal desire to become a police officer, let alone because of some motivation to serve as one. It had been largely because of family pressure for him to make something of himself in spite of what is seen as his reluctance to do so, and also because of the perception that his academic performance would not likely have landed him a decent job in some other part of the economy. Since the family connections with close friends in the police service seemed to be the main source of 'pull' or patronage, it was through the PNP that they had hoped to get him started professionally.

The subject of patronage is still a deep and serious issue in Philippine society. Constantino (1978, 1970) is of the view that patronage politics and patronage relations, consequences of Spanish colonial rule, continue to hinder Philippine efforts in dealing with corruption, nepotism and other political and social problems. In this particular case, it enabled a person, who would otherwise have found it difficult to qualify for the PNP, to get qualified easily because of personal relations and favours between his father and old friends and comrades in the police institution. Hence, the established processes and regulations meant to make the standards of recruitment into the police fair and high enough to enable the

institution to obtain police recruits of high enough standards are nullified and circumvented. This is serious enough an issue in the PNP, that its ethical doctrine devotes a section prohibiting it. Chapter III, Section 2, Sub Section 2.7 of the PNP Ethical Doctrine states:

> 'PNP members shall seek self improvement through career development and shall not directly or indirectly solicit influence or recommendation from politicians, high ranking government officials, prominent citizens, persons affiliated with civic or religious organisations with regard to their assignments, promotions, transfer or those of other members of the force, nor shall they initiate any petition to be prepared and presented by the citizens in their behalf. Moreover they shall advise their immediate relatives not to interfere in the activities of the police service, particularly in the assignment and reassignment of personnel' (Directorate for Human Resource and Doctrine Development 1995, pp. 12-13).

It is clear from the directive above that the PNP officer is not supposed to obtain favours through patronage channels. An extremely detailed and rigid list of who these possible patrons might be follows this sub-section, arguably because the PNP has been experiencing and continues to experience the impact of patronage politics in its ranks. Indeed, in the case of the officer in this instance, it is clear that patronage politics have been in his career in the PNP even before that career began. While the subject of patronage is not expressly voiced out among the other respondents and participants in this study, it is a relatively heavy theme that recurs in connection with other themes. It frequently occurs in the themes and responses dealing with politicisation and the perceived negative influence of politics in the PNP. Seven responses in the initial survey have dealt with the issue of political patronage, considering it a serious problem affecting police ethics and that it is related to corruption in the PNP.

Promotions are part of an officer's professional development, and in the PNP, an officer's promotion, according to established regulation and procedure, depends on that officer's efforts towards self improvement. Officers would have to seek assignment to good police units or commands, enrol and attend professional development training programs, take the necessary and relevant examinations, perform well on assignment or on the job, and

generally do everything possible to attain the next higher rank and beyond. Republic Act 8551, *The New Police Act of 1998* (in Nolledo 1998, pp. 14-16) expresses the legal and procedural guidelines for promotion. Section 31 provides that:

> 'Within six months after the effectivity (sic) of this Act, the Commission (the National Police Commission or NAPOLCOM) shall establish as system of promotion for uniformed and non-uniformed personnel of the PNP, which shall be based on merits and on the availability of vacant positions in the PNP staffing pattern. Such a system shall be gender fair and shall ensure that women members of the PNP shall enjoy equal opportunity for promotion as that of the men.'

An interview respondent, a recently retired officer who is now involved in the private security industry enlightened this writer with the promotions system in the PNP. There are essentially, according to this respondent, two types of promotions: regular promotions, which occur in an officer's career as a matter of course, are the first kind. This is not to say, however, that officers simply become promoted regularly for nothing. They are still expected to earn or obtain the necessary requirements for promotion to the next higher grade so that when the time arrives for the regularly scheduled rank promotions to take place, they would be able to show that they have the requirements needed for that elevation in rank. Special or meritorious promotions are the second kind, which could happen as a result of some truly worthy act or accomplishment in the line of duty. Examples include promotion as a result of being awarded for conspicuous gallantry in combat or law enforcement operations, or promotion as a result of having achieved something exceptionally noteworthy. Police officers are also promotable as a result of being assigned to a position in the PNP if such a position requires a rank higher than the existing one they hold. For example, if a police chief superintendent (a one star rank) were appointed to hold a post on the directorate staff, such as, for example, the Directorate for Operations or the Directorate for Plans, which would require a police director's rank (two stars), then the appointment to such a position may bring a promotion in rank if that chief superintendent has the necessary qualifications and

requirements to hold that office permanently. Otherwise, such an officer would only hold that

position provisionally. Republic Act 8551 provides for this in the provisions below (Nolledo

1998, p. 15):

> 'Section 32: Promotion by virtue of position – Any PNP personnel designated to any key position whose rank is lower than that which is required for such position shall, after six months of occupying the same, be entitled to a rank adjustment corresponding to the position: Provided the that personnel shall not be reassigned to a position calling for a higher rank until after two years from the date of such adjustment: Provided further that any personnel designated to the position who does not possess the established minimum qualifications therefor (sic) shall occupy the same temporarily for not more than six months without reappointment or extension.'

For all other promotion regulations in the law, the following provisions apply (Nolledo 1998,

pp. 15-17):

> 'Section 38 (as amended): Promotions – (a) A uniformed member of the PNP shall not be eligible for promotion to a higher position or rank unless he or she has successfully passed the corresponding promotional examination given by the (National Police) Commission, or the Bar, or the corresponding board examinations for technical services and other professions, has satisfactorily completed the appropriate and accredited course in the PNPA or equivalent training institutions, and has satisfactorily passed the required psychiatric/psychological and drug tests. In addition, no uniformed member of the PNP shall be eligible for promotion during the pendency of his or her administrative and/or criminal case or unless he or she has been cleared by the People's Law Enforcement Board and the Office of the Ombudsman of any complaints proffered against him or her, if any.

> (b) Any uniformed member of the PNP who has exhibited acts of conspicuous courage and gallantry at the risk of his/her life above and beyond the call of duty shall be promoted to the next higher rank: Provided that such acts shall be validated by the (National Police) Commission based on established criteria.'

And the penalty for any PNP officer who has not been promoted over a long period of time is

provided for in the provision below (Nolledo 1998, p. 14):

> 'Section 28: Attrition by non-promotion – Any PNP personnel who has not been promoted for a continuous period of ten years shall be retired or separated.'

These relevant citations from the PNP Law are presented here because at this writing, the

single most critical problem that this officer in this narrative presently faces is the fact that he

has been in the same rank (PO 1) for more than ten years. Thus, if the law were enforced according to the letter, this officer in question should have been separated from the PNP due to the attrition provision. His sister states:

> 'Can you imagine? He has stayed a PO 1 for more than ten years. I know the law enough to know that he should have lost his (police officer's) job by now. He never did anything to further his career. He did not take the promotional exams, he has not done anything worth getting promoted, he has not taken any professional development courses; nothing. How does he expect to get promoted? Many of his classmates in their original training batch have already earned additional stripes (i.e. They have been promoted). At least one is now an officer (Note: This officer started as a PNCO and became a commissioned officer by lateral entry due to having passed the Lawyer's Bar Examination). But for ____, he is still in the same rank. He does not value his own future apparently.'

Why would a police officer not act to further his own career, as in the case of this narrative?

The respondent continues:

> 'I suppose you can say he is lazy. He has brothers who are high ranking officers and Papa who has connections. He has been expecting them to do his work for him. *Biruin mo* (Literally this means "Make a joke", but in this context, it means "It might seem like a joke.") he had been reminded by *kuya* (a term for an older brother) to file his application for the NAPOLCOM (promotion) exams. Papa had been nagging him about it. He would not take the step of going to the NAPOLCOM office in _____ to get the necessary papers and collect the requirements. He only wants things to happen for him. When *kuya* got the papers for him, he did not even fill them up. He only says, "*Kuya* is a general, why won't he get me promoted?" We explain to him that that is not the way it is done, but he still does not do anything. I don't know. I have nearly given up hope for this brother of mine.'

This is perhaps an example in the extreme, but it does show the depth of how much this particular officer expects patronage politics to work for him. He would not work for his own promotional advancement because he expects his patrons in high places, some of whom happen to be his close kin, to do it for him. It is as though there is a sense of entitlement that he believes he has the right to claim as his. This is arguably part of the mechanism of patronage relations, as it follows some of the patterns in the classic mediaeval era relationship between a lord and a vassal. This is a close and intimate subordinate personal relationship

that a vassal may enter into with a lord through an oath of fidelity and by acts of homage. If the vassal is given a fief, which is the use of something valuable, such as an estate with its peasant denizens, the vassal is supposed to provide service in return, while the lord is supposed to protect the vassal's person and interests (Painter 1951, pp. 11-12). The vassal may feel entitled to this protection from his patron. In any event, this officer's brother and father may not have secured his promotion, but their intervention has, so far, kept him from being dismissed from the PNP under the attrition rule. Thus, the father and brother in this regard are like the lords, but they are themselves vassals of a sort before other lords, who in this case may be the high ranking officers of the PNP who make decisions over who may or may not enter and thereafter remain in the institution. Perhaps, using Ulrich's (1987, pp. 290-291) boundary questions again as a means of analysis, this officer and perhaps others like him in the PNP see the actual purpose of the PNP system's design as a means of simply earning a living. Thus, the actual purpose of the policing system is seen as a means of livelihood rather than as an instrument of law enforcement, as it ought to be. There is also the perception by this officer that the actual decision makers in the system, which include a brother who is a general, are the sole decision makers who are able to change the measures of success. Police decision making arguably should come from citizens and similar stakeholders as much as from its own top brass.

It is interesting to note that none of the women involved with this officer have complained about his behaviour. His sister states that he is still sleeping around with various other women and has sired other children out of wedlock. He has not been supporting any of these children or their mothers financially. It is within their right to complain, and there are many oversight agencies to which such complaints could be directed. The NAPOLCOM (usually through the People's Law Enforcement Board or PLEB) and the PNP's own Internal

Affairs Service (IAS) and Directorate for Investigation and Detective Management (DIDM) are two such oversight bodies. The Office of the Ombudsman is another. A pending administrative or criminal case could preclude the promotion of a police officer, as stated in the legal provisions quoted above. In any event, as the officer in this narrative has not been promoted yet, at this writing, then this is a matter that probably does not worry him very much. Then again, if any of these women do decide to complain, this could end his police career altogether, such as it is. But perhaps there is an explanation as to why the women with whom he has had children out of wedlock have not been complaining to the authorities. His sister explains:

> 'Wherever he goes, he carries his gun (a pistol, although he has been, on occasion, known to carry an issued M-16 assault rifle). He intimidates people with his gun, which he carries even when in civilian (clothes) and off duty. People are scared of him. Once in a while, when I ride a tricycle (to town or to work, as this is a common mode of public transport in this part of the Philippines) the driver asks me if I am related to _____ (his surname and rank are used). When I ask why, they tell me stories of his being abusive and loose with his morals and his gun. He does not pay his fare when he rides (on public transportation). Many (public transport) drivers try their best to avoid him when he stands on the side of the road, waiting for a ride because he does not pay them. I think he believes that police should be entitled to free rides (on public transportation). And then once, we even got threatening text messages on our home phone (a cordless landline capable of both voice and text messaging) telling us that someone will make _____ pay if he touches their sister (sexually). They did not identify themselves, and it is difficult to trace whom the number belongs to, but it scares me and I am worried.'

A combination of patronage connections and the fact that he is assigned to a rural police unit that is far too distant from the provincial, regional and national police command centres, thus keeping him very far from the administrative eyes of higher command levels has allowed him to hold on to his rank and badge, albeit tenuously. It would perhaps have been a different situation if this officer had been assigned to a city or regional assignment close to the centres of police administration, or if he were assigned to a place where people were more aware of their rights and less given to intimidation. The populace in the bigger urban areas in the

Philippines tend to be less cowed by intimidation. Where there is an active civil society, people arguably tend to be less tolerant of abuse by government and the police. In the rural town where this case study is situated, the citizens, or at least the women involved in this officer's life, may not be sufficiently aware of their rights and that this is a form of police abuse. This lack of awareness has been known to limit the effectiveness of civil society, if it exists (Organisation for Economic Cooperation and Development 2003, p. 22). Thus a strong civil society that is willing and able to press for change (Stapenhurst & Sedigh 1999, p. 7) would have been able to play a key role in dealing with corruption and the abuse of police power (Organisation for Economic Cooperation and Development 2003, p. 7). Such civil society, defined as non-statist human social associations, should ideally be able to limit the powers of the state, including its possible misuse or abuse (Novak 1996, p. 138). Perhaps this is also part of the reason why this particular officer, according to his sister, has not been seeking assignment in other police commands. His present assignment arguably does not help advance his career prospects, but then again, he is far from the levels of the PNP hierarchy or the more vigilant segments of the citizenry who could put an effective stop to his unethical behaviour. The American ICITAP instructor whose interview responses have been initially included in the previous chapter has this to say about PNP personnel assigned to distant rural areas:

> 'Police in remote locations, such as the rural areas, are farther from the centre and so have a better excuse towards unethical conduct as the risk of getting caught is far less.'

5.3. Shortcomings of the PNP's Institutional Approach: Political Patronage and Political Violence

There are even worse cases of unethical conduct by police where the officers concerned are relatively low level PNCOs or PCOs. The previous narrative describes

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something comparatively tame and low level in comparison to many other case stories. However, that foregoing narrative explores the prevailing issue of political patronage, albeit in the context of one particular errant officer. Political patronage has more dangerous consequences, and this section presents a recent incident in the southern Philippines to highlight this. Perhaps one of the worst cases of political violence in recent Philippine history as this is being written involves a police inspector and his subordinates who are presently under investigation and are being hunted down as murder suspects at the centre of this incident. It should be noted, before anything else, however, that Amnesty International has been aware of and has expressed concern for the increasing number of extra-judicial killings in the Philippines long before the events of this narrative here have taken place. There have been a rather high number of assassinations of people mostly belonging to left wing political groups between 2006 and 2009 under the Arroyo Administration (Amnesty International 2007, p. 23).

This incident began on the 23rd of November 2009. A group of supporters and relatives of an opposition candidate for public office in the Province of Maguindanao, which is in southern Philippine island of Mindanao, had been ambushed and murdered in cold blood near the town of Mamasapano as they were delivering their candidate's application for candidacy to the local Commission on Elections office (Ramos 2009). The latest news reports put the body count at 57: a number of these victims were women, among them members of the Mangudadatu clan to which the opposition candidate belongs, and reportedly, at least 30 journalists (SBS World News Australia 2009). Many of the victims have been buried in hastily dug graves in an apparent attempt to cover up the crime. The powerful Ampatuan clan, which maintains a private army estimated to be about 4,000 strong (Ramos 2009) and with the backing of the incumbent (at this writing) administration of President Gloria

Macapagal Arroyo, are widely suspected to have had a hand in this mass murder. They have been ruling the Province of Maguindanao since 2001, and on 1 December 2009, a member of this family who happens to be a mayor of one of the province's towns, had been charged for 25 counts of murder. As more death certificates are processed, more charges may yet be filed (SBS World News Australia Online 2009). It appears however that the actual killings had been carried out allegedly by a joint unit of the PNP's 1507th Regional Mobile Group (RMG) and a number of armed civilian volunteers. Popularly known as CVOs (Civilian Volunteer Organisations), these armed volunteers are people who are not members of the military or the police, but they are armed and operate as militia in many places in the Philippines where armed tensions exist and the authority of government is barely enforceable. These armed civilian groups could ultimately trace their origins to the Marcos Era establishment of Civilian Home Defence Force (CHDF) groups as a means of combating the Communist insurgency under the home defence strategies of the Marcos Government (Aguirre 1986, pp. 18-21). They sometimes augment the military and the police in defending communities threatened by communist insurgents or Muslim separatist guerrillas, thus conveniently filling a gap that the government could not readily fill with its own legitimate forces. Presently, however, many of these CVOs have been mobilised by local politicians as their own personal armed retainers and are beholden only to their patrons. They keep these politicians in power by intimidating rivals and the local electorate (The Economist 2010, p. 28). In effect in this instance, they form part of the Ampatuans' private militia. If the reports are accurate, the 1507th RMG and a number of CVO elements were manning an election checkpoint along a main highway in Mamasapano, Maguindanao. The police unit was under the command of a police inspector who, at this point, has become a major suspect and is wanted by the Philippine Government. The men under his charge are also wanted under pending warrants.

They apparently brought the convoy at gunpoint to a secluded area some distance from their checkpoint, ordered everyone to disembark then opened full automatic weapons fire. They then hastily tried to clean up the resulting carnage (Bandila 2009). According to the PNP Operations Manual, officers assigned to man checkpoints are allowed only to do visual inspections of vehicles passing through them. They may do more extensive searches if there is clear probable cause to believe that they would find evidence involved in a crime. They may also arrest persons wanted under the law at these places (Philippine National Police 2002, p. 22). They are not supposed to commit murder, as some of the members of the 1507th RMG are said to have done. This crime, if the police officers and their commander are truly involved here, is by and large one of the worst instances of unethical conduct that any police unit or individual member could carry out. One of the consequences of this incident is that the police in Maguindanao have lost the public's confidence, and the Armed Forces of the Philippines have provisionally assumed the role of policing in the province, especially in the main urban centres, such as the town of Ampatuan (the Ampatuan clan named a town after themselves). The Philippine Army and the Marines have deployed 3,000 troops and 30 Armoured Personnel Carriers all over the province (Bandila 2009). It also led to the relief of all 1,092 police officers assigned to Maguindanao Province and the filing of multiple murder charges (Kwok 2010, p. 1). This is not to say, however, that the Armed Forces are not suspected of having had a hand in this incident, even if only as accessories to the crime, or that the PNP's involvement in it is limited only to the Maguindanao Police. To date, 62 arrests have been made, 39 high powered firearms have been seized, and 340,000 rounds of 5.56 mm. rifle ammunition (the type that is used in the military-issue M-16A1: the M-193 military round) have been uncovered. Of the firearms taken, an M-2 .50 calibre heavy machine gun and a number of .30 calibre light machine guns (weapons that are clearly of military origin

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and are not legal for civilians to own) have been collected in the haul. The ammunition taken were in boxes marked 'DND' (Department of National Defence), thus indicating that these munitions and weapons are of military origin. There is strong suspicion that collusion between the Ampatuans and the local military command may have enabled the former to obtain these arms (Ramos 2009). Again, this is an area where civil society is arguably weak and may have a very limited capacity for fighting such a gross example of the misuse of the police and the military, if the allegations here are true. The Organisation for Economic Cooperation and Development (2003, p. 7, 21) asserts that civil society plays a critical role in fighting corruption and by extension, unethical police conduct. It asserts further that this is possible since civil society can build relationships and networks based on trust which are not tied to the state. They also represent varied interests and cultures. They are able to empower people. Then again, there could be instances where the state could limit the effectiveness of civil society, especially where the state has a strong but less than democratic political system, or where the state is weak that it would be unable to act on the demands of civil society (Organisation for Economic Cooperation and Development 2003, p. 22). Empowerment may be situated in cultural and social contexts where oppression exists and is perpetuated. However, the lack or absence of the capacity and experience to deal with such issues constructively could nullify or retard the development of empowerment (Polistina & Nolas 2009, p. 9). In the case under discussion here, local government and local institutions in the Philippines tend to become increasingly weak as the distance between them and Manila increases, as understood in Igaya's (1999) description of the Philippines as a 'weak state within a strong society.' The weakness of the Philippine state could be seen in the fact that political choices, actions and policies are based on patronage and personal relations rather than legitimate political mechanisms, such as parties or platforms (Hutchcroft 2007, p. 6).

The greater the distance from the capital and central government, the greater this tendency seems to be, although this is not saying that patronage politics do not occur in Manila. It is quite possible to say, however, that the institutions of state seem to function better the closer the locality is to Manila, even as patronage politics may still hold sway. More distant regions and areas tend to have less functional institutions and patronage seems to assume greater control (Igaya 1999, pp. 5, 7). Maguindanao Province is distant and quite remote from the central authorities in Manila. In this context, it is possible that the PNP personnel involved here may have seen this distance and remoteness as factors that could enable them to get away with unethical, corrupt, even criminal conduct. It may also explain the possibility that civil society, if it exists in Maguindanao, may not have the capacity to deal with issues such as these. There may also be political patronage issues in this particular case, as the Ampatuan clan have been running the Maguindanao area as though it were their private fiefdom under the protection of the incumbent political leadership of the Philippine state (SBS World News Australia Online 2009). Hence, its police and other public institutions may be under their control through patronage mechanisms. Indeed, the characteristics of Maguindanao's society and politics still resemble Mediaeval Europe's. The fact that they are said to have a private army at their disposal, something actually illegal under Philippine law, and the local police are perhaps unwilling, unable or both unwilling and unable to enforce the law on this subject may prove this point. Teehankee (2007, pp. 1-5) has found that political clans such as the Ampatuans have always been a lasting feature of Philippine politics. For some 160 very wealthy elite families, Congress and its bicameral chambers have been their home for over a century. A political clan is basically a family and its network of relations that pursue elective or appointive political office at the local or national levels of government, frequently in both. Their strategies for holding on to power include the establishment and maintenance of a

kinship network, the organising or co-opting of political machinery, the mobilisation of wealth and property, access to state resources (including its police and military institutions), the use of violence and coercion (for which the police and military institutions are used), the cultivation of issues and the development of image and popularity. Political warlordism has been the frequent consequence of such strategies. Patronage politics and political clans have proven to be extremely resilient and capable of adjusting to social and economic changes, such as increasing urbanisation and movement towards capitalist economics and even political reform.

In any event, research done by Hinton and Newburn (2009 cited in Punch 2009, pp. 8-9) on police corruption in developing countries has found that such corruption and unethical conduct is very deeply connected to political corruption, the lack of respect for human rights and the lack of police accountability. Corruption and deviance in the police is facilitated by political corruption which undermines the legitimacy of lawful institutions (Das 2005, p. 4). Police deviance is linked in developing nations to issues of repression, the denial or the neutralisation of the rule of law, the lack of mechanisms or the will for citizens to seek redress, and contempt for democracy. The latest development in relation to this situation is that as of 9 pm on the 4th of December 2009, President Arroyo issued Presidential Proclamation 1959, which places Maguindanao and a few other neighbouring provinces under martial law (Esguerra 2009). This makes it the first time since 1972 that martial law has been declared in the Philippines (SBS World News Australia 2009). In a statement that speaks of how the PNP presently acknowledges its failings, which is perhaps the first step in dealing with them, the present Director General of the institution, Jesus Versoza, stated in a speech on the 19th Anniversary of the founding of the PNP;

'We admit with all humility that (sic) the various PNP dysfunctions that contributed to this incident (referring to the massacre in this narrative) and our resolve to correct these dysfunctions' (Kwok 2010, p. 1).

Using Ulrich's (1987) boundary questions again as a means of analysis, there is the view among certain local political personalities that police decisions are under their control, and since the political environment is such that they see themselves as a law unto themselves, they can use their police resources in any manner they see fit. Its built-in measure of success, based on this context, is the ability to intimidate or coerce people into absolute political submission, when what ought to be the case is that citizens as well as political leaders have equal access as decision makers or at least as entities who could influence police decisions in policing, within boundaries defined by the rule of law, respect for human rights and political neutrality. Similarly, the statement by the PNP Director General above seems to indicate that the PNP's leadership and institutional mechanisms alone are the main decision makers with the capacity to correct its dysfunctions. These same PNP leaders are seemingly the only critical planners involved in designing the police system and play the role of the 'expert' in police reform (Ulrich 1987, p. 290). The idea that citizens, not least those who should never have become victims in political violence to begin with, are as critically important as decision makers and planners who should be involved in the institutional redesign of the PNP.

There is one other case that needs to be taken under consideration involving police officers on the lower end of the rank ladder. These two case studies above present a PO 1 and a police inspector (and a few others under his command if they are actually proven guilty of having committed mass murder). The next narrative comes from an unlikely source, but it involves two officers of the rank of PO 2. The respondent in this narrative is a gaol inmate who had been on the hard receiving end of the exercise of police power under the PNP. Two PO 2s arrested this respondent for robbery, and his story is symptomatic of the lack of ethics

in policing among the lower ranks of the Philippines' police service. This is not to say that PNP officers higher up on the rank system are more or less ethical than those on the lower rungs. In any event, these stories seek to prove that the PNP's ethics problems are systemic and involve the entire institution as well as the greater society beyond it, and the existing ethics management mechanisms in the PNP, some elements of which have already been discussed in the previous chapter are far from adequate in dealing with these ethics problems.

5.4. Problems with the PNP's Institutional Approach in the Context of Human Rights and the Rule of Law: A Prisoner's Story

Interviewing prisoners in gaol anywhere is probably not the most enjoyable of experiences, and in the case of a Philippine city gaol, it could actually bring about depression for the researcher. However this interview had to be carried out if only to explore the effects of unethical policing on human rights and the rule of law as they apply to persons who are at a serious legal disadvantage. Prison inmates are perhaps among the most disadvantaged group of people in terms of obtaining protection for their human rights or securing protection under the rule to law. It is a well known fact in the Philippines that its prisons are pathetically overcrowded, underfunded, subject to inhuman conditions, and are generally in a sorry state. It is not unusual in some places to find 20 square metre cells crammed with as many as 50 inmates of both genders and all ages in some of the main penitentiaries. It was with some trepidation that this writer arranged to meet with a prison inmate in one of Metropolitan Manila's city gaols through a city judicial employee. For purposes of confidentiality, the location of this gaol could not be revealed. The safety of the respondent in this account depends on this. It is sufficient to note that this gaol is situated in one of Metro Manila's eastern cities, and the judicial employee who had helped arrange this interview is presently still working for that city's local judiciary. It is important to note that the prison system in the

Philippines is not under the administration or control of the Philippine National Police. The PNP may arrest and apprehend criminals or suspected felons and even briefly detain them in police station holding cells, but the moment these arrested persons come under the penal system, they come under the supervision and administration of the Bureau of Jail Management and Penology (BJMP). BJMP personnel act as gaol and prison wardens. As understood in the 1991 Local Government Code of the Philippines (Congress of the Philippines 1991), the BJMP itself, along with the PNP and the Bureau of Fire Protection (BFP), is part of the Philippine Public Safety Services, but these three institutions are separate and independent from each other. Collectively, these public safety services are under the authority of the Department of Interior and Local Government, which is a cabinet level agency of the executive branch of the national government of the Philippines. It is also interesting to note that the Philippine National Police Academy (PNPA) not only trains and develops commissioned officers for the PNP, but it also trains a quota of commissioned officers for the BJMP and the BFP. The daughter, for example, of one of the police chief superintendent respondents in this study is a PNPA graduate, but she is a fire senior inspector in the BFP. Her husband is a police senior inspector who graduated in the same PNPA class she did.

The gaol inmate who provides the material for this narrative sat for the interview before this writer and seemed at ease, considering his circumstances. He provided this writer his name, age and the offence for which he had been arrested and gaoled. The local BJMP staff let him out of his cell for this interview. He also admitted to having committed the crime for which he had been charged. There were no denials or evasions and throughout the interview, he had been deferential and very respectful. He said that he had been charged with the offence known as 'Robbery-hold up.'

This writer: *Why did you commit this crime?*

'I had been a security guard before I was arrested. This kind of employment is contractual, and so there is no such thing as job security. When my contract ended, the company (he had been working for) no longer needed me, so I had no work. A security guard's wages are very low, really, and I had no savings, so when my daughter got sick, I became desperate. I had to rob people in order to get her help.'

This writer: *But you were caught. The police did the arrest, did they not? Where were you*

arrested and how?

'I have to tell you again. I admit what I did. I really did rob those people. But we were arrested the wrong way. We tried to make our escape in a jeepney (or a PUJ, which is the most common form of public transportation in the Philippines). The police pursued us, and when the jeep was stopped, we were dragged out by the collar, punched and beaten, threatened with a firearm (a .45 calibre automatic pistol according to this respondent) which was fired close to our heads, then physically slammed against the pavement. All this is in my statement.'

This writer: *Were you informed of your rights at all?*

'No.' This answer is significant, as the Bill of Rights of the Constitution of the

Philippines provides (The 1986 Constitutional Commission 1987, p. 6):

'Section 12 (1): Any person under investigation for the commission of an offence shall have the right to be informed of his (note the masculine pronoun as it is written in the Constitution), right to remain silent and to have competent and independent counsel preferably of his (again the masculine form) own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.'

It is perhaps needless to say that, if this inmate's account is true, the police officers who

arrested him and his cohorts have actually violated the Constitution of the Philippines, which

is the highest law of the land and is the most important law that the PNP should enforce.

Furthermore, the PNP Operational Procedures Manual directs PNP officers who are arresting

suspects or holding them in custody to observe (Philippine National Police 2002, p. 13):

'Section 2: Rights of the Suspect under Custodial Investigation – The following rights of the arrested person shall be observed by the investigator during custodial investigation as embodied under RA 7438. The suspect shall be appraised (sic) of his rights (Miranda Doctrine) to wit:

a. that he has the right to remain silent;

b. that if he waives his right to remain silent, anything he says can be

    used as evidence for or against him in court;

c. that he has the right to counsel of his own choice, and that if he cannot

    afford one, he shall be provided with an independent and competent

    counsel; and,

 d. That he has the right to be informed of such rights.'

It is clear from here that the PNP, in including this in its operational literature at least recognises the Philippine Constitution's Bill of Rights and the requirement to comply with it. The officers who arrested this respondent clearly violated not just the Philippine Constitution, but their own PNP operational manual. For police to violate both these mandates, this could be interpreted as a very serious breach of police ethics and professional conduct. But the respondent goes on to describe his experience.

> 'We were taken to the nearest barangay centre and detained there. I will never forget the names and faces of the *pulis* who arrested us and made our lives miserable. They are PO 2 _____ and PO 2 _____. I remember my oppressors clearly.'

This writer: *You are sure? Can you still positively identify them?*

> 'It is not possible to forget, not after they did to us what they did when they dragged us out of the jeepney. At the barangay centre, I was struck here, here, here and here (points to various parts of his body; some spots still exhibited signs of severe bruising) with their batons. They broke one of my legs and then they took us to the CIG (Criminal Investigation Group section of the local police station). We were forced to crawl all over the CIG while being beaten over our backs. They electrocuted our heads (apparently with stun guns), beaten and abused every time we were interrogated. All the time my leg was broken. I refused to talk because every time I tried to say something, the beatings happened. These beatings went on for about a week. Our bodies were full of bruises and my face swelled. They did not give us medical treatment. One of their favourite forms of beating was to hit the back of your

knees very hard *(hahampasin ka sa alulud.)* The police were also telling us that if we each gave them 50,000 pesos, they would let us go free.'

The respondent still retained some of the signs of police brutality. There is an indication of bribery in this account, which implies corruption. It has been found in other studies into police corruption that police brutality strengthens institutional bonds of loyalty, which in turn, fosters a tolerance of corruption (Mollen Commission 1994, p. 47 cited in Punch 2009, p. 13). Da Silva (2005, p. 254) takes it further in saying that police brutality and corruption are 'Siamese twins.' A violent officer is nearly always corrupt and unethical. It was also fortuitous that this interview occurred in the BJMP compound in the local city gaol, and so all of the people in the vicinity were either BJMP officers or people transacting business with them. There were no PNP officers. Had there been police officers present, the interview would not have been as honest and forthright as it had been. But the link between police brutality and police corruption could be made as the interview continued.

This writer: *What did you steal that got the cops so angry?*

> 'We stole money. Ten thousand pesos and several expensive mobile phones (actually, the word the respondent used was 'cell phones' as this is the term for mobile phones in the Philippines.)'

There was a pause then the respondent went on.

> 'Do you know the worst part of it all? All the items (that were stolen) had been completely recovered. The right thing for the police to have done was to return them to the complainants (the owners). But they were never returned, so the complainants resented and hated us even more. They would not forgive us. It would have been good if the complainants had forgiven us. It would have made our punishment easier to bear. I can prove that the items were not returned, because in court (during their trial), it was asked that they (the stolen items) be presented (as evidence). But they could not be found, so I think the police kept the items for themselves.'

It is ironic that the police here have committed theft not long after arresting a person charged with theft.

It is possible to support the link between brutality and corruption in that the officers involved with this inmate were both violent and corrupt. This is in spite of what the Bill of Rights says regarding the use of such brutal methods against the accused (The 1986 Constitutional Commission 1987, p. 6):

> 'Section 12 (2 & 3): No torture, force violence, threat, intimidation, or any other means which vitiate the free will shall be used against him (the accused). Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited. Any confession or admission obtained in violation of this or Section 17 shall be inadmissible in evidence against him (the accused).'

The PNP Operational Procedures Manual defines 'detention' as being 'necessary to secure his (the suspect's) safety and prevent his escape (Philippine National Police 2002, p. 13). Police brutality nullifies the intent of this definition, as well as the institutional requirement to protect the rights of the accused. It also violates the Bill of Rights, as it does in the previous discussion on a suspect's rights while under police custody and control. This is the second instance in this narrative that officers have broken the law and their own operational doctrine.

The respondent goes on to state that, apparently, unethical conduct and corruption are not limited only to the PNP, but to other parts of the criminal justice system as well. The PNP thinks of the criminal justice system as an institution that comprises five pillars: Law Enforcement, the Community, the Prosecution Service, the Courts and the Correctional system (Directorate for Police-Community Relations 2003, p. 13). As this interview continued, this writer asked whether or not the respondent and his fellow accused had had adequate legal representation. It is among the rights of the accused under the Bill of Rights, as quoted previously, and is part of the 'courts' pillar of the criminal justice system. The respondent replied:

> 'We were given a lawyer (one appointed by the state), but he said that nothing could be done, as the evidence against us, according to him, was very strong. He even

said we would each be sentenced to terms of imprisonment lasting from six to ten years.'

This is arguably an instance of legal representation well below par. This lawyer seemed to have little interest in defending his clients and may have even pre-judged the case. It is arguably not a lawyer's place to decide penalties for the accused. The police and policing are simply one part of the criminal justice system, but if there are problems of ethics and quite possibly governance in the system as well, then an argument could be made that there is a relationship between the ethics and governance problems in the PNP and the ethics and governance problems in the criminal justice system in which it is an important part.

A key part of this interview involved this respondent's claim that his fellow inmates have had similar or worse experiences with the PNP. In his words:

> 'Many of my fellow inmates have had similar experiences (with the PNP). There are those in there who are innocent of the charges against them, but the police have planted evidence to get them arrested. They place drugs on you (when you are arrested), and then they ask you for money so that you can buy your freedom.'

Again, here is an example of police corruption in the form of bribery combined with extortion. If these allegations are true, and there is little reason not to believe in their truth value, then the PNP is suffering from serious ethical problems. It also shows that the existing ethics management programs are having little effect on resolving them. Indeed, by the end of the interview, this respondent gave a critique of the PNP by comparing it with the BJMP. In his words:

> 'The BJMP are disciplined. They do not hurt us and they are just. They impose the appropriate penalty for our infractions. *Ang BJMP, kakampi ng mga bilanggo. Ang PNP kalaban ng mga bilanggo* (The BJMP are friends, or more appropriately, advocates of the inmate. The PNP are enemies of the inmate). The BJMP help us with programs (of self improvement) and livelihood activities. They care for us when we are sick. They counsel us when we have problems. If we had problems and we talked to the police (about them), we would often get beaten up.'

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If this is true, then the prison system, which is under the BJMP's management and is part of the criminal justice system as well, may not be as seriously affected by ethical problems as the PNP and the judiciary. It may be interesting to do research on this subject in the future, if only to determine if the BJMP upholds ethics better than the PNP and if so, why it is so. But this would have to come at another time. For this study, the use of torture, force or intimidation by police is not limited to this one instance. It is arguably not even limited to the PNP only, as there are other policing institutions in other parts of the world, both in developed democracies as well as in less than democratic nations, where police and military agencies use such means as part of the way things are done. As for the PNP, this writer had come across an investigative journalism piece on Philippine television the day after this interview with this respondent. The program featured an interview with a person who had been arrested as a suspect in a kidnapping case but had later been found innocent and exonerated. While under arrest, this interviewee narrated having been tortured with a piece of acetate (a firm plastic bag is the common type used in this form of torture) stretched tight over his face to restrict his breathing. In between these suffocations, PNP officers were screaming at him, telling him to confess and own up to a crime of which, subsequently, he had been found completely innocent (*I Survived* 2009). This form of torture is no secret. Amnesty International is aware of its use as well as the terms used to refer to it. It is either called the 'Dry Submarine' or *Sinupot* (Amnesty International 2003, p. 8). The latter term is a Tagalog word which literally means: 'placed in a bag.' Suffocation like this is not the only torture method known to police in the Philippines. The same Amnesty International (2003, pp. 8-9) report has a long list of other means that authorities have used to inflict pain in the Philippines. Among them include:

- The use of electro shocks;

- The 'water cure', which involves tying a piece of cloth over a detainee's face and then pouring water over it slowly to induce suffocation;

- Beatings with fists, rifle butts or batons wrapped in newspaper or other material (a technique known as 'mauling');

- The insertion of rifle bullets between a suspect's fingers and then squeezing the fingers;

- The application of chilli pepper on suspects' eyes or genitals; and

- The use of psychological methods, such as the placing of gun muzzles against a suspect's head or mouth while threatening to open fire while guns are actually discharged close by.

This is not, by any means, an exhaustive list. It does show, as the report highlights, that torture still continues to be used in the Philippines, not only by the PNP, but by other agencies as well, including the military, despite the existence of numerous laws, rules, regulations and institutional prohibitions against it. Worse still is the assertion that wide sections of Philippine society apparently give tacit support to the use of torture as they have lost faith in the regular operation of the justice system in providing them redress against violent crime (Amnesty International 2003, pp. 2-3). Officially, however, the PNP is on record in saying that it does not condone torture (Police Digest 2008, p. 9).

Perhaps it is of greater concern that some officers in the PNP, at least among those interviewed for this study have expressed the view that they feel suspects have 'too many rights' which they do not deserve to have. One police superintendent in Camp Crame states:

'Actually, most police (officers) follow the PNP's ethical standards. The problem is that civilians (people who are not police) do not (always) have ethical standards.'

This opinion came after this respondent had related an incident where one of his officers apprehended a group of drunken teens who were apparently creating trouble at a local neighbourhood. This officer brought them to the nearby barangay office to be booked and given the appropriate penalty (petty incidents such as this normally come under the barangay's jurisdiction, even if a police officer performed the arrest). The teenagers then changed the story and told barangay officials that the officer who had arrested them used unethical means. The police superintendent states:

> 'This is one of the most difficult problems the police officer faces. You are merely doing your job, and you are doing it correctly, observing the ethical standards and all, but then you get into trouble because civilians (citizens) turn the tables on you... In the case of my officer, the teenagers told the barangay (officials) that he beat them and pulled a gun on them, but this was not true. Our officer ended up being charged for abuse (of authority) instead of those teenagers who were causing trouble.'

Apparently, also, as it will be discussed in the next chapter, when police officers are in jeopardy in situations like this, and this superintendent says that it is not an uncommon occurrence in police work; the PNP does not assist such police officers with legal representation or court costs. One police respondent gave what could almost be considered a plea when he stated that the PNP should find a way to provide legal assistance to officers who are sued for doing their legitimate work by suspects who have 'too many rights', including the right to sue the police. This right to sue the police is termed in some of the literature as the citizen's 'sanctioning capacity', which is itself affected by what police perceive as the citizen's 'subversive capability' to undermine the means that police use to achieve the goals of policing (National Research Council of the National Academies 2004, p. 114). In any event, PNP officers actually have to pay for their own counsel and legal expenses, which could imply that the PNP does not support its own personnel when they deal with citizens who use their

sanctioning capacity. Given the paltry salary of an average PNCO or junior PCO, police officers in this situation could be described as being between the proverbial rock and a hard place. It is perhaps not surprising that cops in the PNP would be tempted to take short cuts in the criminal justice process, cover up for one another, treat suspects as though they were enemies worth eliminating rather than deviant citizens who still enjoy certain legal rights and so deal with them as though they were the 'scum of the earth.' This respondent's reply also seems to suggest that in general, the majority of PNP personnel follow the ethical code. Indeed, he seems to suggest that there are a few 'bad apples' or 'bad eggs' in the PNP, but the rest of the institution does its best to behave according to its stated values. It should be noted here that all of the police respondents in this study have said the same thing: unethical conduct, corruption and deviance are the exception rather than the rule in the PNP. There are, according to these respondents, only a handful of 'bad eggs' in the service. However, this contradicts many findings in police research, notably from Newburn (1999) and Punch (2009), who have found that the opposite is actually true. Police deviance is pervasive, collective rather than individual, fostered by the nature of police work, police culture and the police organisation, and is a constant and recurring characteristic of policing (Punch 2009, p. 9). A grizzled and highly experienced police senior superintendent said to this writer in a tone of grim exasperation:

> 'The problem with our laws is that they give suspects too many rights. Suspects have far too many rights (*Marami masyadong karapatan ang mga suspek.*)'

This could be the reason why PNP officers may actually end up with the so called 'Dirty Harry Syndrome,' where policing is seen as a kind of battle between good and evil, and devious as well as violent means and methods are considered appropriate in order to secure an arrest and confession. This is clearly taken from a Hollywood character named 'Dirty Harry' Callahan, portrayed by actor Clint Eastwood as a cynical, grizzled but diligent police

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inspector who has a kind of personal 'moral' code and who believes the system is too lax and provides too many loopholes through which suspects and criminals could escape justice. Thus, policing becomes a crusade wherein criminals have to be taken off the streets, if necessary through violent means (Kleining 1996, Klockars 2005 cited in Punch 2009 & Punch 2009, p. 24). Callahan's favourite weapon in the films, a powerful six inch barrelled Smith and Wesson Model 29 revolver in .44 magnum calibre, a big firearm firing large, powerful rounds primarily intended for hunting animals like deer rather than law enforcement (Hawks 2002) seems to underscore this theme. Perhaps the BJMP may not have equivalents of Dirty Harry in its ranks since they are involved only in custodial procedures and the prison system. They are not actually involved in crime investigations or the arrest and apprehension of suspects, which is a primary function of the PNP at street level. Thus, it may be possible to say that the environment of policing, where police officers are constantly dealing with the most difficult elements of human society; the PNP's institutional issues, such as its lack of willingness to support its officers who get sued; and perhaps the idea that the police see themselves as a unique and different culture which could be the result of the PNP's operational environment and institutional problems all contribute to some aspects of the PNP's problems with ethics management. The virtue approach alone is arguably insufficient in improving ethics and governance in this case. Police behaviour is deeply affected by the environment of policing. Among the situational influences that affect such behaviour are those which could be found at the operational or 'street' level of police decision making and activity. The character of the crimes, the suspects, and even the character of the neighbourhoods where policing occurs are all part of this environment (National Research Council of the National Academies 2004, p. 114). This is a parallel theme that a chief superintendent of the PNP has found while serving under the United Nations' peacekeeping

effort in Timor Leste. In an interview with this officer, he describes how the Timorese Police view the use of violence and excessive force against suspects and the general society.

> 'Police here (i.e. Timor Leste) seem to think that there is no reason not to use excessive force and violent measures against people. They seem to believe that the people they apprehend do not deserve to be accorded human rights (protection) because in their view, it is the people in the community who become violent and violate human rights anyway. They (the Timorese Police) also do not seem to see very clearly the link between themselves and their community, and the concept of "innocent until proven guilty" seems to be unclear or unknown to them.'

It would be going too far to compare the PNP with the police of a new and struggling state, for indeed, the PNP is part of the international effort to help develop a viable police institution in this country among other things. However, the similarities in perspective with regard to the rights of individuals and of the general public are instructive. Studies into police culture by Foster (2003), Kleinig (2005) and Jones and Newburn (2005) seem to show that the tendency for police to see themselves as the misunderstood and underappreciated 'thin blue line' that protects society from its criminals and other entities which threaten it, thereby developing a culture that develops antagonism against non police people is universal among police everywhere. Detective fiction writer Connelly (2003, p. 24) describes this as the 'us versus them ethic' that police institutions develop, resulting into their isolation from the world external to the police. It also creates a 'garrison mentality' among police, who seem to think that they are under siege by the 'scum of society', and it is a duty to keep fighting (Findlay 2004, p. 103). It is possible to argue that this tendency may even be more pronounced among police in developing countries and societies where democratic values have not yet developed deep roots and social as well as political institutions are weak, as understood in Pino and Wiatrowski (2006). Worse still, perhaps, is the situation in such developing countries which have to deal with serious internal security problems, such as the Philippines and Timor Leste. In these places, criminality would not be the only 'enemy' that

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the police would have to contend with, for there would also be more heavily armed and better organised resistance groups, dissidents and terrorists. Punch (2009, pp. 2-3) argues that there is a distinction among police between the official paradigm, which is the face that the police show the public and is designed to enhance the institution's values, and the operational code, which is part of a subversive subculture that determines how things are actually done in the real world. Police deviance arises from the operational code, and this dichotomy between the code and the official paradigm is what makes research in policing difficult. Foster (2003, p. 198) refers to these paradigms as the difference between the formal policies and the informal practice.

The PNP's ethical doctrine is a statement of the official paradigm, as are the PNP's various attempts at institutional reform. Presently, the PNP is working to implement its long range reform strategy, the Integrated Transformation Program (ITP), which is the PNP's 'roadmap for a long term and lasting reform.' Initially designed for implementation over a ten year period from 2005 to 2015 and a total investment of 2.21 billion pesos obtained in part from foreign aid grants and in part from the Philippine Government, it is the latest in a long list of PNP reform plans and programs (*Reformag* 2009, p. 13). In the words of a middle ranking PCO in the PNP Program Management Office, which manages the ITP, it is 'the most comprehensive and all encompassing effort at reforming the PNP in its entire history.' It covers, at this writing, 19 different areas of reform in the PNP and a grand strategic view and direction in dealing with all of them. It seems to be reminiscent of the great and all encompassing centralised social experiments, known as Five Year Plans that governments of socialist nations, such as China's under Mao, used to be famous for in their efforts towards large scale national development (Milton, Milton & Schurmann 1977, pp. 71-74). The Integrated Transformation Program, among others, is part of the official paradigm, and the

PNP has spared little to get this message to the general public. On the one hand, the PNP is acknowledging that it has problems and is doing its utmost best to make itself a better institution. On the other hand however, behind this public facade are issues of unethical conduct, corruption, police abuse and the misuse of police powers and resources which continue to contribute to the PNP's public credibility problems and society's general mistrust. Thus, there are personal moral issues related to police ethics problems, as well as problems with regard to how the wider society defines and understands ethics. Mixed in with this are institutional and political issues and the environment of policing which influence the ethical conduct of police, or the lack of it. The existing mechanisms and reform efforts that the PNP is trying to employ in order to improve police ethics and governance may not be adequate or even appropriate to the task at hand. The final narrative that follows would hopefully explain why this conclusion is perhaps a valid one.

5.5. A Failure in Ethics Management through the Institutional Approach: A Police Officer's Widow and her Story of Corruption in the PNP

Perhaps one of the most important manifestations of how the PNP's institutional approach has fallen short of its own goals is in the pervasiveness of corruption in its ranks, from its highest levels to the level of its most junior ranking members. Not long before arriving in the Philippines for this study's fieldwork component, the most important bit of news regarding police corruption involving the PNP dealt with the case of a PNP director and his entourage of seven high ranking PNP officers who had been detained by Russian Customs officers at Moscow's international airport for trying to leave Russia with 105 thousand Euros (nearly seven million Philippine Pesos) in cash without declaring it prior to departure on the 11th of October 2008 (Quismundo 2009, p. 1). They had been in Moscow to attend the 77th Interpol General Assembly, which was scheduled on the 7th of October 2008. While the

authorities in Moscow eventually cleared them for departure, it had been, to say the least, a serious embarrassment for the PNP. Investigations and charges would follow, as questions were asked as to where the PNP could possibly obtain such a large amount of money and how it could obtain it in order to finance the travelling expenses of seven officers. This is in view of the fact that the PNP has been officially suffering from a chronic lack of resources and finances (Africa 2008, p. 1). The director concerned has since been retired from the PNP, but questions of corrupt conduct continue to follow this issue long after the dust has settled. First, this director had been with the PNP Directorate for Comptrollership, which is that part of the PNP central staff dealing with finances and financial matters. PNP Director General Jesus Verzosa claimed, '…the procedure involved in the release of this amount is questionable' (ABS-CBN News Online 2008)[2]. There is suspicion, then, that the director's position in the Directorate for Comptrollership enabled him to secure such a large amount of money with little difficulty. It had also been claimed later, as the case became more complex, that the funds were sourced from the PNP's intelligence funds. According to the 2008 General Appropriations Act, the PNP's total budget for the year was 40.7 billion pesos, out of which 434,339,000 pesos had been allocated to the PNP Intelligence Service. The money taken to Russia was purportedly meant for the purchase of intelligence equipment. It was also labelled as a 'contingency fund', although a senator of the Philippine legislature investigating this case pointed out that under the General Appropriations Act, there had been no provisions for contingency funds for the PNP (ABS-CBN News Online 2008)[3]. It is not really clear whether the money in the middle of this issue is part of the intelligence fund or the supposedly non-existent contingency fund, or whether it came from some other source. However, the main

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[2] From http://www.abs-cbnnews.com/nation/11/03/08/more-euro-generals-returned-their-cash-advances/
     Dated 4 November 2008 and viewed on 11 December 2009.

[3] Ibid.

issue in this story is corruption involving public funds. It is interesting to speculate what would have happened if Russian Customs had not discovered this undeclared cash. Would it simply have become another case of corruption in the PNP that would have escaped public attention?

It is difficult to say how big an issue corruption is in the PNP, but while this case had not yet been completely resolved, this writer had, almost by chance come across a respondent whose subsequent interview had managed to shed plenty of light on the nature of corruption and unethical conduct in the PNP. This respondent happens to be a widow of a middle ranking PCO whose last assignment prior to his demise had been in the PNP Directorate for Comptrollership. In the interview she agreed to give to this writer, she narrated and described how, in her view, the PNP as an institution had contributed to her late husband's descent into immorality, unethical conduct and corruption. Apart from being a police commissioned officer's widow, this respondent also has a military background of her own, having once been a commissioned officer of the Philippine Army. The interview came about during supper, when she mentioned that her husband had died of a stroke while on the golf links. He had been given an assignment at one of the PNP's regional directorates for comptrollership just prior to his demise. Before this assignment, he had been with the PNP Finance Service in Camp Crame.

It should be noted that in the PNP's structure, most of the staff and administrative agencies of the PNP at the national level would have similar or parallel equivalents at the local levels, starting with the regional PNP commands, then the provincial and city PNP commands. Lower levels further down normally would not have the manpower to replicate higher level staff positions, which would not matter, since levels below the province and the city are normally under provincial control. Thus, for example, if there is a Directorate for

Plans at the PNP national level in Camp Crame, each regional command would also have their respective regional directorates for plans. Under these regions, each provincial and city command would have their respective planning directorates as well. Municipal police offices are under provincial police control, and so they would not have to have similar planning directorates. Some large municipal police offices do appoint an officer, normally an experienced PNCO to act as planning officer, but it would not have the same level of organisational complexity as a planning directorate at the higher levels on the PNP. Hence, in many ways, the PNP is a highly centralised institution, even as for most of the time, policing is conducted in a decentralised fashion. Both the PNP Law, Republic Act 8551 (Nolledo 1998) and the Local Government Code of the Philippines, Republic Act 7160 (The Congress of the Philippines 1991) grant operational control of police personnel and operations to the local government executives of the particular local government units (i.e. provinces, cities and municipalities) to which police officers may be assigned. This is explained in detail in Chapter I (Background to the Study) of this thesis. Operational units, such as the PNP Crime Laboratory or the PNP Special Action Force for example and administrative units such as the Chaplain Service or the Legal Service, which are under the control of the national level PNP, are normally not under local government control and supervision. Sub-units or personnel from these units, however, may be assigned to local governments, and in these instances, such sub-units or personnel could come under the control of local government executives as well (Philippine National Police 2008).

At supper that evening, this respondent talked about her lived experiences.

'I did not realise until _____died that he had many dark secrets he had been keeping from us (she includes her children as well as herself). During the wake before his burial, I was busy with many things: entertaining guests who came to express their sympathies, paying bills, coordinating with the funeral home and a host of other details. All along, I never knew that he had been living a double life. It was only when

my son _____ had been toying around with his laptop (computer) that we discovered it all. (My son) is very good with these computers. He figured out the passwords and opened it up. One night, just after I came home from the funeral home, tired and worn out, (my son)_____ came to me and said with a strange, bewildered look: "Mama, I don't know what papa saved in this laptop, but I think you should see it." When I looked, I was shocked and very deeply hurt... How could he have done this to us?'

She went on to describe the contents of the laptop that had caused her hurt. Apparently, without her ever knowing it, he had been maintaining at least one mistress. He had video recorded one of their sexual encounters and saved it on his laptop under a secured file. It is difficult to speculate on the reasons why this officer recorded this, but this respondent here said it reminded her of a pornographic film, except that she was enraged because it was an act of adultery and she was the victim. She felt that she had been a fool all along ('*Niloloko lang pala niya ako.*')

'I went to the wake the next day and screamed (at his coffin) and completely thrashed the place, tearing apart the wreaths, breaking the candles; I even wanted to push the casket over. I had to be restrained. I thought I would lose my sanity (*Akala ko maloloko na ako.*) I shouted at him: "_____ how could you do this? You (expletives)!"'

The laptop would apparently reveal more about her husband's shady dealings, some of which involved the diversion over a period of time of millions of pesos from the PNP's finances into personal but well disguised bank accounts. There were records of embezzlement and financial corruption. He had been maintaining a bank account with millions of pesos in it that she had never known about during his lifetime.

The conversation moved on to her late husband's moral decline and unethical conduct as a police officer in charge of some of the PNP's finances.

'You know, _____ had been a good person before he was assigned to the comptroller (service). He was in PNP Intelligence at first, and then (he became) an investigator. Things started to change for him when he saw his classmates from PMA (Philippine Military Academy) in the PNP comptroller. They were living in grand

houses and maintained mistresses, driving expensive cars and procuring the services of very expensive select prostitutes at the best nightspots. In comparison, he was living a very modest life, driving a cheap car and he started to wonder why his *mistahs*[4] were living so well over and above what the average police salary could afford even if he and his classmates all spent the same number of years in the PNP... I think it was his exposure to so much money and the relatively easy way of obtaining it in the comptroller that corrupted his morals.'

Her husband eventually applied for training and entry into the PNP Finance Service, and then

the Directorate for Comptrollership. She continues:

'When he joined the comptroller, he came under the tutelage of a very high ranking patron there who had sponsored his entry in the first place. He learned the ropes and the way things were done in his new environment. This was when he probably started to go astray. The PNP as an institution tends to corrupt its own people.'

This writer: *How is that?*

'You have to see it this way. The PNP has rules that are written and unwritten. You have to follow these rules, and sometimes the unwritten rules are stricter (i.e. they compel obedience more) than the written rules. When you get assigned to the comptroller, you would be expected to spend your money generously, because you are working in a part of the institution where the money happens to be. So, your *mistahs* and fellow officers would expect you to take them to the most expensive night spots, you are expected to dispense favours, you are expected to live in a big house, drive expensive wheels and maintain a mistress. You have to share your wealth around. Wine, women, gambling, high living; you have to have these and share them around. The people in the institution not only expect it, they demand it of you. The operative rule is: "If you have money, spend it" not just for yourself but for your fellow officers also. These are what you can call the institutional and social demands made on an officer. The pressure for him to conform to these demands is very strong. These are some of the unwritten rules. They are on top of the PNP's other problems.'

This writer: *What do you mean by 'other problems?'*

'Ah, let me see how I could explain it to you... Okay, I was in the Army at one time. I will tell you that the Army, and the Armed Forces for that matter, are no different from the PNP in terms of corruption problems. The military has its own skeletons in the closet. But at least in the Army, when a soldier, even a new recruit reports for training or for orders, that soldier is given instructions and directions where to procure his equipment. The Army provides you without charge your uniform, your kit, your

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[4] Among PMA graduates, classmates are addressed, *mistah,* which is PMA cadet slang for 'mister.' This form of service slang is also used by other people who are linked to the PMA community to refer to PMA cadets and alumni.

materials and other paraphernalia. All the things a soldier needs are provided for. Even your training materials and needs are provided for. You are not charged rent for sleeping in the camp barracks if your assignment happens to be there. The PNP is different. A policeman has to pay for his uniform and its various paraphernalia, his other equipment; he even has to procure his own ammunition and very often, his own firearm. Even those cheap mimeographed "Pop Sheets" (the term for instructional materials given to police trainees) provided to you when you go for (police) training you have to pay for. When you need to apply for promotion, you have to pay something to the records office to be able to secure a copy of your own personnel file. If you get into trouble in the course of performing your duty, you pay for your own lawyer if you are sued in court. Now, a police officer's salary is only so much. How can you live up to what is expected of you?'

This respondent has never read the literature on police research, but her statements echo much of what Punch (2009, pp. 2-3) describes as the 'unofficial paradigm.' Furthermore, several of these points have been repeated in the various interviews of PNP personnel in the course of doing this study. One SPO 3 actually complained about the PNP's propensity to ask its own officers and personnel to pay for things that should normally be free of charge. He called them his 'grievances.' One of his grievances was:

'Can you imagine that if you go the records section in (Camp) Crame to get a copy of your own; your own, personnel file, you will enter an office where these files are guarded by police armed with Armalite rifles and you are not allowed so much as a glance at your own records without paying some fee.'

A PO 1 applying for promotion to PO 2 supports this allegation in saying:

'Sarge is right. You know, I spent nearly 3000 pesos just to secure and complete the necessary clearances to apply for promotion. We have to pay for just about everything we need, including items that should be issued to us. We have to get it from our salaries, which are not adequate for our own and our families' needs.'

It needs to be explained here that the word 'clearances' used in the response above refers to the documentation that officers are required to secure in order to get promoted or reassigned, or even to retire. Every agency of the Philippine Government has its own clearance requirements for its respective personnel. For the PNP, an officer seeking promotion would need, among others, clearances from several PNP directorates, their immediate commanders

and several more agencies external to the PNP. These include clearances from the National

Police Commission, the local People's Law Enforcement Board, the Office of the

Ombudsman, the relevant local government unit where they are presently assigned and a few

others. The officer seeking clearances from these offices and agencies would have to travel

on his or her own time and expense in addition to paying for the clearances themselves at

each stop.

> According to the original respondent in this narrative, the officer's widow:

> 'The real problem with the PNP is money. It is not the only problem in the institution among its people. It begins from the very start. I mean, people who choose to join the PNP; what is their main motivation? They want to become police because they expect to make money. They think that being a police officer will make them rich, because that is what they see among the police. If you join the PNP you become rich if you know how to play the game. And then when they are in the service, they find out that budget allocations do not go where they are supposed to go. Funds get redirected, embezzled and go to the pockets of powerful officers. The PNP forces its personnel to find funding for themselves. So what will they do? They become corrupt.'

It is important to note here that this opinion is shared by a number of police respondents in

both the questionnaires of the initial survey and in the subsequent interviews. This is an

important major theme within the overall subject of corruption of equal importance to the

theme on morality and religion, considering that of the total number of responses to the

questionnaires and interviews in this study, every one of these respondents have said

something about corruption in the PNP, and more than half have linked corruption with the

subject of money and finances in the police institution. An idealistic and frustrated police

superintendent in PNP Region VII said in a dinner interview:

> 'Look, why do so many PNP (officers) want to be assigned to Region III? (NOTE: Region III is one of the PNP's regional commands where illegal gambling, particularly a local numbers game called *jueteng,* which resembles the licensed lottery except that it is not licensed, is exceptionally rampant. Police are allegedly known to be on the take and provide various forms of protection for the gambling barons who run these

rackets.) They know that there is money to be made there. *Jueteng* can make a (corrupt) officer very rich in a short time. Again, why are do so many PNP officers apply for assignments to the PNP Comptroller(ship)? Money and the opportunity to get rich are the reasons. In fact, there are very few officers applying to become investigators. For that matter, there are very few applicants for the other police competencies outside of the finance and comptroller service in proportion.'

It is interesting to note here that the connection between money and corruption according to these respondents is also connected to the issue of politicisation and political patronage. It is quite possible to note here that political patronage may have been instrumental in the possible involvement of police in the massacre in Maguindanao, as discussed in a previous section of this chapter. Indeed, political interference and politicisation in the PNP has been a main theme that about half the respondents in this study, in both the initial survey and the interviews have indicated in their responses. If the number of responses involving the themes of corruption and politicisation were combined, they would actually outweigh the responses involving morality and religiosity by a slight margin. One respondent actually defines political patronage as the 'lifeline system', where members of the PNP have to have strong patrons in the institution or in the wider political system of the Philippines, in order to obtain promotions, good assignments or simply just to have a career in the PNP, in effect, a kind of lifeline. Another respondent calls it the *'bata-bata'* system. The term *'bata'* means 'young' or 'youthful' in Tagalog (English 1977, p. 1210) and Cebuano. It could also refer to one's being inexperienced. In Philippine social and political contexts, however, *'bata-bata'* refers to a patronage arrangement where a higher ranking person takes a lower ranking one under his or her wing and takes that person's unqualified loyalty for granted. The senior person in this arrangement provides benefits to the junior member, especially in terms of 'learning the ropes' or 'the rules of the game.' In turn, the junior person (the *'bata')* returns the favour by being loyal and subservient.

One respondent, the American national involved in the ICITAP, some of whose interview responses had been in the discussion in the previous chapter, has this to say about the PNP's finance issues, politicisation and corruption:

'...what I think is the fundamental problem of the PNP: The funding structure is such that (since) it is a national police, the national budget they get from the national government is barely sufficient to pay the salaries of its personnel. I don't have the figures, but last year, salaries ate 92 percent of their national budget. They have an arrangement... whereby local government units are obliged to support the operations of their local police units. And the Philippines is a place that thrives on scandals and corruption, and corrupt politicians are extremely common and they have a corrupting influence on these local police they are responsible for supporting financially. There are great disparities between PNP officers. If you go to an affluent community, you will find that the cops are probably quite well equipped and they have the money to do things like training and provide libraries and all sorts of niceties. Whereas if you go to the more abject parts of the country, the cops, they have zero; nothing in the way of tools to do their jobs, and the only way that they can get the means to get their (police) station fixed, which in many cases is nothing more than a glorified nipa (dried long grass) hut is to please the local politicians. If they are not pleased, the cops get nothing. So that arrangement by itself would cause the police to bend the ethical standards...'

The figure cited by the respondent, 92 percent, is actually accurate, as the PNP's own Program Management Office (PMO) has published the same figure as that part of the budget that goes to personnel services (Program Management Office 2008, p. 5). Considering the source of this response, it is probably safe to say that the institutional and political arrangements between the PNP and the politicians who are able to control its personnel and operations as well as the financial and funding arrangements in which the PNP operates do contribute a great deal to unethical police behaviour and corruption. It could also explain the tendency for police officers to become de-facto vassals of strong local politicians, which could, and in one previous narrative, it actually did, lead to PNP officers becoming part of a local politician's private army. It is also true that, in actual observations by this writer, PNP personnel assigned to wealthier localities do tend to have better equipment and facilities as compared to their comrades assigned to less well developed areas. It is perhaps instructive to

note here that four responses to the initial survey questionnaires said in effect that low police wages and benefits are the cause of much of the corruption that PNP officers engage in. Two responses said that these low wages force police officers to go into such things as illegal gambling or cock fighting if only to supplement their salaries. Twelve other responses said that if police wages were increased and certain benefits such as institutional assistance for housing, basic personnel needs and educational plans to help finance the schooling of police officers' dependants were provided, corruption in the PNP would be resolved. During the field interviews, one female PNCO admitted that her salary could not make ends meet, especially considering that she is assigned to a police office in Metro Manila, where living expenses are much higher than in a rural locality, and she has five children to feed. While she does not admit to having done anything corrupt or unethical in relation to her low wages, she does readily accept that there are co-workers in the PNP who do so. A bright young chief inspector in the PNP Program Management Office mentioned that, as far as he knows it, 'around 60 percent of our police officers live in squatter areas', which is to say that, if this is true more than half of the PNP's personnel are living in poor, squalid conditions where poverty and crime also exist. According to official PNP statistics that estimate is not too far off the mark: 63.13 percent of PNP officers are in need of decent living conditions (Program Management Office 2008, p. 6). Dealing with criminals is difficult enough. Living in close proximity to them in the same shanty neighbourhoods of a slum would arguably make things even worse. It appears, then, that the PNP not only suffers from the inability to adequately pay its officers, it also has a few other problems, such as its inability to supply officers with issue equipment, easier procedures, or legal assistance, that make matters even more difficult for the average police officer.

In any event, a few tentative conclusions could be drawn from the narratives in this chapter. First, there are issues involving personal morality that have a serious influence on a police officer's ethical behaviour and conduct, even if it may be possible to separate personal morality from professional ethics. It is arguably difficult to establish this distinction in Philippine culture, since Filipino values link the moral with the religious and the ethical. However, this is not the only real problem in the PNP requiring resolution. The PNP's ethics reform programs, however, seem to focus almost solely on the morality problems, using virtue ethics approaches to effect a transformation of individual officers' values. This is useful to a great extent, but it would require some supplementary approaches towards ethics training and management, since the expected and official virtues that officers are expected to abide by could be neutralised by the nature of police work or the environment of policing and even the nature of the police institution itself, which is the case with the PNP. Police may have to find compromises between their expected standard of behaviour and the actual necessities of their work. In a country like the Philippines, where the PNP has to deal with its functions and roles while navigating through difficult institutional and political issues, the virtue approach to ethics management may not be enough to ensure an ethical police. Furthermore, the very virtues that the PNP seeks to inculcate in its personnel may themselves be turned on their heads due to the difficult issues surrounding the individual police officer as well as the entire PNP. Loyalty, for example, in a political environment that is similar to a feudal society's may become a source of corruption, as shown in the example of a previous narrative, where police loyalty was arguably the key which enabled a local political warlord to commit mass murder against the relatives and allies of an opponent. Loyalty as a virtue, in this instance, could be a mere extension of patronage politics and political fealty.

Second, the PNP itself has a number of institutional problems that contribute to its ethics management problems. One of them is in its funding and finance structure, which to a great degree is deeply linked to the political environment within which it works; its centralised national character even as it operates on a largely local basis under the control of local political executives; and its supply, distribution and logistics arrangements. By itself, the political character of police operations could be considered a separate but related issue as part of the PNP's institutional problems. Policing is too deeply politically controlled. It is also possible to consider as part of these institutional problems, the greater issue of social attitudes towards corruption, policing and values. If it is true that Philippine society 'thrives on scandals and corruption' and is 'tolerant' of corruption, then it stands to reason that its police institution would not be immune to such tendencies. Third, the environment of policing itself, as much of the literature discusses in Newburn (1999), Chan (1997), Foster (2003), Neyroud (2003), Reiner (2005), and Quinton and Miller (2003) among others, has a very strong influence on police conduct and attitudes. Project Guardian, which was carried out in the Victorian Police in 1996 examined and clearly found strong correlations between police culture and its impact on police ethical behaviour (Comrie 1999, p. 218). This finding would certainly have a similar application in the Philippine National Police. Two officers interviewed for the study and part of whose responses are shown in the narratives in this chapter show an attitude towards suspects' rights that would underscore this assertion. They seem to think that suspects are given 'too many rights', which would have an impact on the way they and similarly minded police officers think about human rights, criminal justice principles and police ethics.

5.6. Poverty, Corruption and Patronage Politics: Summing Up the Challenge

Many of the themes that have been explored in this study, so far, have possibly brought to light some of the more difficult issues affecting the PNP in terms of its ethics management and governance. The PNP's institutional characteristics and its funding structure, as well as the wider issues affecting financial management in the Philippine Government clearly imply that the average police officer does not earn enough to support a decent lifestyle, let alone live up to the PNP's institutional demands as to how a police officer should conduct himself or herself. Its own figures show that more than half of its most junior ranking personnel are living in squalid, impoverished conditions where they are constantly exposed to criminal elements. This not only makes police work and police well being difficult, it could arguably have a corrupting influence on individual police officers as well. This is exacerbated by the PNP's failure to provide its own personnel with the necessary tools and equipment to do police work, as officers often have to purchase their own uniforms, firearms, ammunition and such other requirements out of their own already meagre wages. This, in turn, arguably contributes to corruption and unethical conduct among police officers. Such corrupt and unethical behaviour could arguably lead to personal moral problems for PNP officers and affect the police profession, as is seen in the evidence of the use by some PNP personnel of torture and other forms of cutting corners around the criminal justice system. Furthermore, it could serve to worsen the prevailing negative attitude, at least among some officers, over suspects and their having 'too many rights' in their view. Finally, political patronage, which has been described as a major characteristic of the Philippine political and administrative systems, is linked with the issues of poverty and corruption. Indeed, patronage networks with local politicians and strongmen is a means by which local police could address some of the logistical and pecuniary problems they are facing, which the PNP does not

address adequately. Poverty and corruption within the PNP make its personnel more susceptible to political patronage, and as a result, they could become instruments of political violence and partisan politics. The existing institutional approaches that the PNP has been using to address these problems are arguably inadequate in dealing with them. The challenge, then, is to find a better way to do so. The following chapter will consider these themes further and attempt to discuss in a more comprehensive way the sub-themes and issues that have not yet been brought to the surface. This would, hopefully, complete the picture as far as the PNP is concerned, so as to arrive at sound conclusions and recommendations towards better police ethics and governance.

Chapter VI: Institutional Issues and Ethics Management in the PNP

6.1. Introduction

In the previous two chapters, part of the PNP's institutional approach to dealing with its ethical issues and problems have been presented, followed by a series of narratives obtained through interviews in the field showing why these institutional approaches are not sufficient in themselves in implementing reform and better ethical practice in the PNP. This chapter continues from those themes and explains in greater detail the main and essential causes for the shortcomings of the PNP's approach, showing that the issues involved are much greater in scope than could be managed through institutional approaches involving religious programs or morality crusades alone. This chapter begins with an explanation of the PNP's Integrated Transformation Program (ITP), which is the institutional grand strategy for reforming the police service. As a top-down policy, it is based on the premise that the PNP can resolve its own problems through its own efforts for the most part. Indeed, the religious and morality approach presented in Chapter IV are a major part of the ITP's thrust. The succeeding sections then explain why the ITP is not a sufficient strategy for improving police ethics and governance.

6.2. The Integrated Transformation Program: A Grand Strategy for Reform

In all the time that this writer had spent in Camp Crame, interviewing officers and other respondents in the PNP national headquarters, this writer had frequently been told to go to the PNP Program Management Office (PNP-PMO) and talk to someone there about the PNP's Integrated Transformation Program (ITP). This office is under a police director and is the unit managing the ITP. Formally launched in 2005 and initially meant to be operational over a ten year period (2005-2015), the ITP's overall goal is to 'transform the PNP into a more

capable, effective and credible police force.' It intends to do this through the resolution of what it calls the PNP's 'organisational dysfunctions' and to improve the quality of police services; strengthen the PNP's law enforcement capabilities (capability enhancement) and improve the welfare and benefits of PNP personnel and dependents (Program Management Office 2008, pp. 1-4). Some of the issues related to the ITP have already been intimated in previous sections of this research. The incumbent PNP director general, Jesus Versoza, is the main proponent of this program, and he has expressed confidence that it will have the capacity to identify and correct all the perceived dysfunctions in the PNP's systems, procedures and programs (Police Digest 2009, p. 3), although the memorandum of agreement that started it all had been signed in 2003, when the PNP director general was Hermogenes Ebdane (Reformag 2009, p. 13). It has identified some of the main problems and dysfunctions of the PNP and has begun working on 19 priority projects to date. The PMO has presented a rather comprehensive list of some of the PNP's logistical, human resource and capability problems, among them (Program Management Office 2008, pp. 7-10):

- 80 percent of police stations (of a total of 1,282 police stations all over the Philippines), are in a 'sorry state.' This means that they are made of substandard materials, are not conducive to security and are ill equipped. Many stations have no computers, fax machines, office supplies or even rudimentary office equipment.

- The PNP needs 14,524 land motor vehicles. 179 police stations do not even have any motor vehicles at all.

- The PNP needs 51 aircraft (only 10 are on hand), 147 boats for maritime policing (only 36 are on hand), 25,289 hand held radios (the PNP has only 2,416) and 9,188 mobile radios (the PNP has only 326).

- The average entry level police salary in the PNP is less than US$500.00 a month.

- The PNP has only one full hospital for all 120,000 personnel and their dependents, supplemented by 16 clinics. Furthermore, only seven percent of PNP dependents are able to receive educational assistance.

- There are only 107 lawyers servicing the average police officer's legal needs in the entire PNP. In the words of several PNP interviewees, officers are either afraid to do their duty, or are tempted to cut corners in the criminal justice system because of the fear of being sued. Legal assistance to officers is inadequate, and, as explained earlier, officers have to pay for their own legal representation.

The ITP has identified 19 priority projects as a necessary part of the PNP's transformation. A selection of these projects is presented here (Reformag 2009, pp. 13-15):

- The Model Police Station Program: This is part of the effort to upgrade law enforcement capabilities, improve public access to police services and improve the quality of policing, among other things. The PNP (Program Management Office 2008) has established three such model stations; Marikina City Police Office (in Metro Manila and Luzon), Aklan Provincial Police Office (in the Visayas) and Marawi City Police Office (Mindanao). Additional model stations are being developed at this writing.

- ITP Public Information and Advocacy: This is part of the PNP's strategy towards bringing in public participation and the involvement of as many sectors of Philippine society as possible in the work of policing.

- PNP Livelihood: This is part of the PNP's project towards providing police with added income and thus improve their lives and living standards. This is only one of several similar projects meant to help improve the lot of the average police officer.

There are other projects beyond this list, but these are sufficient to illustrate the ITP's overall concept of improving the PNP's capabilities and services, the well being of its personnel and its credibility, its public image and its ethos. This is arguably an attempt at reform and innovation, as the PNP attempts to reform its key attributes: police leadership, its human and capital resources and its systems (Carnegie, et. al. 1993, p. 69). The funding for this is said to come, in part, from foreign donor assistance and from the Philippine Government. It is expected to require 2.21 billion Philippine Pesos within its initial ten year time frame. If it extends beyond this time frame, then the PNP expects to be able to generate enough income to pay for itself and the continuation of the ITP, as one of the 19 projects in it involves the development of legitimate ways and means that would enable the PNP to generate its own revenue (Program Management Office 2008 & Reformag 2009, p. 13). It is a grand strategic plan and arguably an ambitious one. It also makes the PNP more of a total institution as understood in Goffman (1961), since it is a concentration of power within itself almost to the total exclusion of other entities outside it (Clegg 2006, p. 427).

Strategic or corporate planning has both advantages and disadvantages. It also has a few requirements. First of all, it needs a well defined mission, an agreed set of institutional or organisational goals and values, as well as a mechanism for supporting the cycle of planning, analysing and evaluating strategic choices and directions (Wills 2001, p. 48). To begin with, the ITP has done well in identifying the issues and setting a policy agenda, which refers to the problems or policy matters that require attention (Bridgman & Davis 2004, p. 34). Its 19 priority projects set down the PNP's institutional agenda. It is also arguably comprehensive

and has mechanisms for supporting the elements of the strategic cycle identified above. It is meant to have continuity and sustainability, as the PNP has always had a problem with constant changes in programs, policies and initiatives whenever a new director general is chosen. As soon as the old one retires, the new one comes in with a new plan to supplant the previous administration's policy. The ITP is designed to continue long after the existing upper management has retired (Traje & Arao 2009, pp. 8-9). It has the advantage of enabling the entire PNP to understand the institution's overall goals and directions and give its management the capacity to focus on what is relevant. It even has a portion that allows the PNP to break down some of the internal barriers within it that have been preventing the participation of rank and file personnel with commanders in decision making. There are also portions of the ITP that allow greater public participation in policing. Such participation could ideally reinforce the sense of ownership that PNP officers of all ranks and citizens in wider society have over the governance of policing (Wills 2001, pp. 49-50). The effort to localise reform in the PNP is meant to enable lower ranks and lower levels to be more independent of the central management at Camp Crame through the provision of leadership and organisational development training among police commanders at all levels of the PNP. In a parallel effort, the PNP is also trying to involve other sectors of Philippine society to pro-actively participate in the PNP's law and order mission and its reform efforts (Traje & Arao 2009, p. 9 and Maloc 2009, p. 28). The ITP's citizen empowerment provisions state that 'citizens shall be empowered with knowledge of their rights and shall be encouraged and protected to claim it.' It also makes it the PNP's role to encourage citizens to participate in the development and implementation of local peace and order plans and 'promote good citizenship' (Program Management Office 2009, p. 10). Indeed, it says in its official publication: 'Many Filipinos assail the PNP for its alleged inefficiency and dishonesty

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without realising that they too share the responsibility of maintaining peace and order...' (Maloc 2009, p. 28). In terms of improving police ethics, the ITP has a portion dedicated to human resource development, which includes capacity building for police officers and units, values formation and spiritual programs to enable the police officer to internalise the right values (Program Management Office 2008, p. 15).

For all its comprehensiveness and ambition, there are a number of issues that the ITP may have to address. First of these is its reliance on funding from foreign sources. With the present state of the Philippine economy, perhaps this could not be helped, but foreign development assistance is not completely without problems. Among other things, it would require substantial readjustments in the Philippine economy in general and in the PNP in particular to accommodate the expected assistance funds and resources. The projections of aid inflows may not be based on systematic evaluations of alternatives but rather on simple trust that they will come in, based on previous historical or political considerations (MacEwan 1979, p. 342). This subject, however, is not within the scope of this research, and so it has to be left where it is. Perhaps future research could be carried out in this area. Even so, as with all strategic planning of this scale, their implementation and effectiveness are dependent in large measure on the characteristics of the environment in which they are expected to work (Gerloff 1985, p. 21). The provision, consistency and other issues related to foreign development assistance are certainly part of the ITP's working environment.

Of more serious concern is the ITP's seeming emphasis in the PNP's taking the lead role in defining its own reform directions, even with regard to the public participation dimension. The language of the ITP is rather dictatorial. Consider its use of the word 'shall' in '...citizens shall be empowered... shall be encouraged...' It is as though the PNP has the role of forcing the issue and compelling people towards empowerment. This model of police

leadership could be considered part of what is termed the 'Professional Model of Policing' (Kessler 1999, p. 334), which is similar in concept to Chan's (1997) idea of police professionalism as a means towards reform. This is seen in part of the ITP's credo to 'create a more professional PNP' (Program Management Office 2008, p. 1). Professionalism involves a process where the system, in this case, the PNP and its relations with society, is controlled through the expertise of people who have specialised knowledge (Cotterrell 1992, p. 194). The PNP thinks of its officers as the specialists, although it seeks similar such knowledge from people and institutions outside itself, as is evidenced by its links with foreign police forces and governments who provide it training assistance through programs like ICITAP. Unfortunately, police studies since the 1950s have shown that the Professional Model has not been truly successful in dealing with police abuse, corruption or unethical behaviour. Police departments simply denied the credibility of people making complaints and refused to act on those complaints (Kessler 1999, p. 334). This is in part due to the very nature of police culture, already explained elsewhere, that overdevelops a commitment to service solidarity within an environment that isolates police from the non-police community (Foster 2003, Findlay 2004, p. 108). It also illustrates that police institutions in general, and particularly the PNP, are total institutions as understood in Goffman (1961). It is so enclosed within itself that it does not grant prime importance to the autonomous participation of outsiders in its reform efforts unless it controls the processes of participation. The Professional Model is characterised by, among other things, the idea among police officers that they are the guardians or gatekeepers of law and order (Findlay 2004, p. 137). Thus, whatever process is involved in maintaining it must be under its control, and this would include public participation. However, if the ITP simply calls for the PNP to push people towards empowerment, this would neither be empowering nor ethical. Empowerment, as understood

in Habermas (1984, 2005) and in McIntyre-Mills (2008, pp. 8, 37) is a capacity that is built and learned collectively and over time. It requires collaborative effort and cooperative direction. Leadership facilitates rather than imposes. The Model Police Station concept is a case in point. By improving the operations and efficiency of a police station as well as the discipline and character of its officers, it is hoped that, in the words of a PNCO working in one such model station:

> 'If we improve our image, our discipline, our character and our quality of service, the community will no longer be afraid to cooperate with us. They will be more confident of approaching the police and trusting us. The community is always first. Without their cooperation and help, we cannot function.'

However, the ITP, while attempting to promote pro-active public participation, does not quite enable the kind of community or public participation that is truly collaborative, able to develop collective learning and reflection, or considers the citizen as part of police ethics management and police governance. It does not truly enable the community to assume leadership over policing, which is essential to democratic policing as understood in Pino and Wiatrowski (2006). Collaborative inquiry and reflection are not the same as mere cooperation. Collaborative inquiry and the collective efforts resulting from it are repeated efforts towards reflection and action within a group of peers who seek to answer questions that are critical to them (Bray, et. al. 2000 cited in Lovering 2004, p. 1). This would require a framework for understanding complex relationships and interdependent factors, a framework for practice when working with different perspectives and a comprehensive framework for ethics, responsibility and accountability (Reynolds 2008, p. 385). It requires respectful dialogue as understood in Habermas (1984) and it considers participants as co-equal inquirers. Knowledge is built up out of the understanding of the members of the group (Lovering 2004, p. 2). Following Ulrich (1987), it could enable the community, as stakeholders, to truly set their own boundaries and establish themselves as leaders in

democratic policing (Pino & Wiatrowski 2006). If, as Pino and Wiatrowski (2006) imply, democratic policing could enable non-police community stakeholders to gain the competence needed to be leaders in policing, then this would satisfy Ulrich's (1987) boundary questions regarding who should take the role of the expert and who should be the system's planner or designer. The community, as much as the officers comprising the police, should ideally be working together as equal experts and planners in efforts towards police reform. Cooperation, however, does not necessarily include these elements. Indeed, one can cooperate with police more out of fear than out of a sense of shared meaning or understanding. Even if such cooperation is the result of greater public trust in the PNP due to the PNP's efforts to capture public trust and cooperation, which is one of the tenets of the ITP and the PNP's Police-Community Relations concept (Directorate for Police Community Relations 2003, pp. 12-13), it merely results in a degree of community involvement rather than a community or public willing and initiating collaborative efforts with the police. Given the very recent events involving police officers massacring civilians or torturing suspects as explained in the narratives in previous chapters, no matter what the PNP does to enhance public cooperation, it would probably not be forthcoming to the degree that the PNP desires. Trust, which is based on imperfect knowledge is built up from intense and constant interaction among people and is predicated on respect (Norris 1999, p. 174) and collaboration. The language of the ITP places the controlling hand of participation in the PNP, where, much like in Community Policing, controlled participation has always tended towards unequal balances of power between 'expert' institutions (the PNP) and the 'non-expert' community. Cooperation and consultation become mere symbolic forms of interaction (Ryan 2008, p. 85). This may lead to a degree of cooperation from the public, especially if reform efforts are instrumental in helping improve police efficiency and effectiveness, and the ITP is not entirely without merit.

The Model Police Station project alone has already been improving policing in the areas where they have been established. If police are seen as effective, the public may view their own cooperation with their police as important because it would be more likely to lead to tangible results (Sunshine & Tyler 2003, p. 153). But this kind of cooperation does not lead to the mutual enrichment and learning that collaboration and democratic participation could lead to. The evaluation and management of police effectiveness, for example, could be placed in the hands of the public, through mechanisms of performance management using direct involvement and input from the members of the community, which goes beyond mere public cooperation or consultation. Public participation like this should be taken more seriously by government agencies, and this would require more openness, greater trust and a willingness to collaborate rather than control (Heikkila & Isett 2007, pp. 238, 239, 244-246 and Lovering 2004, p. 3). The ITP does not provide for such a mechanism. In many ways, even with the ITP, the PNP is still an institution with more closed doors than open ones. Real public participation in relation to improvements in police ethics require decision making and other processes to be open to public scrutiny and active public involvement (Organisation for Economic Cooperation and Development 1998, p. 4). In a way, the dominant institutional culture in the PNP, if by culture one means the set of informal norms, beliefs and values that are the basis of police behaviour and worldview (Loftus 2008, p. 757), still retains a degree of distance and separation in relation to the wider society. As early as the initial survey, this was already evident. Question 13a asks: *Would you welcome the participation of such people (external stakeholders such as community leaders, residents, media personalities, local officials, etc.) in your police unit's management and decision making?* Of 99 responses, 51 said 'yes' and 38 said 'no'. In Region VII, there were only 7 'yes' replies and 12 'no' responses. The margin is rather close, and this opened the theme of community and public participation

in PNP decision making and governance. In subsequent interviews in the field, three respondents, one PCO and two PNCOs strongly dismissed the notion of involving the wider public in the PNP's decision making. One of them asked, 'Suppose they get access to our sensitive information and confidential documents?' There was a tone of incredulity in this respondent's voice, as though this writer had asked a ridiculous question. In a word, many officers in the PNP still do not consider the average person on the street trustworthy. They can and should cooperate with the PNP, but they could not quite be trusted to be part of its decision making.

Incidentally, not everyone in the PNP is happy or supportive of the ITP. Two respondents, a PCO and a senior PNCO voiced contempt on the subject. The PCO's comments regarding the ITP in relation to what he thought were corrupt and dishonest generals in the PNP have already been presented previously. The senior PNCO has this to say:

> 'That ITP is useless *(walang kwenta)* if the leaders of the PNP do not lead through good example. It (the ITP) is only a gimmick. Look, why would they dress up someone in a Robocop costume and have him parade through the malls just to get children and the public to like us (the police)? It makes no sense. There is no substance in it at all.'

The Robocop costumed person in the narrative actually refers to what had happened a few days before the field interviews that this writer had carried out in the Philippines. Apparently, a police officer was dressed up in a costume that made him (it was a male officer) look like the Hollywood film character, Robocop, and in this guise, made appearances in some of Metro Manila's large shopping malls to elicit public support for the PNP and its ITP. In this respondent's view, it was little more than a hollow publicity stunt, or in the colloquial language of Manila that mixes English with Tagalog, a public relations 'gimmick.' In spite of opinions like these, the ITP is not entirely without merit. It is a good example of a top-down

institutional program for planning and implementing change. However, if the PNP and policing are to truly promote ethics and improve ethical practice and behaviour, it needs to be complemented by a bottom-up approach, where stakeholders outside the institution can independently participate on their own initiative in whatever the institution is doing, and without the institution attempting to control the processes of participation.

6.3. Patronage Politics, Policing and Corruption in the Philippines: Wider Social and Political Issues that could not be completely addressed by the ITP

6.3.1. Experiences in Corruption and Unethical Behaviour: Exploring the Social Roots of Corruption

In the course of doing a portion of this research in Manila, this writer had seen at least a dozen buses plying the main avenues of this metropolis sporting notices to passengers: 'Badge not allowed' or 'No badge allowed.' In one air-conditioned bus along Commonwealth Avenue in Quezon City was this variation in large print: 'Pls. (Please) No Badge.' At first, these signs and notices did not make any sense, until a seasoned public transport driver explained:

> 'What that means is passengers who are police now have to pay the fare when they ride. In the past, you see, they only had to flash their badges and ID's in order to get a free ride.'

This writer: *Was that ever legal? Could police officers legally ride public transportation in the past without having to pay the fare?*

> 'If I remember the old days, there was never any law requiring (public transport) operators and drivers to give police and military people free rides. There are laws that allow students and senior citizens to ride on public transportation at reduced fares. In the past, drivers and operators allowed police and soldiers free rides as a courtesy to them for their public service. But it soon became a kind of corruption, since police passengers began expecting to get free rides whether the drivers wanted it or not. If a driver refused, he would be given a hard time by the police, who would inspect his

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licence, registration, look for the smallest problems involving the vehicle and have it impounded. For a driver, that would mean a loss of income. So, it was much wiser for a driver or operator to allow police to ride for free. What's one free ride, anyway? But it was also an advantage to us drivers to have police riding for free. We did not have trouble with other police (officers), especially traffic police when we had police (officers) in our (vehicles). Sometimes we would ask our police passengers, if we get to know them personally after a time, to help us facilitate transactions at the police stations involving licences or traffic fines or things like that.'

This writer: *So, why do some drivers and operators now refuse to allow free rides for the police?*

'Only the big operators do that. Most of us are small time operators. We have one jeepney or two, and we usually drive them ourselves and earn our own living. Some of the bigger public transport operators are rich people who own many vehicles, usually buses or taxis. They instruct their drivers not to honour police badges any more. If the police passenger insists, these rich operators know the system enough and have enough money to file the appropriate case.'

Recall that in the previous chapter, the narrative of the PO 1's sister includes a portion where this same subject comes up. Taking from Kleinig (2005, pp. 603-605), this could be understood as a form of gratuity, which by itself is not necessarily a form of police corruption or an unethical act. However, when small favours, such as the giving of free rides by public transport operators and drivers to PNP officers becomes a regular occurrence and creates a sense of obligation, it would make it difficult for police to act impartially whenever their favoured drivers violate the law, as the respondent in the narrative above implied in saying that he and his fellow drivers sometimes use their police connections to do favours for them when they need to settle problems with the police.

There are other examples of small scale or petty corruption other than those involving free rides on public transportation. Apparently some police officers, as well as government employees and officials in other agencies of the Philippine Government are prone to abusing the use of official government vehicles. All over the Philippines, it is usually not difficult to distinguish government vehicles from privately owned ones. Government vehicles usually

bear alphanumeric registration plates consisting of three letters and three numbers, similar to those found on privately owned vehicles. The difference is that the letters and numbers on government registration plates usually start with the letter 'S' and are coloured red. Privately owned vehicle plates normally have green letters and numbers. But what is even more striking is the phrase: 'For Official Use Only' that is painted over most government vehicles, especially on staff cars, military transport, police vehicles and fire trucks, among others. It was explained to this writer that these notices are supposed to remind public officials using these vehicles that they should not be used for private purposes or for any purpose other than the business of government. The use of government vehicles for purposes other than government work is apparently prevalent in the Philippines, according to three police and one non-police interviewees. Indeed, even the clearly written phrase, 'For Official Use Only' does not seem to deter the misuse of government transportation. A veteran PNCO, on condition of confidentiality, admitted to having used an unmarked police vehicle once to take himself and a few fellow officers on trips to drinking spots and nightclubs all over Manila.

> 'And why not? Generals and colonels do the same thing and worse. Many officers (referring to PCOs) use PNP cars to take their children to school and their wives shopping.'

One respondent jested in saying, 'they should change that (For Official Use Only) into; "For official use also."'

Three respondents' statements are illustrative of other forms of corruption in the PNP. One of these respondents is a courier rider for a local Philippine mail and message service. He had been assigned the route that includes Camp Crame and the offices and agencies of the PNP within. He explained that in his work involving delivering documents and packages to various PNP offices in camp, he receives certain, for lack of a better term, 'fringe benefits' as

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an outsider who occasionally has contact with the PNP. Some PNP officers in certain offices give him tips for doing his job:

> 'I sometimes get good tips from the police in the FEO (Firearms and Explosives Office) and the SAGSD (Security Agencies and Guards Supervision Division) while at the CIDG (Criminal Investigation and Detection Group) I sometimes get a free lunch, so I make it a point to try doing my runs around noon... I could use some of my (police) friends' names to help me get out of traffic violations. It usually works. It is one of the good things about knowing someone in the PNP. Sometimes, though, it does not work any more.'

This writer: *Why is that, do you think?*

> 'Some police (officers) resist corruption. I have experienced being shamed as a (traffic) violator once by a police (officer) who was offended at my attempt to use my connections in Camp Crame to get myself out of a (traffic) fine. He told me that the PNP is no longer like that, but I don't believe it. The PNP and the entire Philippines for that matter are in a hopeless state.'

Another similar story comes from a barber who claims to have once worked as a personal hair stylist for a police general of very high rank. He showed this writer his client's business card as well as a similar item that served as an identification card and a pass so he could go through Camp Crame's security measures to perform his services. He says:

> 'I used my ID to help me get off from being apprehended by police, especially on the road. It became my passport out of trouble (with the police). It has General _____'s signature, see? It also has his picture. He's retired now, so it does not have the same effect any more. Once, I was riding my motorbike without a helmet. I was pulled over at a police detachment. I tried to use my ID to avoid the penalty. The PO 1 who pulled me over showed me his own police ID, but mine had General _____'s picture on. He (the PO 1) was hot headed. He told me: "Who do you think you are? Just because you are that general's boy, ('*Bata*') it does not mean that you could simply get away with traffic violations like that." We had a long argument, but I reasoned my way out and was let go without a penalty. That PO 1 clearly hated me, though. Before he let me go, he told me that my bike would be impounded and then I would have to go to the impound area to pay a large amount for its release. The actual penalty for riding without a helmet here in _____ City is a 500 Peso fine. No impounding of vehicles. He thought he could fool me or threaten me to give him a bribe (*'Padulas',* or grease money).'

What is interesting in the foregoing account, other than being a good example of patronage politics at work, is that the apprehending police officer and the respondent were both

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attempting to outdo each other using unethical and even corrupt sources of power to get the other to concede and yield. The officer was trying to exact a much higher penalty than the law required, possibly in order to secure a bribe from this respondent on the reasoning that the threat of a heavy penalty may force the violator to bribe his way out of an onerous inconvenience, while the respondent was trying to go scot free. The officer was arguably trying to intimidate this respondent, while the latter was trying to use his supposed relationship with a high ranking patron in the PNP, being the personal barber of one. In Filipino terms, this would be a variation of corruption known as *'Palakasan',* which, in English could be translated literally as 'the use of superior strength to overcome something' (Quimson 2006, p. 12). *'Lakas'* is the root word of the term, and it literally means 'strength' in English (English 1977, p. 1019). The prefix *'pa'* before the word *'lakas'* denotes an active employment of strength, while the suffix *'an'* used with the prefix *'pa'* denotes the existence of an active obstacle or some opposition who is also using some strength that requires a greater measure of *'lakas'* to overcome. In this particular situation, it refers to this respondent's attempt to use the strength *(Lakas)* of his patron, or his connection with his patron, to avoid getting a penalty for riding without legally required head protection, thinking that this would be strong enough to overcome the authority of a police officer citing him for his offence. This situation had become enough of a concern that a previous PNP director general, Avelino Razon, issued standing order for all police officers to arrest any person misusing and abusing PNP calling cards, ID's and similar such documents (Police Digest 2008, p.16).

Being a government employee is also beneficial in relation to avoiding police citations for minor traffic violations. A respondent who works for the local city judiciary in one of Metro Manila's eastern cities said:

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'I was riding my motorcycle home one night without a helmet on. I got pulled over at a police traffic checkpoint and was about to be charged a fine, but when I showed the cops my ID, saying I was working in the Office of the Sheriff of _____ City, they let me go.'

This writer: *How come?*

'In my experience, police tend to be kinder to government employees. They seem to identify us as fellow government people.'

However, to return to the previous narrative involving the barber, it is interesting to note that throughout this account, in no instance was the law, which actually has a set penalty for such an offence, complied with or appropriately applied to the situation. The Rule of Law principle has been thereby nullified. This could illustrate the assertion that corruption in government, particularly in policing, is deeply related to a wider social corruption, as understood in Kleinig (2005, p. 596). Lasswell (1977, pp. 349-351) explained the concept of deviation or deviance from social norms as the result of a calculated risk of gain. People may actually deliberately break an accepted social norm, even laws, if the calculation of risk is such that the potential gain outweighs the possible loss. For as long as such deviations remain in the private sphere, the wider society does not normally take part in such private controversies. However, community policy, most of the time, does step in when the controversy becomes an offence, especially if the offence constitutes a crime. It is at this point when a private controversy becomes public, because it shall have become a public concern. In the previous narrative, however, there may have been deviations by both the respondent and the police officer involved. The respondent violated a traffic law, and the officer did not enforce the proper penalty under the law. Both persons attempted to use a variation of the calculated risk to secure gains at the expense of the other. This could no longer be considered a mere private controversy, as laws have been violated, and so, by definition, crimes have occurred which have ethical dimensions. But the law itself, which

could be understood as a form of community policy, was never allowed to take effect. Could corruption, then, be conceptualised as the employment of calculated risks towards personal gains on purely pragmatic grounds? In a sense, the narratives relating to the police habit of using the PNP badge to secure free rides on public transport, which small time drivers and transport operators use to their own advantage in turn could be considered a deviance based on reciprocity. The use of police connections to avoid penalties could be considered a deviance based on pure calculated risk. In the case of the barber and the PO 1, the ethical thing for a police officer to have done was to enforce the law appropriately. Unfortunately, the officer concerned here chose not to do so and attempted to carry out his own version of a calculated risk, which, if successful, could have secured a bribe. Hence, one feature of corruption, including police corruption, which is one of the main themes in this chapter, is that it is an attempt to take advantage of another person in a manner that is neither legal nor ethical, and its basis is the use of power and purely pragmatic calculated risk taking. Taking from Preston (2007, pp. 7, 17) as explained in the Literature Review of this study, ethics is the ability of the human being to choose among values, a concern for what is right, fair or just. Taking from McIntyre-Mills (2006, p. 90), it is also the ability to decide by placing oneself on the receiving end of a decision. This pure pragmatism in calculating risk fails these definitions of ethics and ethical decision-making.

It also raises the question of whether deviance such as this could still be considered deviance if it is so widespread. If corruption and unethical conduct are pervasive throughout the PNP and in wider Philippine society, then is it still appropriate to consider it deviance, since the concept of deviance implies an individual or a small group of people breaking the norms of wider society or the larger institution? If deviant conduct has become the norm, then would this still be deviance? It is possible for deviant behaviour, which in this discussion is

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corrupt and unethical conduct, to become legitimated. This is especially possible where sanctions against deviance are not consistently enforced (Parsons 1952, p. 278). It then moves up from an individual to a collective phenomenon. Patterns of unethical conduct and corrupt behaviour could reinforce each other, and so, such behaviour would then be based on a stronger motivation (Findlay 2004, p. 92). Motivation, after all, is critically essential towards understanding corruption (Kleinig 2005, p. 598). People would have a stronger motive for such behaviour because it would give them strong rewards (Parsons 1951, pp. 292-293). Thus, if the motivation and the environment for unethical conduct and corruption exist in such circumstances, it is perhaps safe to say that the virtue-based ethics management approach that the PNP currently uses may not be sufficient by itself to correct the ethics problems of the PNP. They arguably do not provide motivation enough towards ethical behaviour. If Kleinig (2005) is correct in saying that motivation is central towards understanding corruption, it is equally critical towards understanding ethical behaviour as well. Perhaps, taking from Ulrich (1987, p. 290), the citizens do not really see themselves as actual stakeholders of the system. If this is so, then they would be unable to control the environment as decision makers or as planners. They may be affected by bad policing, but they are unable to rise above their situation and be in a position to emancipate themselves, not only from unethical policing, but from the wider social corruption in which they are situated. In this regard, it is possible to argue that the ITP would be unable to address these issues, since it does not really consider ordinary citizens as autonomous participants who are capable of learning and reflecting on the idea that police corruption is in part their responsibility.

A general, broad spectrum definition of corruption could be: 'The abuse of official power for private gain and enrichment' (Amorado 2005, p. 5). According to Langseth (1999,

p. 3), it involves unlawful and improper behaviour by politicians or civil servants who use their positions to create opportunities to divert money or assets from government to themselves or their accomplices. However these definitions apply only to public officers and government employees who are able to exercise official power. Ordinary citizens, as illustrated in the previous narratives in this and in prior chapters, do not exercise official power, yet they could be corrupt themselves. McMullan (cited in Kleinig 2005, p. 598) defines it thus:

> 'A public official is corrupt if he accepts money or money's worth for doing something he is under a duty to do anyway, that he is under a duty not to do, or to exercise a legitimate discretion for improper reasons.'

Again, this definition focuses on the public official, and police officers certainly qualify as public officials, or at least as employees of the public. While it does not specify non-official private citizens, the definition could be broadened enough to include such citizens if it is accepted that citizens in a democracy have duties and even discretionary powers of a sort as a counterpart to their rights and liberties as understood in O'Neill (2002). Even so, it is far too official in its tone to be broad enough to encompass citizens and wider society. Newburn (1999, p. 5, citing Roebuck & Barker 1974) has a particularly narrow definition that applies only to police corruption: '...deviant, dishonest, improper, unethical or criminal behaviour by a police officer.' The importance of this definition is that it clearly identifies corruption as a form of unethical behaviour. Unethical conduct goes beyond corruption. There are forms of unethical behaviour that would not be classified as corrupt, but corruption is definitely unethical. Transparency International (2009, p. 14) concisely defines corruption as:

> 'The abuse of entrusted power for private gain: Corruption can be classified as grand, petty and political, depending on the amounts of money lost and the sector where it occurs.'

This definition could have a social dimension to it, especially in a democratic context, as democracy is a system where power, as public authority, is supposedly under popular social control through various mechanisms and institutions (Elkin 1985, p. 179). Democracy could be seen as citizens in society having collective rights as well as collective responsibilities (Allman 1999, p. 133). Thus, while society may entrust its power to public officials and institutions, society itself is a trustee, indeed, the ultimate and final trustee of its own power. If it is possible for a public official or institution to abuse entrusted power, then it may also be possible for citizens and society to commit similar abuses of power, in this case, one that they entrust to themselves if they live in a democracy. Perhaps, then, corruption could be seen as a form of political, social or administrative deviant behaviour that is the result of the violation of socio-cultural norms or political or administrative expectations (Young 1998, p. 92).

The Philippines, however looks at the issue of corruption in a way that is unique in its own right. For example, the Office of the Ombudsman under the Philippine Constitution is tasked with dealing with corruption in government and has broad and sweeping powers to carry out that mandate (The 1986 Constitutional Commission 1987, pp. 41-42). However, as a respondent who works for this office is mentioned as saying in a previous chapter of this study, the Ombudsman could also deal with anomalies, controversies, unethical conduct, even personal immoralities and all other forms of misconduct or deviance in government and among its officials and personnel other than what would normally be understood as corruption. There are two specific pieces of legislation, among others, that the Philippine Congress had enacted to deal with the issue of corruption and ethical standards for government employees. They do not define corruption in any specific way, but they do enumerate a number of things that could be considered corrupt acts. The first is Republic Act 3019, which is also known as the *Anti-Graft and Corrupt Practices Act.* A sampling of this

legislation considers the following as corrupt acts (The Congress of the Philippines 1960, pp. 14-15):

a. A public officer persuading, inducing or influencing another public officer, or if that same officer allows himself (or herself) to be persuaded, induced or influenced to act in violation of 'rules and regulations duly promulgated by competent authority', or to commit an offence connected to official duties has committed a corrupt act.

b. Corruption is also said to exist where public officers request or receive gifts, presents, shares, percentages, or benefits directly or indirectly for himself (or herself) or on behalf of other persons if these gratuities are connected with contracts or transactions between Government and other parties where the public officer has the official capacity to legally intervene. Similar gratuities and benefits would also be considered part of a corrupt act if they are received or requested by public officers who are securing or obtaining licences or permits for citizens requesting them. The provision emphasises that such gratuities would still constitute corruption even if they are given as a reward, bribe or 'thank you' to public officers providing such services. In relation to licences and permits, it is also considered corruption for public officers to issue licences, permits or privileges to people who are not legally entitled to them.

c. There is a form of nepotism, specifically defined as 'accepting or having any member of his (a public officer's) family accept employment in a private enterprise which has pending official business with him during the pendency (sic) thereof or within one year after its termination.' The usual form of nepotism, however, in which government officers use their influence or authority to enable relatives or friends to secure employment in government

agencies, is also considered corruption. There are other actions deemed as corrupt other than what is in this brief list, but these should suffice to illustrate the scope and intent of RA 3019.

In another law, Republic Act 6713, entitled, 'Code of Conduct and Ethical Standards for Public Officials and Employees', there are similar enumerations of what constitutes unethical and corrupt conduct as well as a long definition of terms which legally define certain concepts related to possible malpractice, abuse of authority or corrupt activity. Of particular importance are the following 'Norms of Conduct of Public Officials and Employees' that are listed down under Section 4 (The Congress of the Philippines 1989, pp. 2-8):

a. Commitment to public interest,

b. Professionalism,

c. Justness and sincerity,

d. Political neutrality,

e. Responsiveness to the public,

f. Nationalism and patriotism

g. Commitment to democracy, and

h. Simple living.

It also lists down the following duties that public officials and employees are expected to perform as an obligation in Section 5:

a. Officials and employees are to act promptly on letters and requests (within fifteen working days, according to the legislation.)

b. They are also required to submit performance reports annually (within 45 working days from the end of the year, although this is meant to apply to heads of agencies and other officers who bear similar responsibilities.

c. Papers and documents are supposed to be processed expeditiously.

d. All public officials and employees are expected to act immediately on personal transactions with the general public.

e. Within working hours, public officials and employees are supposed to make public documents accessible to the general public.

Finally, there is a section defining what are considered 'prohibited acts and transactions' by government officials and employees. These provisions are substantially similar to what could be found in Republic Act 3019, especially with regard to material interests, financial interests and gratuities.

These laws impose very stringent ethical standards and requirements for people working in the Philippine Government, including the PNP. Neither law differentiates between 'corruption' and 'unethical conduct.' Virtually any form of unethical behaviour could be viewed as corrupt behaviour. The fact that the Office of the Ombudsman, which legally deals with corruption problems in the public sphere, is one of two agencies given responsibility for enforcing the Ethical Standards Act makes it clear that most unethical conduct in government and personal immorality are also understood as forms of corruption. This may actually lead to some confusion in the Philippines with regard to distinctions between the public and private

spheres (i.e. private immoralities and indiscretions could be considered part of official unethical conduct or corruption). One police officer, alluding to this viewpoint said, 'We (police) and other (government) officials are expected to be efficient and honest in our work, and be saints in our private lives.' It is no surprise, actually, that the PNP Ethical Doctrine also demands personal moral uprightness among its officers and non-uniformed personnel. This is due in no small part to the deontological and virtue based approach to ethics management, where, arguably, ethics and morals could be seen as one and the same thing. It is possible to say that while the laws and codes of ethics do not define corruption or separate it as a concept from unethical or immoral behaviour, they do define them in a way by presenting what actions constitute them as well as what government officials and employees, including police, are expected to do and uphold. It should be noted that neither Republic Act 3019, nor 6713 provide for the possibility of citizen or social corruption, which is to say, unethical conduct by citizens and society. In short, they focus only on corruption and unethical conduct in government, but they do not extend that focus to the wider society. While government officials and employees, including police, are expected to behave ethically and incorruptibly, the same obligation is not necessarily expected of ordinary citizens. Again, it is possible to argue that in this context, the virtue approach within the PNP may not be adequate in promoting ethical conduct. Perhaps this is the key towards understanding and resolving the issue of unethical and corrupt behaviour among government officials and employees in general and among officers and personnel of the PNP in particular. The legal concepts dealing with corruption and its control in the Philippines are so broad as to include so many possible dimensions of what is corrupt activity among public officials and employees, but it is not deep enough to encompass the much larger social dimensions of corruption itself. Rule-based ethical systems and mechanisms of accountability would

probably be insufficient if police officers hold different values or if there is an undercurrent in the institution, such as a sub-culture, or a wider social culture outside it, which adhere to values different from the principles underlined in these rules (Pagon 2003, p. 2).

This is an important issue, as recent research has been showing how deeply critical corruption is in the Philippines. It is stated in the Philippines' Medium Term Development Plan 2004 – 2010 (cited in AIM-Hills Governance Centre 2005, p. 2), that graft and corruption are recognised as threats to sustained economic growth and development. Furthermore, it admits that government efforts to curb graft and corruption, including administrative and legislative measures to improve transparency and more effective sanctions against corrupt behaviour have not met expectations. Indeed, at this writing, the Philippine Congress has not yet passed into law the Whistleblower Protection Act of 2007, which had been proposed on the 18th of December 2007 and remains pending in the Senate as Senate Bill No. 1972 (Senate of the Philippines 2010). There is at this writing, a well publicised case of an officer of the Philippine Air Force who blew the whistle on the alleged illegal disassembly of military aircraft by corrupt elements in the Air Force and then just as illegally selling them to private buyers and aviation companies.[5] This officer is presently in prison on the charge of insubordination and the violation of several articles of Philippine military law (Bandila 2010). While whistleblowing is encouraged in the Philippines, especially with regard to government corruption, proposed legislation protecting whistleblowers has not yet become law, and whistleblowers, as the story of this Air Force officer illustrates, could suffer serious consequences for their actions (Amorado 2006, p.1).

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[5] The term used here is *chop-chop,* which is a colloquial Filipino term for dismemberment, either of living organisms' parts or those of complex machines such as cars or aircraft. It usually implies something illegal, as car thieves usually 'chop-chop' the vehicles they steal and sell the separated parts. Bodies of murder victims are sometimes 'chop-chopped' and disposed of in several places by perpetrators to avoid detection.

The Senate of the Philippines, no less, has published parts of a 2005 research by Transparency International, finding that the Philippines earned an overall score of 2.5 in Transparency International's Corruption Perception Index survey, where a score of 0 shows that the country being surveyed is extremely corrupt, while a score of 10 would mean that the country earning it is perfectly free of corruption. These surveys show the perceptions of local academics, business people and risk analysts. They also show that in 2004, 70 percent of Filipinos surveyed registered the pessimistic view that corruption would become worse in the country over the next three years. This figure increased to 76 percent in 2005 (Senate Economic Planning Office 2006, pp. 1-2). By 2008, the Philippines' score regressed down to 2.3, ranking it 141 out of 180 countries that Transparency International has surveyed. Transparency International, furthermore, included the private sector dimension in public corruption, thereby involving an element of the wider society in the subject of corruption in government and the public sphere (Transparency International 2009, p. 290). In another report, Transparency International asked a survey question regarding the extent that respondents perceived selected institutions in their respective countries to be affected by corruption. The results for the Philippines, using a scale of 1 (not at all corrupt) to 5 (extremely corrupt), show that Filipino respondents saw the Bureau of Customs as the country's most corrupt agency, with a score of 4.4. The Philippine National Police and the Bureau of Internal Revenue share the same score of 4.1, making them the second most corrupt agencies as the respondents perceived it. Philippine political parties earned a score of 4.0 (Transparency International 2008, p. 20). It may be important to note that in a 2009 survey by Nielsen Media Research in the Philippines (cited in Lucas 2009, p. A7), while it did not provide information on its sample size, it nevertheless found that 54 percent of its survey respondents believed that corruption will be the most pressing issue that the country's

next administration will have to deal with, followed by 17 percent who said it was the economy. This Nielsen survey was carried out knowing that the next national elections in the Philippines would be in the middle of 2010. Since this survey was not thorough, let alone completely open with its methodology, it could not be considered fully authoritative research. Even so, it could strengthen the theme that corruption in government in general, and in policing in particular, are part of the bigger issue of social corruption. Society's values and mores have a very strong influence on the character and personality of its individual members. These values even affect the way they think (Elliott-Bateman 1967, p. 21). If society tolerates official corruption, then its individual members, including its police officers, may also tolerate corruption. People may be aware of corruption in government and the need to resolve it, but they themselves may not be fully aware of their own role as citizens of a society that encourages corruption. Social corruption is basically the inability of society's citizens to act in a way that implies disinterested commitments to the state and its institutions which benefit public well being (Montoya 2005, p. 28). This view has been stated earlier by an American respondent to this study, the ICITAP instructor, that social tolerance for petty forms of corruption encourages government corruption and leads to bigger forms of corruption. This shows that Filipinos lack a commitment to the state and the public well being. Thus, if ever police ethics should be managed well in the Philippines with the hope of challenging police corruption and improving the governance of policing, the wider society and its diverse citizens should become part of the solution. The ITP and the rest of the PNP's institutional approaches are arguably not sufficient to actualise this. People are both social and thinking creatures. They must cope with their environments through social mechanisms that could coordinate collective efforts and a means for preserving and communicating the lessons learned in such efforts, which is a way by which reason could be included in the

social dimension (Pagon 2003, p. 3). In so far as improving ethics and governance in the PNP however, there are a few issues which need to be addressed and discussed before solutions can be presented. Many of these issues have already been presented in the narratives of the previous chapters or at least implied. The succeeding sections would attempt to summarise and complete the picture confronting this research and the obstacles that must be overcome.

6.3.2. Politics Within and Beyond the PNP

Politics affects policing even in nations where police are supposed to be independent of politics and are officially apolitical. With regard to the PNP, it is perhaps one of the most highly politicised policing institutions in the world. Let it be said, however, that policing will always involve political matters regardless of how much the police may try to maintain a politically non-partisan character. If one were to look at the term 'politics' and see it as a broad concept beyond the narrow view that restricts its definition to include only the administrative machinery of the state and its party organisations, then it would be clear that even the most apolitical police force existing, if indeed such a force exists, is involved with politics at some stage when it does its job. In England and Wales, for example, where police could be considered more or less non-partisan, some police activities are involved with controlling forms of social or individual behaviour that are clearly political in character (Reiner 1992, p. 2). However, politicisation in and around the PNP, while it may include some of the things that police in England and Wales do that are characterised as political, such as the control of disorderly crowds or mass anger at politically polarised or unpopular situations, is not in the same league as the politics that may affect the UK police from time to time. It could be argued that this politicisation of the PNP contributes a great deal to its problems of corruption and unethical conduct among its personnel. In the first place, and this has already been discussed and implied in previous sections of this research, the laws on

policing in the Philippines place PNP units under political control at all levels of government. Starting with the highest law of the Philippines, its own constitution, some of the politics affecting the PNP begins with the President of the Philippines, who has what is called appointing authority. Section 16 of Article VII of the 1987 Constitution says this (The 1986 Constitutional Commission 1987, p. 21a):

> 'The President shall nominate and, with the consent of the Commission on Appointments, appoint heads of the executive departments, ambassadors, other public ministers and consuls, or officers of the armed forces (and the PNP and the other public safety services) from the rank of colonel or naval captain (or senior superintendent) and other officers whose appointments are vested in him in this Constitution...'

The Commission on Appointments, according to Section 18 of Article VI of the 1987 Constitution, is a 25 member Congressional body whose members come from the Senate and the House of Representatives. Its task is to exercise a form of parliamentary oversight over the President's appointing authority (The 1986 Constitutional Commission 1987, p. 13). While the Philippines uses an American style presidential system of government, and thus there is really no real parliamentary oversight over executive authority, this commission in Congress exercises a form of check and balance, for while there is separation of powers in a presidential system, there are mechanisms that enable the legislative branch to exercise a major share in policy making authority (Almond & Powell 1978, p. 238). However, the positions of president in the Philippines and those of the legislative branch are necessarily political in character. If the PNP is a police institution whose scope is national according to the Philippine Constitution's Section 6, Article XVI (The 1986 Constitutional Commission 1987, p. 58), whose officers from the rank of senior superintendent (which is the police equivalent of a colonel in the Army or Air Force) and upwards are presidential appointees requiring the confirmation of politically elected members of the legislature, then it is perhaps safe to say that some form of patronage politics could occur among police officers from

senior superintendent to director general. Respondents to both the initial survey and the interviews in the field have expressed or at least implied that many officers requiring Congressional confirmation have had to curry favours among members of Congress and the Commission on Appointments to secure promotions and confirmations. Four respondents actually considered political patronage a source of corruption in the PNP, and four others have said that they would like to see the PNP 'independent of politicians or political influence.' This is an illustration of the 'lifeline system' at the middle and upper levels of the PNP's command and management structure. Since the PNP uses a scalar organisational structure as explained in the first chapter of this study, and since it is a very large organisation with at least 120,000 personnel, then it would need a large number of middle managers. The larger the size of an organisation, the greater would be the need for middle management and administrative components that would have to handle support and non-operational matters (Bradley 1988, pp. 177-178). Small organisations would not need as many managers, but surely, one as large as the PNP would have to have a sizeable middle management (Minzberg 1979, p. 228). The senior superintendents of the PNP belong to this middle management level. There are political dimensions in the PNP at the national level from its institutional apex down to its middle management. The processes of promotion, appointment and confirmation lie outside the scope of Philippine popular democracy, as there are no existing mechanisms enabling citizens to participate or contest the promotion, appointment or confirmation of PNP officers. Contestation and popular participation are two important dimensions of democracy and democratisation (Dahl 1971, p. 5).

Schein (1992, p. 81-82) describes an institution like the PNP, whether on its own or as part of the greater political system of the Philippines, as an autocratic-paternalistic system. Political patronage of the sort that occurs during promotions and appointments at the national

level could be based on a dependence relationship involving some form of emotional affection between patrons and clients. The latter have to ingratiate themselves on the former, which is what becoming someone's *'bata'* truly entails in a *'bata-bata'* relationship. Patrons, in turn could secure some form of security in the fact that ranking police officers owe them favours. Filipino society, where the PNP and its political base rest, supports policing and political arrangements like this, because such a society could arguably be described as of a social structural pattern known as 'particularistic-ascriptive.' The strongest characteristic in this pattern is the tendency for society to function through relational reference points, such as kinship or local community, or to see what should be rational relationships through analogues of kinship or local community (Parsons 1951, p. 198). Bradley (1988, p. 178), while writing about policing management in England and Wales, nevertheless makes an observation that could have as much validity for the PNP when he states that the larger the size of the police organisation, the higher is the corresponding increase in the difficulties associated with maintaining a sense of purpose and direction over the organisation's work. Furthermore, such an increase in size would also tend to result into organisational reliance on alternative forms of control or supervision. While patronage politics is part of the wider polity of the Philippines, it could also be deemed an unofficial, alternative form of management; albeit one that has strong links with corruption. If in the letter of the law, the appointment-confirmation process of officer promotions from senior superintendent onwards follows a rational relational pattern in principle, the system itself functions through the alternative analogue of kinship relationships between appointees or conferees (the PNP officers concerned) and the appointing and confirming authorities (the President and Congress, specifically the Commission on Appointments).

However, politics does not only occur at the middle to upper levels of police management and leadership in the Philippines. Even local police forces at the city and municipal levels, where PCOs at or below superintendent level and PNCOs tend to be the major PNP actors involved; there is still a great degree of politics and political influence that accompany policing. It had already been said in previous chapters that city and municipal police forces are actually under the operational supervision of local city or municipal executives, that is, city or municipal mayors, as initially explained in Chapter 1. First, it needs to be said that in the Philippines, local governments, especially city and municipal ones, tend to have powerful executives. The typical city or town mayor exercises more influence and, as a result, more political clout, than the city or municipal council. Unlike the national government, where the principle of co-equality between the executive and legislative branches operates (De Leon 1989), at least in principle, the same does not apply at the local government level, where the local executive dominates the local council. One respondent to this research recalled her tenure as a city government employee in a highly urbanised city just south of Metro Manila:

> 'In the city of _____, where I worked in the management of the local wet market, the mayor was essentially everything. He had complete control over every aspect of government and administration. He had operational authority over the police, and was in effect, the super-chief of police of our place. The city council was his rubber stamp (legislature). He had too much power. It should not surprise you that so much money and sometimes so much blood is spent during mayoral elections.'

While the PNP may have a large national scope and is institutionalised as a national police force, most of its field units and personnel actually operate at the local level. The political environment of policing is vital towards an understanding of policing. It actually happens largely at the local political level even for a national police force such as the PNP. Whatever happens at local community and local government levels politically would have a direct bearing on the police. Police institutions, including those with a national scope and a

centralised structure, are affected by the political structure and characteristics of cities and municipalities (Morabito 2008, pp. 466-467). The legal framework for this arrangement between the PNP and local governments basically makes local executives and administrations direct providers of policing services, rather than as customers of such services. The difference between these two paradigms is that if local governments were direct providers of policing, then it implies that these governments control the police in a manner that makes this possible. If they were customers of law enforcement, then this implies a police service that is independent of local government control and thus serves when requested or called upon. Local officials would not control them (Wolf, Korosec & Goltz 2008, pp.177-178). The PNP and its relationship with local government place it under the first paradigm. Republic Act 6975 provides (Nolledo 1998, pp. 56-57):

> 'Section 5 (b) City and Municipal Mayors: The city and municipal mayors shall exercise operational supervision and control over PNP units in their respective jurisdictions except during the thirty (30) days period immediately preceding and the thirty (30) days following any national, local or barangay elections. During the said period, the local police forces shall be under the supervision and control of the Commission on Elections.'

Republic Act 8551, which updates the old PNP Law (RA 6975) adds a definition of terms to make clear what this power of operational control truly means. 'Operational supervision and control' is defined as (Philippine National Police 1998, p. 33):

> '...the power to direct, superintend and oversee the day to day functions of police investigation of crime, crime prevention activities and traffic control in accordance with the rules and regulations promulgated by the Constitution. It shall also include the power to direct the employment and deployment of units or elements of the PNP, through the station commander, to ensure public safety and effective maintenance of peace and order within the locality.'

Local executives have the power to deploy police, which refers to the capacity to issue orders to physically position and move police units or elements anywhere within a local government executive's jurisdiction. They also have the power to employ police, which enables them to

utilise PNP units or elements to protect life and property, enforce laws, maintain peace and order, prevent crimes, arrest offenders and suppress disorders, riots, lawlessness, violence, rebellion, sedition, insurgency, subversion and other similar or related activities (PNP Memorandum Circular No. 91-001 cited in Philippine National Police 1998, p. 204). All of these laws and PNP regulations have been provided for in the Local Government Code of the Philippines, Republic Act 7160, which grants local chief executives operational control not only over PNP units and personnel assigned to them, but also similar control over other public safety services, such as the fire protection and jail management units, assigned to them as well. This and the Local Government Code are the results of attempts towards political, administrative and fiscal decentralisation which began in the mid-1990s. The highly centralised administrative and political system in the Philippines was in need of reform, as it was seen to have a tendency towards authoritarianism. The fall of the authoritarian Marcos Regime paved the way for these reforms (Fritzen 2009, pp. 85-86).

The PNP is legally ensconced in a political environment, which is only partly mitigated by the legal mechanism that implements a very small degree of objectivity. Republic Acts 6975 and 8551 (Nolledo 1998) do provide that in the appointment of local chiefs of police, local executives have to choose from a selection of at least three nominated officers. A PNCO respondent confirms this in an interview, saying that it is not always possible for a mayor's personal favourite to obtain a post as chief of police because even mayors have to follow these nomination and selection principles. Even so, it is not a sufficient enough mechanism to deal with local political control over police units. Furthermore, to make matters even more complex, the laws place all local government units and the PNP under the general supervision of the President of the Philippines, who exercises this authority through the Department of Interior and Local Government in the executive

cabinet (The Congress of the Philippines 1991, p. 14). This makes both the PNP and the local government units of the Philippines subject to the political authority of the Philippines' chief executive. In a sense, this is a modified version of the system under former President Marcos, who, as explained in Chapter I of this study, placed the former INP under military control. The difference is that under the present structure, the president controls the PNP through a civilian ministry rather than the defence establishment. Even so, it is still a structure based on strong central executive control. So critical is the operational control of policing as local government executives exercise it, that in its handbook on dealing with terrorism, the PNP expressly states that these local political leaders have the lead role in managing the PNP's 'Three Tiered Defence System' (which comprises the tiers of Intelligence, Target Hardening and Incident Management) against terrorists (Directorate for Operations 2003, p. 8). These could only serve to prove the assertion that the PNP is a highly politicised and politically controlled institution at both the national and local levels of government and policing. Not only is it under political control at all levels, but its policing function includes more than the usual political issues. Dealing with insurgency, subversion, dissidence and rebellion is fundamentally a political task, since these are in essence, elements of political struggle or resistance (Valeriano 1961, Wilmott & Pimlott 1979, pp. 56-57). It becomes even more politicised when politicians are able to control and utilise the police to carry out such missions in addition to traditional law enforcement. It may also create the possibility of conflicting orders, since the average PNP unit, while immediately under the command and control of local political leaders, is also under its own national chain of command and ultimately under the overall authority of the president of the nation. The only time when local political executives are not in operational control of their police is during those periods immediately before and after an election, when the PNP comes under the Commission on

Elections' control. The purpose behind this policy is arguably to prevent the possibility of local leaders using the PNP as suppressors of political opposition or as instruments of political intimidation and electioneering during electoral periods. Even so, if the example of the Maguindanao massacre, as narrated in the preceding chapter clearly shows, a politically controlled police could be used for the most criminal, corrupt and unethical ends. The fact that local government executives, particularly in wealthy towns and cities, could provide their respective police forces with equipment that the PNP itself could not provide for these local units, as the American national working with the ICITAP program explained, this arguably makes local PNP units politically beholden to the local political leadership. One respondent to this research had been a senior PNCO who had been assigned at one time to the PNP in Santiago City, Isabela Province, which is in the far north of the Philippines. He had expressed admiration and loyalty to a local executive who had purchased a supply of AK 47 assault rifles for the local police. This occurred during his tenure there. It could be argued that such political control makes it possible for police to become political, rather than law enforcement, instruments, thereby increasing the probability of police corruption as police become involved in enforcing politicians' wishes rather than the rule of law. A police respondent, one of the senior PCOs assigned to a directorate at Camp Crame said it this way:

> 'The only way to solve the corruption problem in the PNP is to make the PNP independent of politicians. We need to amend RA (Republic Act 6975) and take the PNP away from the control of the DILG (Department of Interior and Local Government) and the local politicos.'

If one returns to the idea that the social environment in which policing takes places affects the moral and ethical character of the police officer, this could be extended to include the argument that a political environment for policing would similarly influence police behaviour and ethics. Even if the ITP, among others, succeeds in making every police officer politically neutral, which is very highly improbable, given the deeply entrenched character of political

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patronage in the Philippines, it would be unable to reform the political environment outside it. Thus, it would still be insufficient as a tool for police reform.

Perhaps it could even be said that mixing politics in an already difficult social environment could actually worsen the problem of ethics and governance in the PNP. Exposure to criminal elements and other difficult social realities is challenging enough for any police officer or organisation. Partisan and patronage politics, part of which is due to the letter of the law even if it may not have been the intent of the law makers, makes that challenge even more difficult. Police culture and behaviour are not immune to the impact of the external environment (Chan 1997, pp. 92-93 cited in Foster 2003, p. 219). With that said, however, there are town and city mayors who have been able to improve their local peace and order situations while enforcing ethical conduct among their police, thus improving policing as well. A number of ordinary citizens who have provided interview data for this study, as well as many police respondents have expressed the idea that good leadership, both within the PNP and from local executives could make the critical difference in improving ethics in the PNP and the governance of policing.

6.4. The Leadership Factor: Problems of Leadership and the Influence of Patronage Politics in Police Leadership

Leadership is another prevalent theme that respondents to this research have brought out in connection with managing police ethics and improving its governance. Seven PNP officers who have been respondents to the initial survey have, in replying to Questions 3 and 16, expressed the theme of leadership within the PNP. Of these seven, five have expressed the desire to see an improvement in leadership in the PNP. Two of these five asked for the PNP's leaders to 'set the example.' Another respondent asked for the PNP's leadership to 'study the

basic needs of officers and provide for them.' One other respondent called for more constant discussions between commanders and subordinates in the PNP. During the actual interviews, one PCO and one retiring PNCO levelled serious criticisms at the PNP's leadership. The PCO, who claims to have spent 18 years in the police service at the time of the interview, says:

> 'If the people running the organisation (the PNP) will not change, especially with regard to corruption, then it (the Integrated Transformation Program or ITP as explained previously) is nothing... Let all the generals in the PNP return all that they have stolen, and there will be no need for the ITP. Besides, (the ITP) is a very thick publication that nobody will really read.'

This respondent was utterly disgusted with the case of the PNP generals who had been involved with financial anomalies while attending the Interpol General Assembly in Moscow as detailed in Chapter V. It is ironic that these very senior PNP officers should be involved in corruption of this kind while attending an Interpol event, as corruption is one of Interpol's six priority crime areas (Interpol 2010). It is this same corruption in the top leadership, according to this same respondent, which is responsible for the logistical and equipment problems of the PNP.

> 'Just look at this. The crime syndicates we have to fight are all equipped with modern high powered weapons, and what is the average policeman armed with? In some cases a *paltik*[6]. There is enough money in the system. It is only a matter of properly and honestly distributing these funds and using them appropriately. If they spent this for our supply and logistics, instead of for expensive prostitutes and meetings in beach resorts, we would not need to depend on our own money to buy our guns and ammunition. We would not have to depend on mayors and other politicians to supply us with police cars...'

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[6] A *paltik* is a firearm that is illegally manufactured, usually in backyards or in factories, and is either a counterfeit, reverse engineered copy of an original licensed or patented weapon, or a unique modification of one. The City of Danao, in Cebu Province is well known for this cottage industry. The quality of these guns varies widely, although some of the more expensive ones could shoot accurately and last for some time, but they are never as good as the patented firearms that they often resemble. They are much cheaper than licensed or patented firearms, and they could be obtained without the usually difficult and expensive licensing process, even if they are illegal as they are and could not usually be licensed.

A retired police officer, separately interviewed in another place and time, said the same thing in a calmer tone; 'The problem is a matter of misplaced priorities.' It also seems that there are elements in the PNP leadership who do not see that part of the role of leadership is arguably one of stewardship or the duty of care.

6.4.1. Internal Leadership Issues in the PNP

Leadership is critical to policing. Indeed, the PNP realises this enough to include leadership training and development in its ITP. People, including police officers support leaders who they feel represent their values. There is an important link between leadership and ethics and moral values (Sunshine & Tyler 2003, p. 155). However, while doing this study, it has become clear that when PNP respondents referred to leadership, they always meant the PNP leadership only and solely in terms of linking it with the concept of command. Citizen respondents had a slightly wider view of police leadership and tended to include local government leaders as part of the leadership theme. This is perhaps evidence of the insularity of police culture in relation to the wider community as understood in Reiner (2000) and Foster (2003). PNP respondents tended to see the problems of the PNP, in this case, with that of leadership, ethics and governance as things that are strictly within the PNP only and could be resolved only within the institution and by its own people. While it is true that good leadership within the PNP is essential to better management, better ethics and better governance, police leadership goes beyond the internal leadership of the institution and extends into the wider political leadership of communities, especially in the case of the PNP and its political operating environment. It is a matter of the wider community exercising leadership. The community, in the final analysis, is the ultimate collective police leader. Indeed, research has shown that policing becomes more effective when local communities have a sense of ownership and participation in it (Puttnam 2000 cited in Neyroud 2003, p.

591). Taken in a critical thinking context, leadership, like ethics, corruption or police reform, could actually be seen as a process of thinking critically and with due reflection about the self, its actions and the situations in which the self finds itself in. Police reform, even strategic reform, especially in pluralistic contexts, such as what the PNP finds itself, is better facilitated in an arrangement where leadership roles are shared and power is diffused (Denis, Lamothe & Langley 2001, p. 809). Leadership could then be seen as a relationship between and among people, as well as a dialogue (Cunliffe 2009, pp. 88-89). It is imperative to think of the issue of leadership in policing as part of the subject of improving police ethics and governance in the PNP. Taking from McIntyre (2004 & 2006), dialogue is the only means through which people could apprehend contextual truth, and this could only be possible if there are as many ideas and concepts that are brought into it in order for people to test out which ones work and which ones do not. Therefore, the wider community, as real and actual stakeholders in policing, have to be part of the dialogue where police leadership, ethics and reform are involved. Every stakeholder in policing, be it the police officer, the political leaders of the PNP, the citizens of the communities and Philippine society, indeed, even this writer who is involved in this study, is capable of openness, emergence, imagination, self reflection and of learning from experience. This learning and reflection makes possible transformational learning, which could be defined as a deep and profound change in a person's character involving the parallel resolution of a personal problem or issue and the expansion of consciousness that could have for its result, greater integration of the individual person with others (Palmer, Smith, Willets & Mitchell 2009, p. 73). The philosopher Paul Ricoeur, in interpreting and extending Heidegger's concept of *Dasein,* suggested that individuals are all inseparable from others. The individual human conscience is related to all other consciences as people are called to respond towards one another and hold themselves

accountable for their actions (Cunliffe 2009, pp. 89-91). Thus, perhaps it would be fitting to discuss each level and dimension of police leadership in turn, starting from the PNP itself, and then expanding the scope to include its political leaders and the wider community.

6.4.2. Leadership from the Top and the PNP

It is important to note that leaders should be role models. Thus, the ethical values of any institution, especially police forces such as the PNP, could be internalised by its members if its leadership made ethics visible to them through example. If ethical decisions are to be made in the PNP, then it is imperative that its leaders assume ownership and commit themselves to the PNP's ethical values (Mills 2003, p. 334). Arguably, much of what constitutes bad leadership in the PNP broadly comes in two forms based on the responses of PNP respondents to both the initial survey and the interviews in the field. First, many PNP commanders are seen as either corrupt, or unable to provide the exemplary behaviour that the rest of the institution could emulate. Second, many police respondents also see that certain leaders in the PNP are not looking after the welfare of the average police officer. It is interesting to note that the PCO who noted the need for the PNP's top brass to 'return all that they have stolen' and if that were to happen, there would be no need for the massive institutional reform effort known as the ITP, also said that the corruption in the PNP's leadership, which is the first form of bad leadership, leads to or is related to leaders who do not take care of their subordinates.

> 'These two are not separate issues. If you are corrupt as a leader, you would look after your own benefit before those of your men, or the institution. So, what then? You will be more likely to ignore their needs.'

A PNCO from PNP Region III says:

> 'Poor leadership leads to poor morale. I believe that low morale is part of the reason for unethical police (behaviour).'

It is interesting to note the view presented here about morale being linked to the issue of ethical behaviour. Could morale in a police institution have an influence on the ethical behaviour of its members? Morale is a mental state which, though intangible, could move people towards achieving something without counting the cost to themselves; that makes them feel as though they are part of something greater than they are as individuals or even as a group (Slim 1961, p. 155). While that definition of morale comes from one of World War II's most brilliant and best loved British military leaders, Field Marshal Sir William Slim, it is arguably as applicable to military organisations as it is to policing and other leadership contexts. Covey (1992, p. 70), writing about leadership in a business context agrees with Marshal Slim, saying that the apex of human motivation is a sense of one's personal contribution to the objectives of an organisation. Leadership requires both the insight into institutional or organisational cultural dynamics and the capacity to intervene in such dynamics, especially when institutional or organisational change is required. Changes like this are bound to be difficult for any organisation, and so the leader must have the capacity to impart to his or her people that things are not well and, if needed, bring in outside help to get this message across. This willingness requires leaders to be concerned for their organisations above and beyond themselves and to communicate dedication to their subordinates above and beyond self interest (Schein 1992, p. 387). In terms of the PNP, its present attempts to reform itself in a deep, profound and significant way, including ethically, could be considered the main objective of the institution, in addition to its daily law enforcement and internal security functions. It is the 'something' that is greater than each individual officer. If bad leadership contributes to poor morale, then the desire to make the PNP a more ethical institution may not actually be there among its personnel, or if it is there, the strength of the motivation to carry it out is possibly quite weak. If police officers see inconsistent ethical and even moral

behaviour among their leadership, preferential treatment of certain personnel or citizens, or cover-ups for violators of institutional rules and standards, they could eventually become cynical of the value of ethical standards and conduct in their institution (Pagon 2003, p. 11). Again, the ITP, with its emphasis on training leaders in the PNP, fails to address the problem at its core. Even if every PNP officer received excellent leadership training, there are deep seated issues within the institution itself and the structures around it that such training could not address. As many PNP respondents have said in effect, many in the PNP leadership are unable to embody, let alone communicate dedication above and beyond self interest. Bad leadership could become the excuse for unethical behaviour, which is the form that moral cynicism could take, or it may lead PNP officers to seek leadership elsewhere. Bad leadership also contributes to discipline problems (Corum 2006, p. 33) which could lead to breaches of morality and then unethical behaviour. Because of the fact that local political executives have operational control over local PNP units in their jurisdictions, police who lack good, strong leaders in their own organisation may seek strong leadership in their local mayors or local government executives. Given that patronage politics exists in the Philippines, patronage may actually replace leadership, thereby adding to the problem of unethical and corrupt police conduct. The experience in Maguindanao, as explained in the previous chapter, is perhaps an extreme example of this. In any event, the tendency for PNP officers, at least among the respondents in this study, to look at the issue of leadership only from the standpoint of the PNP institution could mean that PNP officers do not see police leadership clearly as part of the wider system that includes entities and stakeholders outside the police. Leaders in the PNP are arguably seen as the experts whose role is to reform the institution completely (Ulrich 1987, pp. 290-291), and if inspiring leaders are few or nonexistent in the service, they

would tend to look for leaders elsewhere, such as local political characters whose own ethics may be questionable.

6.4.3. Leadership and the Duty of Care: Some Problems of PNP Personnel

A newly promoted PO 2 told this writer that when he was still a new PO 1 assigned to a Regional Mobile Group in a fairly impoverished province, he had to secure a hefty loan from the PNP Finance Service so he could purchase his own sidearm.

> 'I had to buy my own handgun, because I was not issued one. They gave me an Armalite rifle, but it was a defective weapon. The front sight could not be adjusted for elevation because the part that you need to turn had rusted away so much that it could not be adjusted any more[7]. So whenever I fired my rifle, it would always hit too high. The bore (the inside of the barrel) had so much pitting in it I was often afraid it would blow up in my face if I fired it. I decided to get a sidearm because I did not trust my own issue rifle. If the NPA ('New People's Army', the communist insurgents still active in some rural areas) were to raid our detachment, I would at least have a reliable gun to shoot back. But the .45 calibre pistol that I bought was worth nearly 50 thousand pesos. I had to get a loan for it, and it took me a long time to finish paying all of it back.'

This respondent went on to say that a classmate of his from police training had to do the same thing and buy herself a sidearm, since the revolver the PNP issued her was rusty, loose, rattling and barely service worthy. It should be noted that a respondent to the questionnaires in the preliminary survey wrote a reply on this theme to Question 16 *(In your view, what areas of reform should the PNP prioritise in its reform programs?)* This officer wrote:

> '(The PNP should) provide equipment, like firearms, handcuffs to the newly recruited policeman. (The PNP should) provide sufficient funds for office supplies in every unit, as I observe that the newly graduated recruits (have to secure a) loan in order to purchase a firearm. It is a burden on their part because they (would have to) pay for it (over several) years.'

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[7] The sight elevation on an M-16A1 assault rifle is a star shaped nut recessed into the front sight mounting just behind the front sight blade. It needs to be turned using a pointed object to effect elevation adjustments.

Two other PNP respondents to that initial survey, one from the Cebu City PNP and the other from the Region VII PNP, wrote in effect that many police officers are not issued firearms by the PNP at all, thereby adding credence to the statements being made here. There are apparently certain issues in the PNP with regard to the proper and appropriate distribution of logistics and resources. However for the moment, it is perhaps enough to state here that part of the problem regarding ethics and governance in the PNP is deeply connected with the institution's logistics and distribution issues.

If there is an issue with regard to the issuance of firearms in the PNP, it is perhaps safe to say that there are many PNP officers who have to purchase their own ammunition as well. Given that a PO 1's salary is not that high, the most that they could buy are the cheaper types of ammunition hardly suitable for police work. A respondent who is a licensed firearms dealer in Cebu and owns a gun dealership explained:

> 'Police ammunition should be different from that of the military. Soldiers are perfectly okay with full metal jacketed ammunition (cartridges whose bullets are lead projectiles wrapped in a brass "jacket"), since battlefield shootings require bullets that could shoot far and penetrate deeply, which the full metal jacket round can do. But if you are a policeman, shooting an armed criminal in a built up area where there are a lot of bystanders, a full metal jacket bullet will simply pass through a human target and possibly injure or kill other people who only happen to be in the wrong place at the wrong time. (He picks up a box from a shelf behind him and shows me a bullet with what appeared to be a crowned tip) I often recommend my PNP clients to buy this kind of ammo. It is a Federal Hydra Shock round. I think the FBI in America use this bullet. When you shoot someone with this, it breaks open like a flower and fragments in the target. So, there is no over-penetration and fewer chances of collateral damage... But most of the junior PNCOs (PO 1s and PO 2s) could not afford these types of rounds. They are about four times the cost of a military full metal jacket round. So, they buy the cheaper bullets. In many cases, they buy the even cheaper copper plated rounds that are only good for target practice.'

Apparently, however, the problems of procuring legal and appropriate ammunition and personal side-arms are so difficult that some police officers go as far as obtaining illegal arms. The main themes here are that the PNP either does not issue service firearms to all of

its personnel, or that it does issue them to some officers, but some of these issued service weapons are inappropriate or worn out, or it may even be a case of both, and whichever happens to occur would depend on the particular area of the PNP where an officer is assigned. As far as ammunition is concerned, the central issue seems to be that the PNP does not universally issue ammunition to its officers and so officers have to secure their own from their own wages for the most part. While the ITP has projects addressing the logistics issues behind the provision and distribution of police equipment, there is, however, an even worse aspect here.

The City of Danao is in the Province of Cebu, nearly 30 kilometres north of Cebu City itself. Danao City has been widely known for its one single cottage industry: the illegal manufacture of firearms known locally as *'Paltik'* (See footnote, p. 225). They could range in sophistication from simple 0.22 and 0.38 calibre revolvers, up to 9mm and .45 calibre automatic pistols, and even Israeli Uzi and US MAC 10 sub-machine gun copies capable of firing full automatic bursts. These weapons are manufactured in backyards by self-trained gunsmiths, and some of these artisans have even banded together into cooperatives for more organised industrial type production. These guns are illegal under Philippine laws, but the government, whether Danao's local government or the national government itself, could not regulate, let alone prohibit this industry effectively because it is so widespread. It also appears to bring a significant income to the people involved in this trade. Unlicensed weapons seem to have a fairly large market demand in the Philippines. One gunsmith in Danao who began as a backyard artisan and has presently become a wealthy man who owns his own 'factory' and manages several gunsmiths working in it says:

> 'For as long as people (in this country) do not feel safe, there will always be a market for our *paltiks.* They are cheaper than original (i.e. legitimate) guns, mostly because they can be bought without need for a licence. If you buy an original gun from a

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(legal) gun dealer, you need to have to pay; I don't know, I think more than a thousand pesos to get a licence and then a permit to carry[8]. How much do these licenses and permits cost now? (He asks a friend listening in). We're not really sure, but it is far more expensive to get a licensed gun. People come to us for guns that could be bought cheap.'

Incidentally, it has been reported that there are 1,110,278 illegal firearms throughout the Philippines, according to PNP data, as of May 2009. Of these, 559,326 are formerly licensed legal guns whose licences have expired; 15,676 are guns in the hands of rebel groups or terrorists; 5,726 are in the hands of criminal elements and 529,550 guns are in the hands of the general populace (Esguerra 2009, p. A8). Whether or not this data is accurate, it does provide some evidence of the gunsmith's statement regarding the public feeling of insecurity and the argument that the people generally do not trust the police to keep them safe.

This writer: *What if they are caught with your 'paltiks?'*

'That is their problem. We can help them transport their guns to an extent, but the unwritten rule is if you buy one, it becomes your own responsibility (The exact term used was: "Your own lookout") to avoid getting caught. While you are in Danao, you can carry your gun anywhere you like. Nobody will bother you, not even the local police as long as you do not threaten someone or shoot someone with it.'

This writer: *You mentioned earlier that police and military people often buy your guns. Why is that?*

'Well I don't really know but many have said that they're not issued guns. Many police (officers) seem to say this a lot. But some of our military and police customers say that with the guns they are issued, they have to be very careful not to lose or damage them, because they would have a hard time securing clearances for them when they retire or seek promotion. I really do not know. They come to us with their issued weapons and ask us to copy them, including the serial number. When the time comes for them to return their issued guns, they would keep the original and return the *paltik* to the government. I have one (police) customer who sells our *paltiks* for extra income. Others, mostly police, would buy our guns as back up weapons. A (police) colonel came here one time and bought one of our Uzis for 20,000 pesos. But these buyers are rare. Most of our customers are low ranking police

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[8]   Even if a firearm has a licence in the Philippines, its owner would need to obtain an additional document known as a 'permit to carry' in order to carry that firearm outside of his or her residence legally.

and military (personnel). We also get customers from people who manage security agencies, and most of them are former police or military. They buy revolvers and shotguns for their security guards all with the same serial numbers. The original serial numbers come from a licensed revolver and a licensed shotgun, which are probably the only licensed guns their security agency owns. All the other guns there are our *paltiks* bearing the same serial numbers as the originals, so that there would only be one set of documentation for gun licensing.'

Much of what is discussed here is, if not illegal, then at least unscrupulous. Apparently however, the cost of owning a gun, whether issued or not, is so high for the average police officer and fraught with so many problems that many have resorted to obtaining illegal bootleg weapons from unlicensed gunsmiths in Danao City. In at least one instance, the illegal firearms industry in Danao provides extra income for one enterprising police officer, albeit an illegal and unethical enterprise, who sells these guns for a profit. There could be other police officers doing the same thing. It is clear then, that the problems of logistics provision and distribution in the PNP are problems that some officers have turned into an unethical opportunity for self-enrichment. Even if the ITP resolves the PNP's logistics issues, it would not be able to address this illegal and unethical trade in unlawful arms that some of its own personnel are involved with. Furthermore, this could create problems for the PNP. If it is true that illegal guns like these are being exchanged for the issued guns that are sometimes given to police, it would mean that the PNP is maintaining a stock of guns for issue to its officers that are actually illegal *paltiks* and of inferior quality. Newly appointed police officers may actually find themselves given guns, if they are fortunate enough to be issued guns; that are actually illegal and counterfeit. Worse still is the very real possibility that these *paltiks* would end up in criminal hands, and so PNP personnel selling them to their own clients may end up in shootings involving these same clients or at least the criminals using these clients' *paltiks*. The main issue, however, is not the legality or illegality of these guns in the hands of the PNP. The main issue is that many police officers, owing to corruption

in the distribution of finances in the PNP and thus, consequent problems in the procurement and distribution of resources, such as service weaponry and ammunition, have had to resort unethical and perhaps even corrupt activity. There would have been no need for police officers to have to secure guns from Danao City's backyard gunsmiths if the PNP's policies and procedures on the issuance of firearms to its personnel were more effective and efficient. This is merely another example of a police institution whose leadership has failed to the degree that it has not carried out its duty of care towards its personnel. It also arguably illustrates the insufficiency of employing only internal institutional reform approaches. This matter of firearms and ammunition issuance is in league with the already mentioned problem of police officers lacking institutionally provided legal assistance if they are sued, the fact that the average officer is poorly paid and with few benefits, as well as the fact that PNP personnel have to supply their own uniforms; paraphernalia and pay for copies of their own personnel files and training documents.

6.4.4. Police Leadership and the Political Dimension

But this is not to say that there are no good leaders in the PNP, or that political executives at the local government level are all into patronage politics with regard to their operational control over their police. Some PNP respondents may have called for the independence of the PNP from politics and politicians, and it would be difficult to say whether this would be more advantageous or disadvantageous in the future. Such independence would require the amendment, revision, perhaps even the repeal of several laws, executive orders, rules, regulations and other written policy decisions. For the moment, for good or ill, the existing arrangement stands, and it is this arrangement that this section intends to discuss.

The last leg of the field work involved in this research was a series of interviews in the rural Municipality of Isabel. There was also an exploratory collaborative inquiry discussion session in this locale, as explained in Chapter III under Research Design. The purpose behind this was to see what the points of view were of what could be considered the PNP's lowest administrative and operational level: the municipal police office, and then integrate these findings with the survey and interview data into building a model for better ethics management and governance. There is a lower level of local government in the Philippines, known as the barangay, and as of 2006, there were 41,972 of these barangays all over the Philippines. However, being the lowest local government level means that is has the least political, economic and social resources. Also, being under the direct supervision of city or municipal governments, they do not have much scope for independent action (Varona 2005, p. 75). The PNP does not maintain police offices at barangay level, and in barangay cases that require PNP intervention barangay residents and leaders would have to go to the local municipal or city police office. The barangay, however, has its own justice system, known as the *'Lupong Tagapamayapa'* (Peace Council). Furthermore, the barangay chairperson (popularly called a 'barangay captain') has law enforcement authority (The Congress of the Philippines 1991, pp. 120, 126-128). This enables him or her to form a unit of unarmed barangay police (known locally as *'tanod'*). These barangay police are not part of the PNP, although they can and frequently do work with the municipal or city PNP, and are organised as community watchmen. Both the barangay justice system and its community police operate under barangay leadership and are able to settle cases and issues which could be managed through amicable settlements, conciliation, mediation or arbitration (The Congress of the Philippines 1991, pp. 129-131). Crimes that are beyond this mechanism's authority to resolve come under the local PNP, such as murder, rape, kidnapping or something

more or less serious. At the barangay level, then, is an application of the principle of plural policing as understood in Bayley and Shearing (2005) and hybrid policing in Johnston (1996). To a degree, in keeping with Ulrich's (1987) 12 point boundary questions, there is some ownership over policing in the community. The barangay community and its leaders are stakeholders who own and control local policing in a limited sense, although the police involved are not PNP officers.

Among the respondents to these interviews and the discussion were a religious leader, the pastor of a local Baptist church; a person with a disability who is, in spite of that disability, an active civic organisation leader; a local businessman; three barangay chairpersons; a retired officer of the Philippine Constabulary; a female lawyer; the municipal chief of police and two of his police officers. In the interviews that preceded the collaborative discussion, nearly all of the non-PNP respondents stated that the present mayor of their town made a big difference in terms of peace and order. They frequently made reference to the previous local executive who, in their view, did not do well enough in controlling crime, particularly those related to illegal narcotics. It had been the overall view that the previous mayor did not manage the municipal police properly, and so the local police were corrupt and inefficient, led by a weak chief of police, and lacking in discipline. Crime rates soared, according to these respondents. The present mayor, who is a retired Philippine Constabulary general, has disciplined the police, cleansed the town of drug lords and other bad elements, resolved the traffic congestion in the town square and improved the local aesthetics of the town. He even brought in a new chief of police, who himself had been a respondent to this research, and so far, in the opinion of nearly everyone among these respondents, this new chief is a great deal better than his predecessor. The civic leader has this to say:

This writer: *What do you think of the police now in this town?*

'You know, as far as I can tell, there is still a little bit of corruption and unethical police behaviour here, however, they could not quite fool around as much because of the mayor... (Our) mayor is very good, you know. Mayor _____ now has controlled the situation so well that, even if the illegal drugs have not been completely eliminated from here, the problem has been so thoroughly minimised and it continues to be minimised a little at a time because of (the mayor's) toughness.[9] For example, there are no hooligans hanging around[10] here any more. The drug dealers have all been cleaned up. You don't see them on the streets these days, not like before under the previous mayor... The mayor is military you know... he is a retired general. I suppose he has contacts who are killers. The truly notorious figures in local crime around here have been shot (i.e. executed extra-judicially). At present, the town of _____ (the neighbouring town) has our old problems with drug crimes. I suppose those who survived our mayor's executions have fled there and set up shop. Mayor _____ gave them, I forget now if it was 100 days or 130 days to get out of town. Those who failed to heed the warning are dead now. I'm actually happy about the way things have turned out.'

The average reader in a well developed democratic society may be shocked at the frank and casual way in which the subject of extrajudicial killings of admittedly notorious criminals is described here and the elation of this respondent at the way it had been used to restore and maintain local peace and order. In fairness to him and his fellow townspeople, the problem of crime and illegal drugs had been so bad in the previous municipal administration that it had been described as being 'beyond resolution.' Note also that his response uses the word 'killers' and does not specify who this mayor's hired guns are. In casual conversations all over town, ordinary people have given hints that these assassins are either retired or active military and police personnel operating covertly. None have implicated or suggested the involvement of the local municipal police. Whatever the case, it does not excuse the use of less than legal methods circumventing the rule of law. This could imply, however, that the ordinary citizen's view of sheer pragmatism to solve an intractable problem even at the expense of the rule of

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[9]   This interview was in the Cebuano language, where the term used for 'toughness' here is *kaisug,* which also means ferocity or courage.

[10] The term 'hooligans hanging around' is the translation for the Tagalog and Cebuano term for a ne'er do well character who is often considered a trouble maker: *istambay,* which is a corruption of the English, 'Stand by.'

law shows part of the ethical issues here. If the average citizen encourages or tolerates legal and ethical short cuts such as this, even if it results into something good, such as the near total elimination of crime, it is arguably no less unethical no matter how good or desirable the results. No ethical perspective, not even the most pragmatist or consequentialist view could honestly countenance this, since if one were to consider it proper to disregard something as fundamental as the rule of law or the basic concept of human rights, then the ultimate and final consequences of such disregard would be far worse for everyone concerned, including those who are willing to nullify these principles for the sake of some peace and order. Who could say, for example that such extrajudicial methods would not eventually victimise those who had supported its use in the first place? Apparently, at least for a number of townspeople, including this particular citizen, this possibility had not been considered. Ethical decision making, regardless of which ethical principles one might hold, requires the identification of all interested stakeholders and an understanding of the possible consequences decisions may have in terms of everyone's rights and obligations (Mills 2003, p. 332). Ulrich's (1987, p. 290) twelve boundary questions start with three, which seek to identify who the stakeholders are and what the consequences could be for them in terms of the decisions made. In this regard, do extra-legal methods actually benefit the stakeholders of Isabel; and by this are included those suspects and social deviants who are the actual targets of assassination? If, in the long run, it would merely nullify individual liberties and society's democratic ideals because of the fear that it generates rather than any real sense of safety, then the answer would have to be in the negative.

The narrative above is really about a mayor and his use of police power and the operational control of local policing, whether or not the local PNP of this town have been involved in these vigilante like operations. Admittedly, as most of the Isabel respondents have

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expressed or implied, police inefficiency and corruption have all but disappeared. Police corruption is presently the exception whereas before, it was the rule. Discipline has improved significantly in the local PNP. The local businessman says:

> 'The police are now highly visible. They have become more responsive when called upon. I think the mayor used his military background to discipline them. In the past, they could not be seen, they rarely responded to calls, and criminality was everywhere.'

This respondent did not hold the same enthusiasm as the previous respondent with regard to the local mayor's strong arm methods and 'Dirty Harry' style, but he admits that the town had become much more peaceful, even as he communicated his discomfiture at the approach used. It illustrates the power that mayors and local government officials at this level have over policing and law enforcement. While a peaceful and law abiding town is desirable, there are a number of problems that arise here. First, the use of extrajudicial methods; while they may deal with crime effectively in the short term, they could also have far reaching unforeseen consequences on the overall health of a democracy, its criminal justice system and its fundamental ethos. Second, mayors and local executives are elected officials, which means that while they are in power and they can effectively run their police forces well, their constituencies would enjoy law and order. In this particular instance, while vigilante methods may not be ethical, regardless of the desirability of the outcome, the local PNP had visibly shaped up, especially in contrast to what it was under the previous mayor. However, if they are not re-elected, or if for some reason they are unable to stay in power and the succeeding administration is not as efficient or as effective, then all the gains under their watch would no longer continue into the next administration's term. In effect, what had been started well may not be sustained. A cursory observation of Philippine electoral political dynamics would illustrate this. If the incumbent mayor is defeated by a bitter rival, the succeeding mayor may actually undo everything that the previous mayor had established. This is arguably an

extension of the political spoils system (which could be used interchangeably with the patronage system) that is characteristic of many electoral democracies, especially those using the American pattern of government and administration. In American history, from its beginnings in the Jackson Administration, it had become such a problem over time that after the US Civil War, extensive administrative and political reforms had to be laid down to deal with it. Despite these reforms, some form of this political practice still exists not only in the form of rewarding political allies with positions in government or lucrative opportunities, but also of abuse of political and official power (Ridpath 2009, p. 571 and Oberholtzer 2008, pp. 315-318). This could be described as a form of 'winner-takes-all governance' (Norris 1999, p. 223), where whoever attains power, especially executive power, is able to wield it almost absolutely, for good or ill.

Not everyone in this municipality is supportive or tolerant of its existing mayor's activities. If the businessman who had been interviewed early on was uncomfortable with some of this mayor's methods in keeping the peace, one respondent, a local female lawyer was more vocal in her distaste, especially with regard to the police and the mayor's police powers. She relates a time when she had to use her training as a lawyer to help a young cousin who had been involved in a traffic accident and was being coerced by a local police officer to pay a hefty bribe or face a penalty well beyond what the offence merited, playing on the youth's ignorance of the law and fear of the police. This is actually a form of extortion similar to that of the previous narrative in this chapter, where the respondent is a past personal barber of a police general and was being pressured by a police officer for a minor traffic violation. It could be possible to say that this form of extortionate behaviour is not uncommon among PNP officers. She also relates how the local police cut corners around the

legal procedures dealing with the arrest, detention and the filing of charges against suspects.

She relates:

'I have had some encounters with them (the local municipal police); not personally, but as far as some of my clients and some of my relatives have had encounters with them. I am very frustrated with them, especially considering that they are not performing within my expectations (of what police should be). In my very recent encounter with them, a very close friend of mine came in. The son (a teenager) of her brother was hugging somebody (a teen aged girl) along the street. That man (a teen aged boy actually) and the girl were friends, but because the guy was overcome with alcohol, he forgot, uh, their friendship and continued to hug her (against her will) along the street at about 5 o' clock in the afternoon. Then, uh, two hours had passed and the guy went drinking in a bar and then was so surprised that two policemen came in, uh, they brought him to prison without a warrant of arrest and then they let the guy stay in prison for, um, 36 hours. So my friend went to ask the chief (of police) what charges the boy was facing, but the chief did not say anything. Worse, they brought the guy to the Fiscal (NOTE: 'Fiscal' is a term used to refer to a prosecutor in the Philippines) to answer to a case where the guy was not informed of, and then when that woman came in, I was so angry because that is another evidence of their abuses because they were dragging someone to prison without any case to answer to. What was so frustrating for me was that the chief himself was not able to explain and justify the acts of his staff, but then he (still) stood by them.'

This writer: *Okay, so they cut corners with the legal procedures.*

'Yes'

This writer: *And this happened recently?*

'This happened on the last week of June 2009.'

This writer: *Oh, fairly recent. Have you heard of or have you experienced directly any other*

forms of police abuse other than that?

'Uh, in the case of my first cousin. He was using the motor vehicle of his friend, and then because that was around 10 o' clock in the evening and there was a heavy outpouring of rain. He drove the motor vehicle so fast and then he hit someone near the town of Merida (a neighbouring town) and the guy (who was hit) died. And because the motor vehicle was damaged, the mother of that friend of his, the owner of the vehicle, wanted the whole vehicle replaced with a brand new one. My uncle did not want to replace it because the damage was only to 10 percent of the vehicle. My uncle just wanted to send money for the repair, but they (the other party) with the help of another lawyer here in our place, sued my cousin for carnapping (NOTE: 'Carnapping' is the Filipino term for auto theft; a linguistic variation of 'kidnapping') and so my cousin was forced to flee away from this town. When he came back a year later, he was just surprised that one policeman, who had been known for "ambulance

chasing" (ie. Driving at suicidally high speeds without regard for speed limits); he arrested my cousin without a warrant of arrest, and he forced my cousin to answer to that charge of carnapping. And then the case was not dismissed until my aunt paid 25 thousand pesos.'

To complete this narrative for anyone not familiar with Philippine legal procedures, the following have to be noted: First, in this second story, the owner of the damaged vehicle was a member of the town's local elite. She had used her friendship with a police officer (the 'ambulance chaser') to have this lawyer's cousin arrested. The 25 thousand pesos was not a fine but a form of bribe. The owner of the vehicle demanded this amount from this suspect's family so that she could, according to this respondent, pay five thousand pesos to the policeman who helped her, ten thousand to the other lawyer for writing out the affidavits (which led to the charge of carnapping) and ten thousand pesos for herself (again, referring to the vehicle owner). Only then would she agree to the dropping of charges. Second, an arrest occurs when a person is lawfully deprived of his or her liberty, using a necessary and appropriate degree of lawful force to help in the investigation and prevention of crime, or to ensure a person's appearance in court, or to preserve the safety of a person or of property (Jason-Lloyd 2005, p. 61). The emphasis is on the term 'lawful', where an arrest warrant would provide the formal legality and authority of law, unless it is clear that to obtain a warrant would be impractical, as would be the case if a crime were being committed right there and then. The purpose of a warrant in this context is to provide a guarantee that police are not violating a person's rights, and that the arrest is being done in accordance with procedures and principles that protect these same rights; a concept known in Philippine jurisprudence as 'Due Process of Law' (The 1986 Constitutional Commission 1987, p. 6). Police officers are allowed to arrest suspects without a warrant only if, in their presence, a person is attempting to commit, is actually committing, or has just committed a crime. The PNP could also arrest a person without a warrant if it is conducted incidental to a valid search

under a valid search warrant, or if the person to be arrested has escaped a penal establishment or some other lawful detention. Finally, an arrest could be made without a warrant if an offence has just been committed, and the officer making the arrest has probable cause to believe that the person he or she is arresting has committed it. In this last instance, that probable cause should be based on the arresting officer's personal knowledge of the facts or circumstances. In all other instances, if a reasonable quantity of time had elapsed between the moment a crime had been committed and the finding of a suspect, police or other arresting officers should apply for and serve an arrest warrant if they intend to arrest the suspect (Reyes 1991 & Philippine National Police 2002, p.5). These procedural rules and regulations are quite specific and stringent. Suspects are also, by right, required to be informed of their rights and of the charges filed against them (The 1986 Constitutional Commission 1987, pp. 6, 7). These narratives illustrate police who take legal short cuts and do not follow proper procedures, thereby violating suspects' rights, as well as police who allow themselves to become essentially, cops for hire. In this instance, the owner of the damaged vehicle was a personal friend of the officer who made the warrantless arrest, and for his service, had been given a five thousand peso gratuity, a share of the 25 thousand peso payout. Could this daring disregard for legal procedures and professional objectivity be due to problems within the PNP, or is it also due, possibly, to the fact that the local mayor of this town where these police are assigned has led the way and provided the leadership example in disregarding such principles through extra-legal methods to keep the peace? It is possible that the answer could be in both. If police are to be subject to the operational control and effective leadership of local politicians at the local levels of government, the political character of the state and its local subdivisions, its political values and the manner in which people support those values would have a critically significant impact on the ethics of the police. Ethical principles in

policing, indeed, in the wider public service, should be reinforced by a strong political commitment, which is to say that political authority should take responsibility for maintaining high ethical standards (Organisation for Economic Cooperation and Development 1998, p. 5). If, as research in UK policing has shown, that a perceived lack of local police accountability has been a significant factor in undermining police legitimacy in the British context in recent times (Reiner 2005, pp. 682-683), similar issues could be raised with regard to police accountability in the Philippines, both at the national and the local levels. To whom or what is the PNP truly accountable? Does operational control of policing by political authorities mean that the PNP is accountable to politicians and perhaps political clans rather than the wider citizenry? The collective examination of these questions could be possible if local communities had a mechanism for critical deliberation and collective dialogue.

Perhaps patronage politics, especially at the local level makes it difficult for people, whether they are the wielders of power (in the case of mayors), its agents (in the case of police and civil servants) or its subjects (the wider community) to distinguish between the public and private spheres. The public sphere is the domain in which multiple perspectives and ideas could be heard by people who also hold multiple ideas and perspectives (Habermas cited in Sunstein 2003, p. 95). Personal matters and relations belong to the private sphere, while public matters and functions belong to the public sphere. The latter ideally includes political relations (Newton 1999, p. 179). However, patronage politics blurs this distinction, which means it could be possible that power holders and those who are connected with the ruling class in some way, see the state and its institutions, including the public police, as part of their private domain. This would arguably have detrimental effects on what Pagon (2003, p. 11) calls the 'moral climate' of the institution, which in this case is the PNP. Police, quite

possibly, might actually start believing that the laws applying to everyone else do not apply to them, which runs against the principle that emphasises the equal application of the law to both police and ordinary citizen; exceptions to this principle could be only justified if it becomes necessary in the proper performance of policing in society (Council of Europe 2002, p. 7). Efforts within the police towards improving police professionalism may partially work in addressing some of these issues (Neyroud 2003, pp. 586, 598). The PNP does try to improve professionalism through institutional development, strengthening training and leadership, improving police competencies, and others (Reformag 2009, p. 13). However, a transformation of the PNP would require a similar transformation of the wider political and social environment in which the PNP works. This is a far more formidable challenge, and this is where the idea of community collaboration could be very useful.

6.5. The PNP and Internal Security: The Militarisation of Policing in the Philippines and its Effects on Police Reform

The Philippines has had a long recent history of insurgencies, both in the form of Communist resistance and Islamic separatism. Much of this has already been mentioned, or at least implied in previous chapters, thus there is little need for reiteration here. What is important, however, is the present PNP role in counterinsurgency and internal security, which has expanded to include counter-terrorism, and how it affects police ethics and governance. The PNP Operational Procedures Manual (Philippine National Police 2002, pp. 34-36) devotes nearly three pages to the subject of internal security operations (ISO), where it states:

> 'Section 1: General Mandate (Under Rule 24: Internal Security Operations) – The PNP is mandated by law to support the AFP in internal security operations (ISO). However, the PNP shall play an active role in places were (sic) there are no AFP troops available or when the President so directs.'

The succeeding sections provide what PNP units are to do during operations supporting the Armed Forces of the Philippines and what happens when, in the absence of the military, the PNP tackles insurgency directly. In a support role, Section 2 of Rule 24, continuing from above, empowers the PNP to conduct sustained law enforcement operations against dissidents; conduct intelligence collection; perform defensive operations especially in urban areas in coordination with the AFP; and investigate and prosecute cases arising out of internal security operations. In the event the PNP becomes the main active entity performing ISOs, Section 3 allows it to conduct search and destroy operations, conduct intelligence operations to neutralise guerrilla strongholds, and perform civil-military (even if it is supposed to be civilian in character as police) operations. Section 4 ends the chapter on ISO functions for the PNP. It directs all PNP units, whether located in areas where insurgency is a problem or not, but with special emphasis on police units in such places, to establish defensive positions and operations. This includes instructions on the establishment of check points, advanced security control points, patrols and even counter-insurgency combat training. Three PNP PNCOs informed this writer that trainee police officers in the PNTI who are finishing their Public Safety Basic Recruit Course (PSBRC) are presently required to undergo Special Counterinsurgency Unit Training (SCOUT) as a prerequisite to graduation into full fledged PO 1s. This requirement began nearly 10 years ago under the tenure of then PNP Director General Panfilo Lacson, who is now a senator of the Philippines. The SCOUT curriculum includes combat drill, squad (8 to 10 persons) combat manoeuvres (or SOPs), ambush and counter-ambush drill, marksmanship (in both assault rifles and side arms) jungle warfare and basic soldier skills that are taught to members of the Armed Forces. Officers who are accepted into the Special Action Force (SAF) go through even more intense and rigid training similar to what military special-forces troops go through. Abseiling, paratroop training,

hostage rescue, special firearms and other weapons skills, combat diving and other similar skills are part of that unit's training curriculum. One chief inspector in the SAF proudly showed off his battle dress uniform, which was in form and functionality little different from the camouflaged uniforms worn by Army or Marine combat troops of the Philippines, and it takes a keen eye and specialised knowledge to be able to tell the difference between the PNP's mottled pattern from that of the Army's or the Marines'. From a distance, to the eye of the ordinary citizen, they would be indistinguishable. Personnel of the SAF have at least three 'commando' type training programs before graduation: the Commando Course, which includes ISO training, water-borne rescue, police intervention, and training in urban and rural combat capabilities. The Basic Airborne Course involves jumping out of an aircraft at 1,500 feet and skydiving down to earth. It also includes all the preparations necessary for such activities. The 'Sure Shock' course involves training in close quarter battle (CQB). There are other courses, such as the scuba-diver's course, underwater demolition and others that are also part of the training programs of the Philippine military's special operations units (Force and Valour 2006).

Another relevant publication in the area of internal security is the PNP's Handbook on the *'Three-Tiered Defence System Against Terrorism and Kidnapping'* (Directorate for Operations 2003). It does not say specifically in its 50 pages whether or not the PNP has the active role or the support role in dealing with terrorism, but it does make the PNP, the AFP and many other organs and agencies of the Philippine Government part of an overall system for dealing with terror. Furthermore, it defines terrorism as a crime, so it could be assumed that the PNP takes the lead; that is active, role here. As to why it deals with terrorism and kidnapping, two seemingly unrelated subjects, in one general policy is due to the fact that, first, kidnapping in the late 1990s had become so pervasive a crime that it had virtually

become a national security problem, according to a senior superintendent on the PNP who had been interviewed at the PNP Directorate for Plans. Second, one of the most notorious illegal armed groups in the Philippines, the *'Abu Sayyaf'* as will be explained below, had been using kidnapping as a means to obtain funding for its activities, and it is considered a terrorist organisation (McNally & Morrison 2002, p. 138).

Insurgency in the Philippines has two forms. There is a Communist led insurgency that is still simmering in the countryside. This began in the early 1950s as the Huk Rebellion under a Leninist Communist Party of the Philippines, but it had been defeated during the administration of President Ramon Magsaysay (Hernandez & Ubarra 1999, p. 2 & Girling 1969, pp. 162-163). The failure of succeeding governments to address the land tenure issues as well as the social and economic problems that brought about the Huk Rebellion led to a renewed Communist insurgency that continues to this day. Surviving Huks and a Maoist faction of the Communist Party of the Philippines organised this new uprising in Central Luzon in the late 60s, using the New People's Army (NPA) as its military arm (Hernandez & Ubarra 1999, p. 3). This revived Communist insurgent movement was mentioned and glorified in Communist China's *People's Daily* (1968 cited in Huck 1970, pp. 11, 27). In the decade of the 1980s, when the NPA had reached the height of its strength, of the 41,114 barangays at the time, 6,983 had been under the NPA's influence. This mass base grew further in size around the time of the EDSA People Power Revolution of 1986, which led to the overthrow the Marcos Regime (Aguirre 1986, p. 76). The second form of insurgency in the Philippines is the Muslim separatist struggle that had been attempting to establish an independent Islamic state on the Island of Mindanao since before the Second World War. As of 2002 to the present day the Moro Islamic Liberation Front (MILF), which is the main entity pursuing this secessionist struggle has around 12,000 armed fighters. There is also a

fringe group that calls itself the *'Abu Sayyaf'* , already introduced above, which Philippine military sources say has a strength of around 850 members, of which about half are armed. It has been classed as a terrorist group whose main activities have involved kidnapping people, particularly foreign tourists, and then bargaining for ransoms, as well as brigandage. It has lately been the main suspect in a series of bombings in some of the main cities of Muslim Mindanao (McNally & Morrison 2002, pp. 137-138). These two groups have been a significant problem for internal security in the Philippines, not only in the southern island of Mindanao, where they are most active, but also nationwide, as terror operations and, particularly the *'Abu Sayyaf's'* kidnapping activities, have reached as far as the national capital in Manila. They were offshoots of the original Muslim secessionist organisation, the Moro National Liberation Front (MNLF), which had been formed in 1969 and began active rebellion in 1972. The MNLF broke up in 1978 due to differences of opinion, personal differences among its leaders and tribal tensions among both the leaders and their followers (Fealy 2009, p. 167). Towards the end of 2007, fighting erupted between the MILF and the forces of the Philippine Government over the collapse of negotiations between them on the subject of an autonomous Muslim homeland that would have been known as the *Bangsamoro* Juridical Entity or BJE (Hicken 2009, pp. 193-195). With regard to the *Abu Sayyaf,* the latest news reports from the Philippines at this writing say that a notorious commander of the group, who had been known for kidnapping foreign and local Red Cross volunteers and setting off bombs in crowded places, had been killed along with five fellow fighters, not by PNP units, but by snipers and elements of the Philippine Marines' Force Reconnaissance unit (*Bandila* 2010).

Regardless of the form it takes, an insurgency is fundamentally a political issue with economic and social dimensions. Without a political object, or if its political goals do not

coincide with the aspirations of the people, it fails because it could not gain the people's sympathy, co-operation and assistance. In the Maoist view, therefore, the beginning of every insurgency is the intensive political indoctrination and mobilisation of the people (Mao 1937, pp. 3, 30). In a sense, the insurgent could be considered a political and social reformer of a sort, using the tools of armed struggle to attain his or her ends (Guevara 1961, p. 13). Counterinsurgency strategy, then should take into account the political character of this form of war, and this, it stands to reason, would tend to politicise the forces involved in counterinsurgency operations. Philippine counterinsurgency strategy gives the Armed Forces primary responsibility for dealing with insurgents. From this, the following could be implied: First, the Armed Forces of the Philippines is highly politicised. At one point in its history, it even became the tool for controlling and restricting political participation. At that time, as explained in the first chapter of this study, policing was even brought under military control through the PC. Furthermore, in keeping with the US developed National Security Doctrine of the 1950's for developing nations dealing with Communist insurgencies, the Philippine military has had to operate with an orientation towards internal security rather than external defence (Casper 1995, pp. 33, 94). It also means that the military has been involved in what is fundamentally an aspect of policing as the national defence and internal security functions are merged conceptually and operationally (Stanley 1996, p. 38). This could have deleterious effects on Philippine democratisation, since there should ideally be no policing role for the military in a democratic society, especially one where democratic institutions are still developing (National Democratic Institute 2005, p. 6). At the moment, these 1950s era concepts are still in use in the Philippines to a significant degree.

Second, it would also mean that the PNP and policing are highly militarised. Much has already been mentioned about the militarised character of the PNP in previous chapters,

starting from its organisational structure and its history. What needs to be added here is that in much of the literature on policing and internal security, studies have largely shown that insurgencies are better dealt with if a fully civilian, professional, efficient, ethical and community led police were to take the leading and active role in dealing with internal security with the military in support of it, rather than having the military take the lead with the police in support, as it is in the Philippines. This is, of course, in addition to meaningful social, political, economic and administrative reforms. Girling (1969, p. 162) notes that it was the discipline, order, good administration, relative political autonomy and civilian orientation of the police forces in Malaya in the 1950s and 60s which greatly helped defeat the Communist insurgency there. The 1950 Police Commission to Malaya found that bribery and corruption in the police were so pervasive that it contributed to the popular support for the insurgents especially among the disaffected Chinese communities. General Gerald Templer and Commissioner of the London Metropolitan Police Sir Arthur Young set out to make the necessary changes. From the start, the police were to become the leading institution in internal security operations with the Army in support. To make that possible, Young set out to extensively train the Malayan Police, providing it with good leadership, and instituting large scale dismissals of personnel for corruption, lack of training and incompetence, so much so that by 1952 to 1953, only 10,000 personnel staffed the Malayan Police. In contrast, the failure to institute reforms like these in Cyprus meant that the police were ill-supplied, ill paid, corrupt, low in morale, incompetent and badly led. This was among the factors that led to the defeat of the British anti-insurgency strategy there in the 1950s (Corum 2006, pp. 14-19, 27). Unless internal security and national defence institutions are clearly separated and transformed, policing would remain in the hands of elements who are a law unto themselves, who see democracy and free expression as threats to the state (Stanley 1996, p. 38). A

politically autonomous police is necessary to deal with and ameliorate social conflict. Under political control, police are relatively dangerous political actors (Fielding 2005, p. 11). It is worse if police are militarised as well as political. Militarisation arguably tends to make policing aggressive, and extensive police research has shown that aggressive policing undermines citizen cooperation (Kessler 1999, p. 335). Since such cooperation is essential to policing in all its forms, from traditional law enforcement and crime prevention to internal security, the lack or absence of it would make policing a futile effort. There is a need for both the Philippine state and the PNP to be open to opportunities for new and innovative approaches, such as the need to truly civilianise policing, have it take the lead role in internal security and establish community infrastructure in the context of security governance (Topping 2008, p. 791).

At the moment, however, government policy would probably preclude the development of a completely de-militarised PNP. A young chief inspector relates his experience as an aide de camp to a ranking PNP general visiting police conferences abroad:

> 'Foreign police officers frequently marvel at the way we jump to attention like soldiers when our senior officers are in our presence. When we are abroad, people always wonder whether we are military or police. In the Philippines, we compete with the military in military training, such as in scuba diving and airborne skydiving. Most of them (foreign police officers) behave like civilians, and in many of these conferences, foreign police officers rarely ever wear their uniforms.'

When asked about the subject of the PNP's internal security functions, he merely restated and clarified what was in the PNP Operations Manual and the official policy of the state:

> 'Before, we were very active in ISO. For the moment, we are given only a, uh, for example, a police unit in a certain locality is given only a certain radius of operation, beyond which is already within the jurisdiction of the military. Right now, in many of the meetings at the upper levels (of the PNP), they are strengthening the internal security (mechanisms) because of what is happening at present: so many bombings, plus the CPP-NPA... We continue with our military kind of training because until now ISOs are still within our duty. But we are only given certain portions of area to

protect. We cannot go beyond. It is even mandatory, if for instance, you are assigned to the Regional Mobile Group; those are the units that carry our internal security functions, you are supposed to undergo the PNP SCOUT (training).'

There are limits to what the PNP could do, but it is still more highly militarised rather than civilian in character, and it has operational units within itself that operate like military units rather than as police. Nothing in the literature regarding the ITP actually addresses the idea of civilianisation and the PNP, so it could be said here that the ITP operates with the view that the PNP would continue to function as a very highly militarised police service. What exacerbates this militarisation is the fact that in some areas, there is really little distinction between policing and the military, as the next section will explain.

6.5.1. Relations and Connections between the Military and the PNP

Even in urban areas like Metro Manila's streets, some police functions are carried out by joint units of the PNP and AFP. A retired chief superintendent took this writer out on a drive through the traffic laden streets of Quezon City (one of Metro Manila's largest cities). He pointed out to a group two PNP officers outside a parked police car on a curb side who appeared to be observing traffic. They were soon joined by two men in camouflaged battle dress uniforms, complete with M-16 rifles, magazine pouches on combat belts and the rest of the paraphernalia of a soldier going to war.

'You see that? There are two soldiers who are patrolling with those policemen. There are joint military-PNP patrols like that one all over Manila. That system began two years ago or so to supplement or support the police. There were bomb threats that were allegedly from the *Abu Sayyaf* and other terror groups. I was never in favour of that policy, really. It makes the PNP look like it is part of the military, when it is not.'

He went on to explain some of the politics that made this state of affairs what it had become. The Philippine Military Academy (PMA), where the Armed Forces trains and develops many of its commissioned officers, also commissioned officers into the PNP for a time. PMA

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graduates complete their four year courses and become subalterns of the Philippine Army, Navy and Air Force. When the PC still existed, a proportion of PMA graduates were also commissioned into it. This ended when the PC was abolished in the early 1990s, but most PC officers chose to remain in the newly created PNP. To date, there are still significant numbers of PMA graduates who are in the PNP. The last PMA classes to have commissioned graduates into the police were in the early 1990s. Most of the officers who become generals in the Philippines, including those who get promoted to the highest military and police ranks (four star general for the AFP Chief of Staff and a similar rank for the PNP Director General) come from PMA. There are other institutions that train officers into the military and public safety services, but PMA graduates normally could assure themselves of general level promotion, and it is usually a PMA graduate who attains four-star rank. For the most part, members of PMA classes get promoted almost at the same time. There are generals and colonels in both the AFP and the PNP who have been classmates at PMA and have graduated in the same academic year. If the military chief of staff or police director general is a member of a particular PMA class, most of the other lower ranking general level military or police appointments would usually be composed of that person's classmates and their most immediate underclassmen. These are known as the 'ruling classes.' The present ruling classes of the PNP are those who graduated from the mid-1970s classes of the Philippine Military Academy. If a commissioned officer's career in either the PNP or the AFP lasts for about 30 years, at which point officers usually reach retirement age, and the last PMA classes to have produced PNP commissions were those of the early 1990s, then it stands to reason that the PNP will still be under the command of militarily trained PMA graduates for some time to come, at least until 2020. The respondent continues:

'It will be a long time yet before PNPA (Philippine National Police Academy) alumni can assume the command and management of the PNP.'

The PNPA is supposed to be the police equivalent of the military's PMA. It was, like its military counterpart, supposed to train and commission officers into the PNP. It came into existence on 12 June 1978, and its first batch of 45 graduates were commissioned as police lieutenants under the old Integrated National Police (INP), which was then part of the PC, in 1980 (Philippine National Police Academy 2009). However, while there have been PNP generals who have graduated from the PNPA, the majority of the PNP top brass are still made up of PMA alumni, and they hold the highest positions in the service. A superintendent vented his frustration at this during a dinner interview, saying (translated from Bantyanon, a dialect of Cebuano):

'You ask if the militaristic character of the PNP has an effect on its ethics? Of course it has. The military is in the PNP's bloodline. How can you (referring to the PNP) be truly civilian in your outlook and your ethics if you are descended from a military bloodline? Even in the PNPA (NOTE: This respondent graduated from that institution), our training was highly militarised, because our trainers were all from the military. They were former PC officers. They pass on the same military thinking to their successors, so even if they are replaced by PNPA graduates (who have not come from the PC or PMA), the training they received from their military predecessors will be the same training they will pass on to future PNPA cadets.'

Finally, after having established the militarised nature of policing and the PNP, there is one other issue that requires mention. Apparently, according to the previous respondent in this section, the retired chief superintendent, there is an element of patronage politics clearly apparent in one of PMA's traditions. In his words:

'I think one of the most difficult problems in the appointments of generals is that presidents of the Philippines are adopted by a PMA class. They become honorary members of that class. For example, General (Jesus) Verzosa (the incumbent PNP director general at this writing) is a member of (PMA) Class 1976. President (Gloria Macapagal) Arroyo is an adopted member of class 1978, if I am not mistaken. Do you know what that does? It virtually guarantees that the members of that class will achieve high positions in the institution to the exclusion of everyone else. When Versoza and the classes senior to Class 78 retire, Class 78 graduates are almost

guaranteed to take their places. It robs the system of reason and merit (referring to the merit system) in promotions and appointments because favours are dispensed on a selected few, whether they deserve it or not.'

It would be easy enough to regard this as the statements of a disgruntled old retiree, but it does show the recurrent theme of patronage politics, which is perhaps one of the main sources of corruption and unethical conduct in the PNP. Patronage has become so much a part of the system that it is involved in the promotion and appointment of the police high command. It is part of the promotions and appointments of PNP officers from the rank of senior superintendent up to director general from the middle to the top of the institution, and it is also part of the system of selecting and appointing PNP officers at local government level at the lower end of the PNP. Patronage is arguably the lubricant that makes the PNP's management machinery work. There are fears that the present administration may actually position PMA Class 1978 graduates in the key posts of the Armed Forces and the Police, and at this writing, several Class 1978 alumni have already been placed in such posts, such as that of the Army chief, the command of the critically important AFP Southern Command (which deals with the problems in restive Mindanao), that of military intelligence, and of several important PNP directorates and units (Bandila 2010). Furthermore, it could be argued that the militarised nature of ISOs, the military temperament, character and capabilities of the PNP, and the existence of patronage throughout the workings of the police service could create an institution that is heavily bureaucratic yet corrupt and inefficient. But nevertheless it could wield power well beyond what is needed in performing its policing functions and come under the dominant control of a politically powerful figure, which could be the administration at the national level, or mayors at the local level. Using Ulrich's (1987) boundary questions, the PNP has a distinctly militarised and highly politicised worldview. As understood in Newburn (2008, 2003) and Jones (2003), policing should ideally be de-militarised and above politics.

6.6. The Gender Dimension: The PNP and Issues Involving its Female Officers

Some of what is in this section had already been dealt with in various parts of this study. All the female PNP respondents in this research have said that the PNP has improved significantly in dealing with the subject of gender and gender balance. No less than the Constitution of the Philippines provides recognition of the role of women in national development, and it ensures, in Section 14 of Article II, '...the fundamental equality before the law of women and men' (The 1986 Constitutional Commission, 1987, p. 4). To address this requirement, the PNP has established a program for Gender Mainstreaming and Development (GAD) with a view towards gradually and eventually establishing a 'well-grounded and gender responsive' police institution (Directorate for Police Community Relations 2003, pp. 49-55). However, all of the female respondents have also said that there is still much that needs to be done to address the existing problems related to gender in the institution, if not in the wider society. The PNP is fundamentally a patriarchy, if by patriarchy is meant an institution, organisation or system in which the vast majority of positions in the hierarchies of such entities are held by males or are male dominated (Goldberg 1977, p. 25). Not only is this true in the upper hierarchy of the PNP, but it also extends well into the middle and lower levels of the institution. Women are a minority in the service, and, at this writing, of the approximately 120,000 strong PNP there are only two women who hold star rank (chief superintendent and higher). One of these female generals, who is among the female respondents interviewed for this study, is in fact in command of the Women and Children's Protection Centre (WCPC), the central office which administers and supervises the hundreds of women's and children's desks in police stations throughout the Philippines. She says her command is composed of approximately 3,000 female officers assigned throughout the Philippine Archipelago. All in all, there are about 8,000 female PNP officers in the

approximately 120,000 strong force as of 2008 (Police Digest 2008, p. 16). This means that there are about 5,000 female officers assigned to other PNP assignments besides the women's and children's desks. The other female general commands the Police Community Relations Group (Sarmiento 2009, p. 5). An operational illustration of these skewed figures could be seen in one city police office in the Metropolitan Manila area. According to one of its junior female PNCOs, there are approximately 600 officers, but only 20 of them are women, including herself. In the Isabel Municipal Police Station, which was involved in the last stage of this research, there are 21 officers in all and only one of them is female. She handles the Women and Children's Protection Desk for this station, and her task is to deal with cases involving the abuse of women and children, an assignment that most male officers, according to one of the female chief superintendents, are terribly uncomfortable investigating.

Male dominance in numbers and status is not all there is to the issue of gender. It is possible to argue that the overall situation of women in any institution, including the PNP, is deeply related to the institution's attitude towards women and the manner in which women are treated ethically. In paraphrasing two of Ulrich's (1987) boundary questions, one could ask, are women allowed to participate in decision making, and in what way? Does the system allow for participation by those who are affected by its decisions, including and in this context, women in both the PNP and society? It is probably safe to say that in most of the world, women still have far fewer opportunities towards obtaining meaningful work and employment than men and those who do find employment are generally found in lower paying and less prestigious types of work (Karl 1995, p. 3). In 2009, for instance, female median weekly wages in the United States averaged 657 US dollars as compared to 819 US dollars for males, indicating that in the United States, female employees in 2009 earned only an average of 80.2 percent of the average male wage (Institute for Women's Policy Research

2010, pp. 1 & 3). US Census Bureau (2010, p. 9) figures show that the male participation rate in employment among American male workers 20 years of age and above is 74.1 percent out of a total male civilian labour force of 78,971,000. In contrast, the female participation rate among workers within the same age category was only 60.1 percent out of a labour force of 68,747,000. United Nations (2010, pp. 1-2) statistics show generally that women have universally low participation rates in the adult labour forces of the world's nations. Data on Belarus and Armenia show that 50 percent of women in these nations participate in work. These are the highest figures. In comparison, only 12 percent of women participate in work in Qatar, which shows the lowest figure. Data for the United States shows a 46 percent female participation rate, while it is 45 percent for Australia. The Philippine figure is 39 percent.

As for the PNP, it pays the same salary to all police officers based on their ranks or pay grades, and so female and male officers of the same rank receive the same wages. The question, however, is not so much of wage as it is of how much women could really influence and participate in the PNP's decisions and actions. There has never been a female director general, and it is quite possible to say that there will not be one in the near future, given the political and institutional issues involved in promotions and appointments to high command. Two female generals among a majority of male generals, and in positions that fundamentally limit their decision making capacities to rather narrow confines further limit the capacity for female participation in high command decisions. Leadership is seen, arguably, as a male prerogative (Lipson 1981, p. 131). Finally, the small number of women in the entire PNP, making up less that 10 percent of the entire police population (Police Digest 2008, p. 16), not only limits their participation, but also their career prospects in relation to their male colleagues. In contrast, as of 30 June 2006, 23 percent of Australian police personnel were women, although, even in Australia, there is still the problem of low female representation in

senior police ranks (Putt 2009, p. 1). An American study paints a similar picture. A 2010 US Bureau of Justice Statistics report states that women made up only 16.0 percent of all sworn full time law enforcement officers in 2008 among US Federal law enforcement agencies which employ more than 500 full time sworn officers. It also reports that the number of female law enforcement officers serving in these agencies in total has increased from 14.0 percent in 1998 to 15.2 percent in 2008 (Langton 2010, p. 2). However, it still remains that the overall percentage of women in American law enforcement is well below the 44.7 percent of women who make up the labour force (US Department of Labor 2010). Women in policing appear to be falling behind women in other traditionally male professions in terms of numbers (Dempsey & Forst 2009, p. 209). In the PNP, women make up only about 6.7 percent of the entire police service (Police Digest 2008, p. 16), making them a true minority in the PNP.

Section 58 of Title VII of Republic Act 8551, the updated and amended version of the PNP Law (Republic Act 6975), provides:

> 'In the next five years (1999 to 2003), the PNP shall prioritise the recruitment and training of women who shall serve in the women's desk. Pursuant to this requirement, the PNP shall reserve ten percent of its annual recruitment, training and education quota for women.'

Section 59 requires the National Police Commission to formulate a gender sensitivity program in the PNP and the establishment of equal opportunities for women, the prevention of sexual harassment in the workplace and the prohibition of gender or sexual discrimination. Section 60 provides a 30 day suspension without pay as penalty for a first violation of the regulations on gender equality and sensitivity (Nolledo 1998, p. 25). Thus, legally, the Philippine Government has made significant efforts towards improving the situation of women, in this context, particularly in the PNP. The PNP itself has complied with these

regulations and laws. Increasing the number of female officers is one element of any effort to increase the number of women in senior police command. But an increase in numbers must be accompanied by efforts to ensure that women are allowed opportunities to learn to become competent senior managers and commanders (Baxter & Wright 2000, Etter 1996 cited in Irving 2009, p. 1). Thus, the question could be asked, as far as the PNP is concerned, have these changes resulted in any meaningful changes?

The establishment of the women's desks in the police stations of the PNP, and then the eventual organisation of a command under which these desks could be supervised and managed may have improved the lot of the female police officer, but it could be considered a mixed blessing. The female general in command of the Women's and Children's Protection Centre (WCPC) confided to this writer during a long interview:

> 'We (referring to herself and her command, which is largely made up of female officers) seem to have our own world here in the WCPC. Our whole world turns here *('Dito lang umiikot ang mundo namin').* It is very difficult. Our life here (in the WCPC and the women's desk) is different, entirely different from that of the rest of the police outside. I have more or less 3,000 police women assigned in different parts of the country; in women's desks, so anywhere you go, you can deal with them... Our office here (WCPC central in Camp Crame) is just a show window. This is how our women's desk offices are supposed look like all over the Philippines, however it is not the case, for, maybe (*siguro),* it may not be for lack of funds, but for lack of attention. We are not the priority.'

This writer: *So you are saying that the PNP is still generally uncomfortable with women's cases...?*

> '(Laughter), yes. That's how I feel because I have been here since 2002. It is not like in other countries (where female officers are equal to their male counterparts). Maybe it is because this is a male-dominated organisation. When you talk of women and children abuses (sic), it is immediately taken to mean that the abusers are the menfolk. So, of course, it would seem to them (male officers) that they are the target (of charges and investigations), and they are not comfortable when they are the target, or if a fellow male is the target. Some men feel threatened by us, but I say, why should you feel threatened? I suppose we are not ready (to call ourselves equal in the context of gender in the PNP). Maybe we need more, uh training for male and female personnel

in all the units and commands of the PNP, so that we can understand what this (gender equality / sensitivity) is all about.'

This writer: *Has the status of women in Philippine society improved over the years? What do you think?*

'We have improved a lot.'

This writer: *What about in the police service itself, what has become of the status if women?*

'As to us, well... we are still climbing up the ladder to be on an equal footing within the organisation. The equal footing is there, but in my view, it is not sufficiently adhered to. There are peculiar things about a woman's physiology, and we cannot simply cast that aside. For instance, (there is a view in the PNP that) all personnel should be able to go into the hills (on combat operations). The way a woman was created makes her very different from a man, so the institution needs to understand that.'

These responses show that, even as the PNP may be trying to do something about the gender issue, much still needs to be addressed, although the PNP's priorities may lie elsewhere. The PNP arguably seems to think that gender equality means gender similarity. What a male officer could do, a female should be able to do the same regardless of physiological and psychological differences between the sexes. If this is the case, then it could not be said that gender equality exists, since the measurement for equality is based on the male standard of performance, thereby confusing the concept of equality with similarity. There is also the issue of gender roles. Even if it were possible to think of male and female as in possession of equal capacities and similar skills, strengths and weaknesses, it is still a general trend in the world that women still bear the main responsibility for household management and child care (United Nations 2010 and Vander-Zanden 1993, p. 232). This is especially true in the Philippines, and in the PNP, it would be difficult for a female officer to have to juggle the dangers and demands of police work (professional role) with that of a wife and mother (gender role) in the absence of institutional supports that would enable women to do this. The

initial response of this respondent here suggests that in the PNP, women in general and female officers in particular are seen with some discomfort in the male dominated institution. The WCPC is its own world within the PNP, part of it yet separate and distinct from it.

Perhaps the main issue here is the way Filipino society looks at women, and perhaps by extension, children, since in the course of doing this study, the subject of children always comes up whenever the issue of women and gender are discussed. Top-down approaches to reform, such as the ITP, could address the immediate and tangible issues involving gender in the PNP. It could increase the recruitment of women into the police service, as the ITP and other PNP policies demand. However, they could not address with equal effectiveness the overall social perspectives regarding gender. As a case in point, the way the WCPC is organised shows that women's and children's cases are handled under a single unit of the PNP, rather than with a view towards dealing with each issue independently as they occur in each separate command or agency. The respondent here clearly said that male officers are quite uncomfortable dealing with cases involving women and children, and by this is meant cases where the offence committed is of a sexual nature, or of abuse or violence. Indeed, the idea behind the organisation of women's desks run by female officers is to help victims with their complaints as it has always been assumed that they would be ashamed and be ill at ease relating their victimisation before a male officer. With regard to children, it is seen that a child victim would relate more easily to a female officer, who is assumed to be more sensitive emotionally than a typical male cop, according to this respondent. It is also the popular view that abusers of children are mostly adult males and much of the abuse is of a sexual kind. This could arguably be a form of gender stereotyping (Bambacas 1998, p. 111), which would seem to show that male officers are excused from accountability in terms of dealing with

cases such as these and that the offenders in such situations are almost always males by default.

The officers who take up training in gender mainstreaming, family, juvenile and gender development, and the Women's and Children's Protection Course (cited in Sarmiento 1997, p. 41) are for the most part, female officers. It cannot be said that gender equality or gender mainstreaming exists when, on the one hand, the male standard is used for both male and female personnel, but on the other hand, female personnel alone are tasked with assignments that male colleagues do not wish to deal with. Finally, perhaps the single most telling sign that even as the PNP may be officially attempting to make itself a more gender balanced institution, the fact that its use of language is still largely masculine in its orientation speaks of the long road ahead for true gender balance. If language is arguably the main manifestation of a society's or an institution's way of thinking, then the PNP's constant use of male nouns and pronouns also arguably shows its mindset. Even if one were to disregard respondents' comments about the PNP being full of 'womanising policemen' who have 'more than one family', the very use of the word 'Policeman' as the universal word to refer to all its personnel in its publications and statements says much. Even the interview respondents and the replies to the initial survey have used the term 'policeman.' There is the occasional 'policewoman' or 'lady officer' that is encountered whenever female respondents are involved, or when male respondents refer to their female colleagues. Despite this, the use of the masculine form in the PNP's language is telling. The gender neutral 'police officer' has never been used in the course of this writer's sojourn in the field.

A good starting point for the consideration of equality between men and women, and perhaps between adults and children, is society's overall conception of what a human being is and what being human means. If society does not see that all human beings, regardless of age

or gender are fully and completely human, and if one group in that society denies another group of the fundamental and basic functional capabilities of a human being, such as the ability to live for others, the capacity for living a life of normal length and enjoying all that that life could offer, the capacity for practical reason and the ability to participate and make meaningful choices in planning one's life about what is good and how one should live it, among others, then that first group is actually denying the second of what it means to live a good human life (Nussbaum 1995, pp. 62, 78, 85-87). Deriving from Ulrich (1987), are the women of the PNP and in Philippine society recognised in terms of being fully human, and are their human capabilities given sufficient opportunity and room to be exercised? Or is it the institutions of state and society that define these for them, thereby imposing limitations? For instance, if the PNP expects every officer regardless of gender to surmount physically demanding tasks, such as trudging through mountains and forests like combat troops, without due consideration for whether everyone could manage them or not, or even whether this is germane to police work to begin with; this would be a form of institutional definition of human capabilities, especially if the persons required to go through it are not made part of the decision making process for setting standards. Furthermore, it is not enough to define and understand humanity and human capabilities. Beyond this is the need for institutions and society to enable the expansion and development of these capabilities to promote the value of the human being (Crocker 1995, p. 169).

One respondent in this study, a female lawyer with the Philippine Commission for Human Rights (PCHR) described the less than humane treatment children and women receive from the PNP. She has been working for children's rights and had described the way male police officers would often treat street children with fists, kicks, threats and rude behaviour. Some female beggars and vagrants have been treated in a similar manner, according to her,

although women's rights are not under her watch. She ascribes this lack of humanity to the 'aggressive and combative nature of police training.' The aggressive character of recruit training in the PNP could be seen in the clandestine but well known use of brutal physical and psychological methods known as 'hazing.' In late 2008, five police trainers under the Negros Occidental Provincial Police were charged for inflicting physical injuries on 52 police recruits during training. It could be considered ironic that some of those charged for physically abusing their trainees happened to be female police officers (Mijares 2008, p. 1). Perhaps in the desire to prove their equality before their male colleagues, they had to prove that they could be as aggressive and combative. If this is so, then the concept of gender equality is seriously misunderstood. Also, if the women's and children's desks have been established to protect female and youthful victims from what have been assumed to be adult male malefactors, or even from unjust treatment in the hands of male police officers who are either uncomfortable with such cases or incapable of handling them, then does this not manifest a clear institutional bias? Why would the male element of the PNP have to assign cases like these to female officers if they could actually take the ethical responsibility for training themselves to handle such cases? Only two possibilities arise out of this: either the male officers of the PNP admit that they are too weak to deal with these issues and so women and children have to be protected from them, or perhaps they find it beneath their dignity to handle such cases and so have to turn them over to female colleagues, who, as women, are automatically assumed to have a gentler and more humane touch. Not all female officers have a humane touch, and so such an assumption is automatically laced with bias, just as while not all female officers may be able to hump an assault rifle and Bergen pack through the mountains, there are some who undoubtedly could while there are males who could not. If the PNP is to transform itself into a more gender balanced institution, then it has to start with a

serious reflection of its role, its values, and its basic assumptions of what it means to be a human being. The virtue approach to ethics management and training may address this to a degree, but unless real world engagement with other policing stakeholders, such as women, children and communities, complements this the PNP may not be able to reflect on its assumptions sufficiently.

Chapter VII: Collaborative Inquiry, the PNP, and the Community – A Way Forward?

7.1. Introduction

This chapter discusses an attempt to establish a mechanism that could complement the PNP's top-down institutional approach towards improving its ethical behaviour and its governance. Having seen the main issues affecting the PNP and its top-down strategies for dealing with them in previous chapters, it could be argued that these institutional approaches, such as the ITP, its religious and moral programs, and other similar mechanisms could only go part of the way towards addressing the PNP's fundamental problems. In and of themselves, they arguably would not be sufficient. This chapter then presents the view that top-down institutional approaches should be complemented by bottom-up mechanisms from the community in the form of collaborative inquiry or collaborative dialogue. The idea of direct public participation in a collaborative manner that promotes reflection, learning and community leadership in policing seemed to be a completely foreign concept to nearly all of the police respondents involved in this study. They understood the idea of such participation as a form of consultation or community mobilisation, or even both. They could not quite grasp the concept of involving citizens and the general public in collaborative inquiry and deliberative decision making in policing. In the limited literature there is on the PNP, community participation is seen in terms of police officers and units securing community support for policing. Quinanola (1995, pp. 113-115) writes that a professional and highly motivated police should be supported by a responsive community. Hence, part of the police officer's role is to win the people's support and facilitate the development of collective efforts between the police and the people. Sarmiento (1997, p. 72), a former PNP director general, states that the PNP has taken the initiative to get into the community, understand it and protect it from harm. This is the essence of the PNP's Community Oriented Policing System

(COPS) which is part of PNP police-community relations. COPS involves letting the community know what police are doing. Police are supposed to do this by explaining themselves to the community through community immersion and community building measures (Dufee, et. al. 2006, p. 12). The community is defined as the fifth pillar of the criminal justice system, and its involvement in policing is through the provision of assistance to police and support for crime prevention activities as understood in the Directorate for Police-Community Relations (2003). The barangay justice system is the institutionalised manifestation of this support and assistance. In a way, it does assist police, as the more petty offences and the small problems that could be dealt with through mediation are under the barangay's jurisdiction, freeing the PNP to do the more difficult aspects of policing and peace keeping (Coronel 1996, pp. 27-28). The COPS philosophy is based on the idea that if the PNP could enhance its image, improve its ethics and make itself more efficient, more friendly and more capable of mobilising the public, then the people would eventually be involved in a 'dynamic' and 'sustainable' way in support of the PNP. The PNP should re-examine its values, its training, its operations, its mechanisms of dialogue and interaction with all of its partners and stakeholders, and its evaluation mechanisms. The PNP believes that citizens have a reciprocal responsibility in preventing and controlling crime (Directorate for Police Community Relations 2003, pp. 11-15). These are all under the ITP, as part of the Model Police Station Project, its effort to improve police competencies, its public advocacy projects and its values enhancement efforts (Reformag 2009, p. 13). To support these policy directions, the PNP PMO has been conducting surveys and limited forms of research in the effort to inform itself of what the public expects of the PNP. In one recent survey, where the PMO secured the services of the Asia-Pacific Centre for Research (ACRE), it was found, from a small sample of 2,000 respondents of which 400 lived in Metro Manila and 1,600

came from people living in the provinces throughout the Philippines, 87.5 percent considered the Philippine economy as the most pressing concern that government should give its full attention. 64.6 percent thought that peace and order was the most important national concern, making it second only to the economy in terms of how important it is. It also found that 62.9 percent of respondents generally trusted the PNP in great measure. These respondents also seem to believe that improving police discipline should be the PNPs top priority if it wanted to reform itself, followed by improvements in police leadership (Genorga & Traje 2009, pp. 26 & 27).

It is rather interesting to note that the findings of this PNP commissioned survey seem to contradict the Transparency International Corruption Perception Index surveys cited previously on one point: the part where people trust the police. This writer has had no access to the ACRE research methods in relation to how it got its sample and why it was so small, thus it would not be appropriate to make any lengthy criticisms. However, it could be argued that the Transparency International survey methods and those of ACRE may have been very different. Furthermore, Transparency International has been doing its research independently, while the ACRE survey had been a PNP commissioned project according to *Reformag* (2009). There could be a degree of bias in the ACRE survey in favour of the commissioning agency. Be it as it may, the pattern that emerges seems to show that the PNP considers itself the prime mover, or the expert institution (Ryan 2008, p. 85) whose task it is to mobilise society and enable people to realise that they have a responsibility towards supporting policing and the police. In effect, the PNP has a professional and COP approach to its view of police reform, as understood in Pino and Wiatrowksi (2006), Chan (1997) and Kessler (1999). The professional approach is seen in its ITP projects and its efforts to improve police ethics. The focus is on improving the PNP and its individual members through better training,

better equipment, the modelling of good behaviour in both individual and unit contexts, values enhancement and spiritual regeneration efforts, and the attempt to make the PNP more professional. The COPS approach is seen in its community consultative approach to local policing, its efforts to initiate community support and assistance, and its efforts to develop officers who know as much about the community as possible and then have these officers provide local leadership in mobilising community resources. In keeping with the restoration of democracy in the Philippines in the 1986 EDSA Revolution, the COPS concept as the PNP understands it calls for the mobilisation and harnessing of 'people power', especially at the grass roots. COPS seeks to use this popular capacity to anticipate, detect, study and address the problems of crime and internal peace and stability (Coronel 1996, pp. 80, 81). This popular, or community based capacity could be thought of as the measure of how much the members of the community could work together effectively, develop and sustain strong relationships, solve problems, make group decisions and cooperate towards identifying goals and accomplishing them (Duffee, et. al. 2006, p. 2). With regard to the PNP's COPS program, however, while the community may be consulted and people may even provide assistance to policing, the police still make the ultimate decisions. The public is not really part of a collaborative effort to identify problems, develop priorities and strategies, or participate in the implementation and evaluation of policing (Pino and Wiatrowski 2006, p. 91). COPS is simply another form of social control (Lab 2003, p. xviii) with very little meaningful social participation. Worse yet, even if it could be argued that community policing is not a form of social control, police research has shown that where police forces do not establish sufficient integrity in the community, which is presently one of the PNP's problems, then community policing would simply not work (Kessler 1999, p. 334). Where it does work, it does not

involve a truly equal partnership or a completely equal effort between the police and the community (Jordan 2000, p. 94).

In any event, the ITP, the COPS and the PNP's moral and spiritual regeneration programs are still, by and large, top-down institutional efforts towards improving itself. There is nothing wrong with an institution like the PNP trying to fix its own problems, but if it claims to truly involve the wider society in its endeavours, then it is critical to include a bottom-up process that could complement the top-down plans and programs. There is always the danger that, while these top-down approaches may help make the police more efficient and effective, policing may end up becoming something that is in sharp contrast to what it actually considers its avowed principles (Ackoff and Pourdenhad 2001, p. 204). An illustration of this could be seen in one of the field interviews that this writer had carried out in the town of Isabel, where the chief of police, arguably an efficient and dedicated officer, had been conducting consultations with local barangay leaders and citizens. His views of what the town needed in terms of policing did not quite agree with what some of the local communities needed in spite of his consultation efforts. In his words:

> 'I have been to most of the 24 barangays of Isabel, and I have conducted conferences (*pulong-pulong*) with local barangay officials. I have identified some of the main problems of peace and order, and we will be looking into those. We hope to have the cooperation of the local communities.'

But from the perspective of two of these local barangay leaders, they think that:

> 'You know, he is a good chief of police. He has been an improvement over the previous ones. But we have problems in our barangay that the police cannot really help us with. Maybe it is because there are so few of them (the police). There are only about 20 of them for the entire municipality. Our biggest problem in this barangay is illegal fishing....'

The municipal police are not only undermanned; they are also not equipped with boats or maritime law enforcement equipment or training. The issue of illegal fishing is well beyond this police unit's capability to deal with.

The quality and type of police service, as with any other type of service, should be defined by the people receiving it; which is the community, rather than those who provide it, which are the police (Bland 1997, p. 4). Furthermore, top-down approaches in large hierarchies could mean that in the time it takes to implement decisions that are handed down from above, the complexity of the problem or the situation below shall have changed enough to make the decisions inadequate, inapplicable or inappropriate (Bausch 2008, p. 277). This perhaps explains in part why, in the narratives discussed in this study, there are still police officers in the PNP at all levels and in both the PCO and PNCO ranks who are involved in personal immoralities, unethical conduct, corruption, torture, or are used as thugs by powerful political clans no matter how much the PNP tries to get its ITP projects or its moral and spiritual enhancement programs off the ground and among the ranks. It could also explain why gender biases still exist in the institution, it still suffers from chronic logistical problems, and that it is still beset with inadequate leadership. In the case of this last narrative, the local municipal police are not even equipped to deal with a problem affecting some of the town's barangays. The local policing capability is inadequate and inappropriate to the extent that it could not deal with illegal fishing in municipal waters even if it may have improved in terms of efficiency, discipline and ethics.

Collaborative, collective approaches to governance, even in policing, are arguably the key to improving police ethics, since it could be argued that collaborative mechanisms could establish a means for co-creation and co-ownership among all the stakeholders in policing. These include both the police and the wider society. It is widely held that where decisions are

made that affect people, to fail to include those who will be affected in decision making is unethical. It may also result in ineffective decisions, since inclusion could ensure effective implementation of such decisions (Bausch 2008, p. 278). The ideal ethical framework is one where there is a shared sense of rights and responsibilities for sustaining society in the present as well as well into the future. For this to be possible, social, cultural, political, economic and environmental issues need to be dealt with (McIntyre-Mills 2008, pp. 147, 148). This is where it could become possible to listen to other voices, that is, multiple views of a situation, which are important if processes and methods are supposed to empower people and enable them to become part of institutional design (Holwell 2000, p. 776), which is what the PNP has been trying to claim in its own efforts to improve itself. This is especially important if, as the argument has been made earlier, the wider society is part of the problem of unethical or corrupt police. This collaborative approach, as a complement to institutional approaches would be important in this regard, since in improving ethics and governance, values need to be defined in relation to the institution's stakeholders (Parra-Luna 2008, p. 250). An illustration of what normally happens in the absence of effective police-community collaboration, or even merely cooperation could be seen in the results of recent research. At the turn of the 21st Century, four American academics employed focus group discussions in, among other things, community policing research done at a socially and economically depressed public housing community in the southern United States. The name of the place has been disguised for research ethics reasons; however, some of their findings have been used by the local police department to gradually improve its practices. It had been found, for example, that low levels of community cooperation with police are due mainly to the community's ignorance of policing programs as well as low public confidence in the police. Furthermore, the lack of respect by police towards community residents erodes even further

any desire towards community cooperation, let alone collaboration, with policing (Walsh, Vito, Tewksbury & Wilson 2000, pp. 79, 83, 85-87, 90).

With regard to the PNP, it is proposed here that at the municipal police office level, it may be possible to establish a collaborative inquiry mechanism that could, if sustainable, complement the institutional top-down strategies for reform, enhance the consultative and participatory dimensions in these strategies (such as in the ITP or in the COPS), and perhaps even help bring about the gradual adjustment of social attitudes towards ethics, public-police relations, and social responsibility. This is in keeping with the principle of subsidiarity, which is the idea that decisions and responsibilities should be situated as low as possible in the system (Handy 1998, p. 248). Not only is the municipality the lowest operational level for the PNP, it is also that level of local government which is low enough in the Philippine political system to reach the grass roots, but is higher than the barangay, which is far too low and too small to make any meaningful political or social impact (Varona 2005). It is possible to promote social reform, and with it improvements in police ethics management and police governance if discussions among people who are in favour of such reform is carried out, as such discussions are likely to intensify underlying convictions and concerns (Sunstein 2003, p. 88). This would require a mechanism for reflection and learning among participating stakeholders as well as a means for collaboration where meanings could be constructed and mutually understood. While reflection could be considered an individual activity among participants, deliberation as part of collaborative effort, is the means through which the results of reflection could be made accessible to everyone involved (Shapiro 2003, p. 122). One requirement of subsidiarity is that those who exercise decision making responsibilities would have to learn the competence towards these responsibilities (Handy 1998, p. 248). Hopefully, collaboration as a mechanism for reflection and learning could make this possible.

Municipalities are small enough to be able to manage collaborative inquiries and deliberative discussions of this kind. Indeed, part of this study involved the set up of an experiment in collaborative inquiry to see if this premise is sound.

7.2. The Collaborative Inquiry Experiment in the Municipality of Isabel

The small discussion group that was gathered around a small table in a church whose minister graciously allowed this writer to use, consisted of representatives of the local police (the chief of police and an aide showed up), a local business representative, a civic leader and his friend, a local pastor (who is also involved in the PNP-MOST program) and this writer. This activity had never been tried before with respect to local policing. It began with the pleasantries common to all cultures, and then proceeded immediately to the discussion of issues. Neither the police chief, nor any other members of the local PNP appeared as the discussion started, despite being invited two days prior.

This writer (speaking in Cebuano): *Gentlemen, the objective of this activity is to establish a collaborative inquiry discussion, which is to say, you gather around concerned citizens discussing together in an informal atmosphere to talk about problems of the community. You are not pressured to do anything you do not want to do... In today's times problems in society have become so complex that government could not be expected to solve it all, so the participation of society, in the dialogue that goes around the community, may actually result in some solutions to these problems... For this discussion, there are questions we are asking. First, what is police ethics..? If you were asked, what would be your definition of police ethics?*

The civic leader: 'I think good behaviour (*'maayong batasan'*) is the most important thing there. You see, people are afraid to approach the police because of their (the police) bad behaviour... So we are afraid to come to them... I once saw a police officer dealing with someone over a petty offence, and he acted as though he was going to kill the person... They must remember that even if they are militaristic in their style, the ordinary person is not of the military. I think an ethical police officer is one who is approachable and well behaved (*'maayo ang kina-iya'*).'

The pastor: 'One of the things we emphasised is to try to help police to become morally upright. Every officer from the bottom to the top (of the PNP) needs this... Most policemen are feared by the people, and so nobody wants to go to them. We need to help them deal with their (moral) problems to address this. Although some

collaboration has been tried between the police and the barangays, where they try to link up with the local communities, the fear of the public in the police is still there because there are areas that could not be corrected (even through this type of cooperative effort.)'

The business person: 'I think an ethical police officer is one who is doing his job professionally. (When asked if the business community has been having problems with the local police, the reply was): Personally, I have not encountered bad treatment from the police. They generally pay for my services in my business. But apart from the business side, before (in the past), I experienced (that) the police were not visible. At present, because of the leadership of the local government, you can see them; they are now visible and they are always there. Every time you call the police, they are there.'

The participants went on to relate stories and experiences with policing, not just in their town, but also in other places. Policing may have improved in Isabel, but not necessarily so in other towns. The pastor related a story about a church camping trip in Burauen (another town and some distance from Isabel), where the campers complained to the police about items that had been stolen among their belongings during the night. The police did not respond at first. They were having a drinking binge at their police station. It turned out that one of this respondent's fellow pastors was a personal friend of the provincial police director, to whom they sent an SMS message telling him of their troubles. This brought an immediate response from the previously unwilling local police. Each of the participants up to that point related similar less than optimal experiences with the PNP. The business person opined that the local police usually know who the petty criminals are in any locality, and so when something like this happens, they may have some ideas about who is most probably responsible. The civic leader talked about illegal gambling in which police are involved. Some illegal gambling operators had been under the protection of the police, but he did say that under the present mayor:

'I have not encountered any more police officers coddling illegal gambling operations... I think also that one of the factors that affect police ethical standards has to do with their higher authorities (or superiors). If their higher authorities are good (leaders), I suppose (*'siguro'*) this could affect their ethical behaviour because they would have second thoughts about doing illegal things if they see their superiors as upright and strict in maintaining standards.'

The pastor here interpreted this statement from the civic leader to refer to both the police leadership as well as the political leadership of their town, because he responded with the view that, while it may be true that good leadership could help uphold ethical standards, if the leadership changes, such as in the case of a new mayor after an election, then the same old standards may no longer be maintained.

The civic leader agrees and then goes on:

'...In the past, I remember the police did everything (that was unethical). There was drunkenness, womanising... I used to call the police (for assistance) or even visit them, and they would nod and acknowledge my call, but that was all they did. I even caught a former chief of police in his police station still in his underwear early one morning (implying that there had been a sexual tryst at the police station the night before). Whenever we (the civic action association) went there, they got all worried and would launch into a flurry of activity, because we can hold them to account (laughter). We are among the groups of people in this town who are empowered to rate the local police in the performance of their duty. Our reports reach their superiors. We are affiliated with the Ombudsman and we provide evaluations of our police.'

It is interesting to note here that even if there had been no prior information from this writer as to what the discussions would revolve around, these respondents, speaking from their own experiences, thoughts and feelings, discussed the very same themes that had been explored in the previous interviews in Camp Crame, Metro Manila and Cebu. This shows that, far from being ignorant or 'inexpert' citizens, these respondents actually knew what the issues were, maintained various perspectives regarding them and even had good suggestions for change. Taking from Holwell's (2000, p. 784) research on soft systems methodologies, these respondents have a view of the world and are able to interpret what they perceive as social constructs or social realities. While it may be safe to say that this perception is focused largely on local issues, and in this case, local policing and law and order, it is actually logical and effective to look at problems from the local point of view before moving on to the larger issues on a larger scale (Harmuth, Huber & Rink 2008, p. 264). As the discussion went

forward, actually, the respondents began to take on a broader and higher perspective without losing the local focus. The building blocks of public policy, including that of policing, could start from the efforts of individuals and groups to tackle local issues, reflect on them and realise their own goals, which is the key principle behind participatory democracy (Elkin 1999, p. 182). Complex issues, such as police governance could be dealt with through a framework based on collaboration, negotiation, discussion and cooperation among equal and free participants who strive to achieve solutions that are seen as fair by all involved (Burnheim 1985, p. 106). The process could become more democratic and the results made more sustainable; as it is possible for a sense of co-ownership and co-production to develop out of collaborative processes (Pino & Wiatrowski 2006, p. 92).

The different social, professional and even ethnic backgrounds of the respondents (while Cebuano was the dominant language used in this discussion, the pastor is actually from the Hilonggo speaking ethnic group, and the chief of police, who would turn up rather late, is from the Waray speaking region) contributed to a pluralism of perspectives bringing about common streams of ideas. Today's problems could no longer be dealt with through single methods, single approaches, or even by single separate groups of people (Zhu 2006, p 757). Various and multiple sources of knowledge are essential to today's efforts at institutional reform and the resolution of social, economic and political problems. Governance, if understood as various forms of interaction between state and society, which would be meaningful if it is part of institutional change or redesign (Kjaer 2004, pp. 6 & 10) needs this, to borrow from Churchman (1979 cited in McIntyre 2004, p. 39) 'sweeping in' of ideas, as recognition of such knowledge, particularly from local communities and from people and groups coming from all walks of life could enrich the capacity of a nation to resolve social, political, economic and ecological problems (McIntyre 2004, p. 39).

After about an hour's worth of discussion had passed, mostly around stories of adventures and misadventures involving the local police of the past and of improvements in the present, the chief of police and his aide came in with profuse apologies for having forgotten his appointment with this group of conferees. By this time, the discussion had arrived at the following assertions:

First, people tend to fear the police because of the overbearing and threatening attitudes of the police. The literature on police research supports this (Walsh, et.al. 2000 & Kessler 1999). Furthermore, public confidence in the local PNP is lacking. People are afraid to lodge complaints or report crimes to them largely out of the fear of retribution. The police are seen to be linked to the malefactors, or are not perceived to be dedicated enough to work on the complaint, or that the system for lodging complaints does not protect the complainant with anonymity, and so the suspects who are being reported could exact vengeance on the persons reporting. There are also tendencies by the local PNP to cut corners in the procedural aspects of policing as well as the tendency to abuse their authority. Like the lawyer's narrative regarding officers who make arrests without warrants, the pastor in this discussion related a similar incident when a rape suspect was forcibly arrested without a warrant and without observing proper procedures. Second, an ethical police officer is, according to the respondents in this discussion, a person of good character, humility, professionalism and dedicated to public service. A police officer should also be open-minded. The civic leader stated this to mean that the police officer should not be afraid to try new ideas, especially from ordinary citizens. Third, these local residents, far from being passive, actually had many good ideas regarding what could be done to improve police ethics and policing in general in their town that the local PNP had not thought about. The business person thought of creating a confidential, objective community based feedback mechanism which could allow anyone in

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the town to evaluate the performance of the police, even as there are already existing community and institutional accountability mechanisms. In support of this the pastor thought that the introduction of periodic locally based and locally conducted research surveys of people's views of policing could complement this feedback mechanism. It could, in their view, produce a community that is 'more vigilant' and 'more involved' not only with regard to crime, such as in any community watch program, but also of police performance and behaviour. The pastor compared this to what business organisations do:

> 'Look at what Jollibee (a very popular Filipino multinational fast food company) does. They have surveys asking customers how the service is, or what could be done to improve it. Something like that could be done for local policing.'

This is an application of Total Quality Management (TQM) thinking as understood in Robbins, et al. (2003, p. 746), even if the pastor and most of the rest of the participants in this discussion did not know what TQM was. The pastor went on to suggest that, since he had been involved in the PNP-MOST program, there is a need for a framework through which the police could individually and collectively evaluate themselves. When this writer showed him a copy of the South Australian Police (SAPOL) Code of Conduct manual, where there is a self-test guide to help officers in making decisions (South Australian Police 2005, p. 2)[11] he agreed on the need for something like that, but also added:

> 'But also for our part, we should also have this concern towards helping them. Any case, if the people do not help the police with it, could not be solved.'

There was also the suggestion that the local PNP conduct frequent public relations seminars with local residents, if only to help inform the public about what policing really is, the issues in policing, and perhaps more important, the problems of the local police. This could be a

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[11] The SAPOL self test guide uses the acronym 'SELF' for 'Scrutiny' (did your action withstand scrutiny...), 'Ethical' (is your decision ethical...), 'Lawful' (is your decision lawful...) and 'Fair' (is your decision fair...).

way towards opening a dialogue between the police and the public, where through public deliberation people could redesign the police institution, embed democratic principles in it, and enable police and the wider public to share ideas, lived experiences and knowledge. This could lead to the creation of new knowledge and possibly, mutual understanding on a deeper and more meaningful level (Pino & Wiatrowski 2006 cited in Varona 2009, p. 74 and Varona 2009, p. 74). This could also lead the way towards establishing a locally based community of practice as understood in Wenger, McDermott & Snyder (2002) in the context of improving policing, its governance and its ethics. These efforts need not be through formal channels or processes. The informal atmosphere and processes involved in this discussion quite likely motivated the respondents to discuss freely, leading to reflective thinking. In many cultures, such as that of Filipinos, informality is critical to enable discussion participants to share experiences and work with others (Lovering 2004, p. 3). One of the suggestions in this activity was the idea of a regular sports competition between the local police and local residents and groups, if only to bring about closer, friendlier dealings between the police and public. Without their knowing it, police in Melbourne have actually tried this approach in the light of crimes, widely thought of as racially motivated, being committed against that city's Indian community. Melbourne's police have been trying to win that community's trust through joint cricket matches, as mentioned on an SBS News program on the 25th November 2009 (SBS World News Australia 2009). The respondents in this discussion admitted that they did not know much about the police and their problems because the police do not say much. The ITP has been trying, as discussed in the previous chapter, to open public relations partnerships with non-police entities, but none of the respondents in this collective discussion knew about this. The business person said, 'I am not aware of that (the PNP's public relations efforts).'

One of the most important inputs in this discussion came from the civic leader, who said:

> 'I think what is lacking in the PNP is a program of continuing education of the police regarding ethical standards. They do have this training, but is it continuing? If you have continuing education on ethical standards in the police; that may affect the way they think about ethics. They need to be constantly reminded of these things. A lot of people become police officers because they know the right patrons, but in so far as their knowledge of ethics is concerned, they know little. The fact that they cut corners around procedures, such as in not informing a suspect of his rights upon arrest, proves this.'

He went on to stress that this form of continuing education should be based at the local level. The pastor mentioned being aware of orders from higher PNP command on the implementation of plans to localise such continuing education programs, such as the PNP-MOST, down to the lowest levels of the PNP. But he went on to say that these plans could not be implemented due to problems at the lower levels of the PNP that the higher echelons could not see. Hence, this is another perspective on the ineffectiveness of relying only on top-down solutions to institutional problems in large bureaucracies like the PNP. In any event, the pastor went on to support the civic leader's view, since it is important to 'constantly remind oneself of what is right, wrong and what ought to be done. There is no way to record this, like in a tape, so continuing education should be part of the local police system.' It is important to stress this point on continuing police education to be set locally. At present, in the course of doing this study, the municipal level of policing normally does not have a capacity for continuing education and training owing to the small size of a typical municipal police unit. However, collaborative approaches between police and community in this area of education have been tried. In the United States and in the UK, local institutions known as Citizen Police Academies have been established. The Devon and Cornwall Constabulary in England established one in 1977. As of 2000, around 29 percent of local police agencies in the United States have developed CPAs (Jordan 2000, pp. 94-95). The Livermore, California Police

Department includes its CPA program within its community policing operations. It is designed to educate local citizens on the mission, vision and values of the Livermore Police Department (Hurd 2010). In Sparks, Nevada, its CPA was the result of a cooperative venture involving the Sparks Police Department, the Reno Police Department and the Washoe County Sherriff's Office. Its purpose, like that of other CPAs, could be summarised as that of building trust between the police and the community. The Sparks Police CPA curriculum includes such topics as; Criminal Law, Weaponless Defence, Critical Incident Management, Crime Investigation, firearms training, and even SWAT operations (City of Sparks 2010). The Las Vegas Metropolitan Police Department CPA web page begins with the call for citizens to: 'Be part of the solution.' The Las Vegas Police CPA curriculum includes a topic on the department's organisation and ethics. At the end of the CPA course, alumni could then volunteer to support police operations, including sitting in the communications bureau where 911 emergency calls are taken and dispatch calls are made. Selected participants may even ride along in police cruisers on patrol (Las Vegas Metropolitan Police Department 2010). The main issue with these CPAs, however, is that it basically involves the local police educating citizens on what it does as police, hoping that in so doing, citizens would trust and support policing. It may be a police-community partnership of a sort, but it is really an extension of the community policing concept, where police remain the dominant entity in the relationship and citizen influence is understated (Jordan 2000, p. 93). Again, following Ulrich (1987, pp. 290-291), the police position themselves as the experts and planners. The police define the measures of success as well as the world view of the system's design. A collaborative inquiry approach into local police education should arguably be based on a truly equal relationship between the police and the community's citizens, where both could equally share in acting as experts and planners who can map out the world view of the institution. Hopefully, this could

enable both the police and citizens to emancipate themselves from the problems related to unethical policing on the part of the police on the one hand, and the wider society's tolerance of corruption on the other. Perhaps the CPA concept could be modified at the municipal or city level in the Philippines suitably to reflect this conceptual equality and be made the subject of future research.

The chief of police, upon joining the discussion, stressed this problem of personnel numbers. 'There are only 21 of us here policing a town of around 40,000 residents.' Still, this police chief also emphasised that he has been trying to win the hearts and minds of the community. Repeating a claim he made recorded in the previous chapter of this study, he has been conducting community based conferences among the barangays. There is also a new system being tried in town, where residents could report incidents through mobile phone SMS. He said:

> 'We have a system called COPS. In this system, we the police are the ones who get close to the community. Our objective is to win the hearts and minds of the people, because we could not be effective without the community's support. If the community do not inform the police, nothing happens. If there are no witnesses (willing to step forward), we get only unsolved cases... I understand that people may be afraid to report things to us. I gave my (mobile) phone number to people who have approached me with a complaint or report but were afraid for their own security, so they could report to me by text message. I told them not to identify themselves. I said this during the constant *pulong pulong* that I have conducted among the barangays...'

From the other respondents around the table, this system of conferences and consultations among the barangays has been well received and has attracted many participants among the town's residents, though at the time it had been conducted some weeks prior, very few people actually completely knew what it was about. This is actually part of the PNP Police-Community Relations Group's strategy that is supposed to be standard operating procedure at the city and municipal police levels according to the police chief. The issue of COPS has already been dealt with previously, however, it should be noted that, as with any community

policing approach, there are limits to what the community could do to support the police unless one starts to think of community-police relations beyond the usual meetings and conferences with residents and community leaders. Building community is based on a sense of care on a day to day basis. Thus, whether the police or the community initiate the building of collaborative efforts, it should be with a positive, caring, co-creative agenda, rather than one that is punitive (Buerger 1994, p. 272). Consultation, adaptation, mobilisation and problem solving in a collective sense, which are the elements of community policing (Bayley 1994, p. 279), could not be possible without a sense of stewardship or a duty of care among those involved. The PNP, then, needs to deal with its own issues of care for its own personnel if it is to be a caring agency in and for the community.

The chief of police concluded his part in this discussion by saying that the role of maintaining the peace is the community's, with the police only acting in support of the community's efforts. The community should take the initiative. 'The community and its various sectors are force multipliers in law enforcement.' The civic leader then took the opportunity to tell the chief of his suggestion to hold sporting competitions between the police and the local residents amid laughter and amity all around the table. The results of this exploratory attempt at setting up a collaborative inquiry discussion were written down in a report and sent to the police chief, with copies furnished to the PNP PMO, whose task is to manage the ITP. It is hoped that this collaborative style of working together could be continued and sustained. Perhaps it could be the subject of follow-up studies in the near future.

7.3. Sustaining the Process of Collaborative Inquiry

In an effort to prevent terrorist activities from occurring, the Lancashire Police Force in the UK conducted a community-building exercise among the Muslim residents of that locality, taking care to exercise cultural sensitivity in separating male and female participants and giving each group a separate exercise. The activities involved getting the participants to take on the role of police decision makers in a counter-terrorist situation in order to get them to understand the difficulties that police face in making decisions. The Lancashire Police used community engagement for this exercise, which is a continuing program, and by all reports, the Muslim community and the local force have begun to understand each other and cooperate (SBS *The Cutting Edge* 2010). There may be a few possible issues in this exercise that open it to criticism. The first is the possibility of ethnic or religious profiling, as the exercise had been conducted only among Muslims. Terrorism is not solely a Muslim phenomenon, and the exercise could have been more inclusive in involving other groups of people. The second is that the process is being sustained because the Lancashire Police are taking the initiative and are conducting the exercises. This raises the criticism levelled against community oriented policing in earlier sections of this study that police-community relations are under the control of Police and are therefore not entirely community led (Buerger 1994, Pino & Wiatrowski 2006 and Ryan 2008).

It is proposed here that sustaining the process of collaborative inquiry involves, first enabling the community to assume the role of leadership in partnership with the police at the municipal level and second, the Double Knit Knowledge structure in Wenger, McDermott and Snyder (2002, p. 19) and explained in Chapter II could become the basis for establishing and sustaining this process. Leadership is critical for maintaining collaborative inquiry groups (Lovering 2004, p. 3). It is also essential in managing innovation (Stewart & O'Donnell 2007,

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p. 248), which is what this structure would be in the context of improving ethics and governance in the PNP, since it has never been tried before. But this leadership should come from the community, and in the Philippines, at the municipal level, where the local police could be made part of a collaborative arrangement in which deliberation may be initiated from either the community or the police. Neither entity should assume the overall responsibility for permanent control of the process. As mentioned in Chapter II, managing ethics and governance in policing begins with managing relations of power and knowledge (Ericson & Haggerty 1997, p. 21). This could be brought about through collaborative management that centres on citizens, communities and all other interests, institutions and networks. This inclusiveness could enable people, both police and non-police stakeholders to build citizen competence and effective decision making (Cooper, Bryer & Meek 2006, pp. 76 & 80). Public power is perhaps the most important resource for improving ethics and governance (Bogason 2000, p. 68) in the PNP. This kind of collaboration among police, citizens and other non-police stakeholders can be problematic, but it is not impossible. In one interesting case study done at the Broken Arrow, Oklahoma, Police Department in the United States, its newly appointed chief, while reluctant to involve a non-police professional in his efforts to improve police management, nevertheless took a leap of faith after experiencing first hand the terrible consequences of previous bad leadership at the Broken Arrow PD. He engaged the services of an academic and organisational psychologist whose knowledge of applied democracy and empowerment were as natural to her as they were alien concepts to the Broken Arrow Police. The resulting partnership eventually led to a continuing action research project whose outcomes have gone well beyond those initially envisioned. It began with a gradual empowerment of uniformed as well as non-uniformed employees, the gradual improvement of departmental practices and leadership, the eventual involvement of other

stakeholders (such as a network of graduate students), and as the parameters of the project have been defined and redefined over time, innovative new police management practices. What began as a modest project to improve workforce morale and departmental leadership had evolved into an exploration of how far the limits of organisational democracy in policing could go (Wuestwald & Steinheider 2009, pp. 1-3, 6-7).

The Double Knit Knowledge structure (Wenger, McDermott & Snyder 2002) could make this community leadership of policing possible:
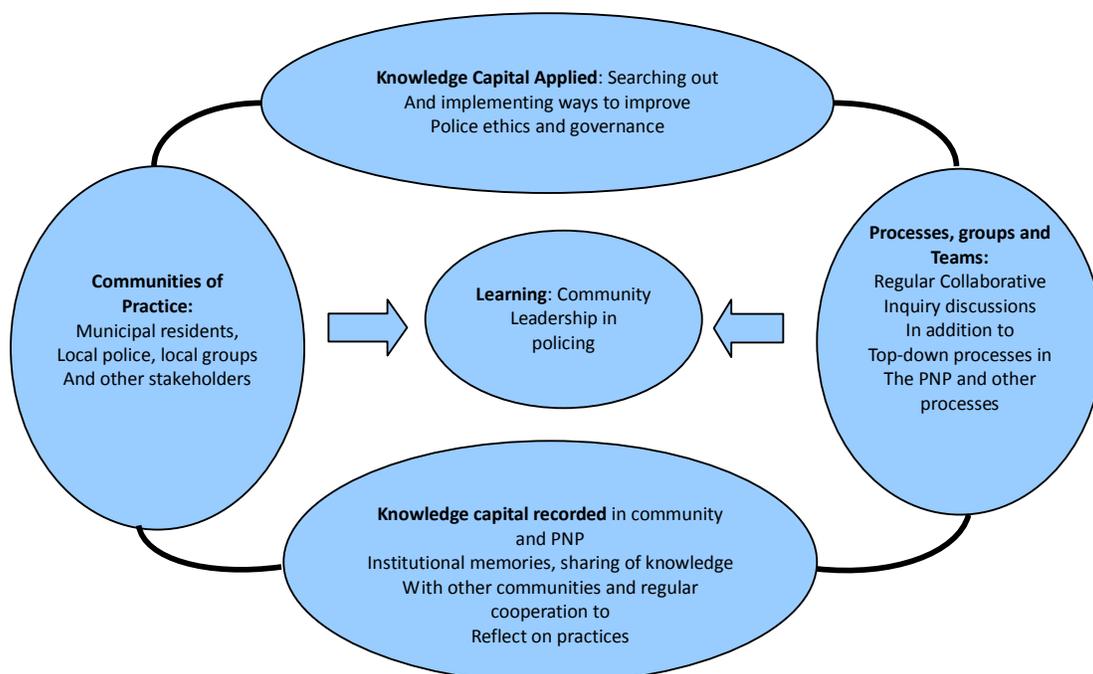

Figure 4: Double Knit Knowledge Structure as model for improving police ethics and governance.

The case described above with the Broken Arrow Police Department actually illustrates the Double Knit Knowledge Structure as part of an evolving collaborative effort between and among police, academic, and other non-police stakeholders. This could be possible for the PNP, where as an institution it could similarly learn and evolve into a more ethical police force; and for the local communities it serves, where people could also learn and evolve into a more ethical and active citizenry. It is possible for collaborative inquiry between police and

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community to take the form of an action research project or action inquiry similar to the Broken Arrow case, where practitioners and stakeholders could come together as an inquiring community. They could learn, encourage and challenge each other as they work through actual problems of policing and police governance over cycles of action and reflection. The processes involved here could be designed in a way as to deal with emerging themes, interests and issues (Mead 2002, p. 193). This could make community leadership of policing possible.

Incidentally, community building projects which aim to enable community participation and leadership in policing have been tried in other policing contexts. One such project, funded by the US Department of Justice, is the *Police-Community Interaction Project* (PCIP). Academics from various American universities have linked up with different police departments, such as in Indianapolis, Seattle, Portland and San Diego, in order to work out a model for better police community relations and collaboration. This project has put forward several methodologies for making this possible (Duffee, et. al. 2006, pp. 4, 19, 27-28):

- o Improving neighbourhood space, which involves getting neighbourhood stakeholders (organisations and residents) to collaboratively develop ways and means to enhance and improve the appearance and quality or neighbourhood living spaces;

- o Identifying with neighbourhoods, which involves steps in which police and other community stakeholders could better provide services in neighbourhoods;

- o Encouraging resident efforts and participation, which encourages the development of collaborative processes in which community citizens, police

and other stakeholders could work together towards defining the boundaries and scope of participation and collaboration between and among themselves; and

o Coordinating organisations and stakeholders, which involves more active collaboration between and among these stakeholders in sustaining the processes already established.

The PCIP project is ongoing, and if its authors are correct, it has been showing successes in the areas where it is being carried out. They have found that, in the five years of this project, police and communities are capable of engaging in collaborative efforts and community building (Dufee, et. al. 2006, 24). It could be possible, then, to engage municipal level police and citizens in the Philippines to work together in a similar way.

Chapter VIII: Summary, Conclusion and Recommendations

8.1. Summary and Conclusion based on the Results and Implications

To summarise this study's themes and findings, it is possible to state here that certain sections of the PNP recognise its existing problems with ethics and corruption at least to a degree. This is a repeated theme in the ITP's publication, *Reformag* (2009) and in statements made by its own director general in which he mentioned the PNP's dysfunctions as being the cause of the Maguinadano murders described in a previous chapter of this thesis (ABS CBN News Online 2008). This is also clear in the results of both the initial survey and the subsequent interviews with police respondents. However, the broad theme here is that the PNP seeks to reform itself largely through its own institutional efforts, resulting in top-down strategies, such as the ITP. External stakeholders, such as the communities and citizens outside the PNP are encouraged to participate in these efforts but only as the PNP initiates and essentially controls the processes of participation. Hence, the narratives from police respondents focus on the need for the PNP to improve its discipline, its leadership and the virtues of its officers. Indeed, based on the narratives from the PNP chaplains and most of the non-chaplain police respondents, the virtue approach through thorough religious and values development programs is the key to improving ethical behaviour among PNP officers. To take from Ulrich's (1987) boundary questions, the PNP may see itself and the citizens and communities external to it as stakeholders in its efforts towards better ethics management and governance, but it sees its own leaders and officers as the more important stakeholders, while citizens and communities are merely secondary stakeholders. Thus, while it may have an appreciation of the consequences of bad policing, which is why it is trying to fix it, it does not quite consider external stakeholders as primary actors in the processes of reform and

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institutional design. It does not see citizens and communities as leaders in the planning, implementation and control of the processes of change.

And yet, it is quite clear that the ITP, the PNP-MOST and other top-down institutional approaches, while important and not without merit, are not enough to address the unethical and even corrupt or criminal conduct of many PNP personnel. The narratives from the police officer's sister, the officer's widow, the American official with the ICITAP program, the gaol inmate who had been tortured, the pastor involved with the PNP-MOST, the local town lawyer and her colleague at the Commission on Human Rights, a few of its own officers; at least one of whom has given a strong dissenting view of the ITP, and the other non-police respondents to this study point to this conclusion. The case studies of the use of torture, police involvement in politically motivated murder, and of financial corruption support these respondents' narratives. If top-down institutional approaches to reform were enough to address these issues, then by this time there should already have been some tangible results. As it stands, the PNP still has these problems. Indeed, the very issue of its inability to care for its own personnel, as the narratives dealing with the issuance of firearms and equipment as well as of benefits and wages shows, top-down approaches alone are not able to resolve these problems because, again taking from Ulrich (1987), the world view underlining the PNP's institutional approach is not broad enough to include every stakeholder in institutional planning and design. The PNP sees itself as its own 'expert.'

If the PNP's model for its own approaches at ethics management and governance were defined as a structured explanation of abstract and coherent, interconnected sets of statements about reality (Schwaninger & Grosser 2008, p. 448), then its major flaw is that it does not see beyond its own institution, it does not go beyond the virtue approach, and it does not truly involve citizen and community participation in its theoretical constructs. But since the PNP is

part of the public sphere, it is part of the domain in which multiple views and perspectives have to be presented, heard and acted upon (Habermas 1984, Guo & Sheffield 2007, pp. 618-619 and Habermas 1987 as cited in Fishkin & Laslett 2003, p. 95). Perhaps this is part of the reason behind the fact that the PNP is so tightly controlled politically at both national and local levels and that it has not quite entirely rid itself of its militarised culture. If the PNP truly listened to the community's viewpoints and collaborated with this same community in the spirit of equality, so much so that it would not be afraid of the possibility of the community assuming leadership over policing and the police, then perhaps it would see the need to reform itself radically enough to be ethical, politically neutral and independent, as well as completely civilian in character. This community participation should arguably be part of police governance in the Philippines.

8.2. Recommendations for the PNP and the Communities in which it Works

The collaborative inquiry discussion portion of this study was done only once even if such discussions should ideally be conducted on a continuing and repeating basis to promote reflection among participants (Lovering 2004, p. 1). Continuation enables everyone to eventually understand and construct meaning around experiences (Kakabadse & Kakabadse 2002, p. 339), which is the objective of any participatory or action inquiry. Continuation also enables participants to keep a record of whatever is learned, so as to enable citizens to become more effective at the co-creation of policy decisions and outcomes, build trust between citizens and government institutions and strengthen citizen competence (Cooper, Bryer & Meek 2006, p. 80). Owing to problems with time and resources, only one discussion could be carried out. Even so, future studies could continue these processes, and if the PNP does have a mechanism for such activities, then they may well continue into the future. What is important here is to state that these collaborative discussions could work if they are given

enough attention and time. They could complement the ongoing top-down processes of the PNP through bottom-up processes that could allow people at the most local levels of policing a meaningful and hopefully equal contribution to and participation in the efforts of the PNP to reform. This could be illustrated as:
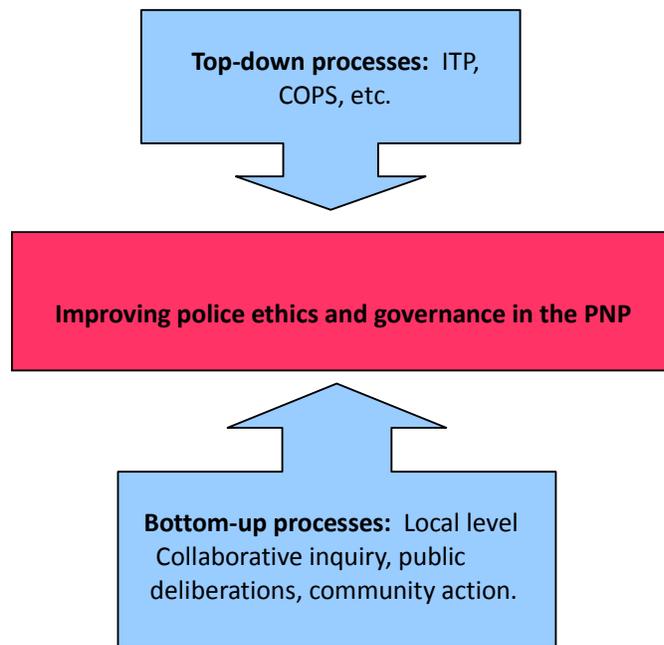

Figure 5: Complementary processes towards police reform.

They could, furthermore, provide the motivation and encouragement for people to sustain the collaborative processes on their own, if they find enough reason and value in it as well as a sense of ownership over the processes. However, while these bottom-up processes may help democratise policing, and through democratisation improve its ethics and governance as understood in Pino and Wiatrowski (2006), there are a few things that the PNP may consider doing to help this process along.

8.2.1. Depoliticising the Police

It is possible to argue that police institutions are naturally attracted to authoritarian and statist forms of control and management, and what keeps this from spilling out into the wider public is the check and balance provided by constitutional and democratic mechanisms in a democratic society (McLaughlin 2007, p. 61). However, this presupposes a fully developed democracy with normatively functional institutions. A society like the kind that still exists in the Philippines is not yet fully developed, and indeed, there are still strong feudal characteristics working within the Philippines, as understood in Constantino (1978) and Hutchcroft (2007). This makes it possible for the police to come under the political control of corrupt politicians operating through patronage, especially at the local level, where political executives have operational control over the PNP units assigned to them. This kind of political control may even be possible at the national level, since the Philippine presidency is simply a form of mayoral government writ large. While collaborative dialogue may overcome some of the effects of this kind of politicisation, it would work better if the police were made completely independent of political authority or control. State control of policing, such as it has been the norm since the 19th Century (Crawford 2008, p. 151) could not be taken away, but it could be modified to a degree in the Philippines by making local police units separate and independent from the local governments, so that the latter would have to request the police for assistance rather than operationally control them. Collaborative inquiry mechanisms with local communities could hold the local police forces accountable to the communities rather than to political personalities. At the national level, this would be a little more difficult, but it could be possible to establish similar national level mechanisms that could limit and modify the powers of the president over policing. Aspects of patronage politics that affect police relations with powerful political interests and entities would have to

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be reconsidered, such as in the case of making presidents honorary Military (or Police) Academy graduates. This would require the review, amendment, revision and perhaps even repeal of certain laws and regulatory policies, but an independent policing institution is perhaps the best way to keep the police far from patronage politics and keeping them accountable to the public. This would also arguably require a stronger emphasis on professionalism.

8.2.2. Demilitarising the PNP

This has been a consistent theme among PNP respondents. While the police have internal security functions, it should be separated from the military if only to make it truly civilian in character as the Philippine Constitution mandates (The 1986 Constitutional Commission 1987). Perhaps the first step would be to put police training under the police, rather than under the military or militarily influenced police officers. Professional police officers who have risen from the ranks and have the necessary experience, or graduates from police training and the PNPA should take command of the PNP, rather than PMA graduates or officers whose backgrounds come from the old PC. Internal security functions should come under police control and through the framework of a civilian approach, with the military in support, as it was in the Malayan Emergency (Girling 1969). Joint police-military patrols in settled areas should arguably be rescinded. It is true that the present global security climate has seen an increasing militarisation of policing, even in the world's developed democracies. The boundaries between policing and military operations have begun to blur and the military has become increasingly involved in policing. The main issue with this is that while police are expected to minimise the use of force, military forces are under no such restrictions. The danger behind this increasing militarisation is that it could undermine the community policing approach (Newburn 2008, p. 835), including, arguably, the collaborative inquiry model. If

this collaboration between communities and their police are to work, then it is essential to have a civilian PNP using civilian approaches to law and order as well as matters of security.

8.2.3. Defining the Police and the Social Ethos

Collaborative inquiry could lead to a more extensive and more comprehensive framework for community-police collaboration and the co-creation of a better collective ethos that may enable both the police and the wider society to re-examine and reflect on their ethical and moral choices. The virtue and morality approach of the ITP, the PNP Chaplain Service and the PNP-MOST should continue, considering that Filipino society is deeply religious and concerned with inner moral issues. Morality, after all, is the core of ethics and ethical behaviour. However, beyond the morality and spirituality of such programs, what is needed is a means through which both the police and the non-police stakeholder could think critically about morality and moral choices. Ethics is not concerned about specific moral rules, but with the provision of very general principles and guidelines that would enable people, as moral creatures to deeply reflect, evaluate and critically think about the moral principles they adhere to (Solomon 1989, pp. 540-541). Human consciousness evolves, and in so doing, it has to apprehend wider and deeper perspectives from which new and creative ideas and forms of understanding emerge. One's ethical perspective may start with personal morality, but it has to expand to include the world and everything in it, as well as future generations (McIntyre-Mills 2008 and Palmer, Smith, Willetts & Mitchell 2009, p. 74). Learning to think through the implications of one's world view, principles, decisions and actions could help develop ethical practice and expand one's ethical consciousness. This could be realised through some form of participatory learning process where all the stakeholders in any decision, in this case the police, who make decisions on keeping the peace, and the wider society who would have to take the consequences of such decisions

could work together as equals and as co-creators who could learn to have a sense of ownership over the processes and their results (McIntyre-Mills 2006, pp. 89, 91). The collaborative inquiry framework being presented here and tested in an initial and tentative way may provide the means for this process. The stories and narratives that arise from collaborative discussions, as seen in the brief experiment conducted in the last leg of the field work of this research, could become the starting point of reflection and critical thought. It is possible for personal experience to lead to social action and social change (Schaffer & Smith 2004, p. 16). Taking from Varona (2010, pp. 6, 7), there are reciprocal relationships and overlapping boundaries between police ethics and governance as well as civic ethics and governance. These relationships could be developed towards enabling everyone involved in collaborative inquiry to attain a capacity for critical reflection.
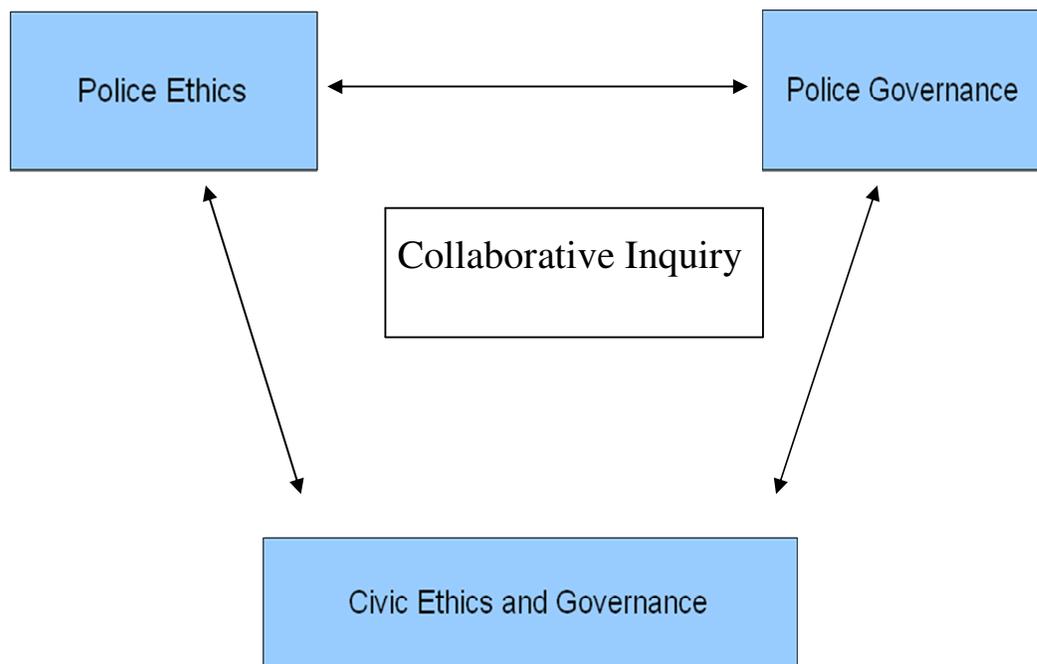

Figure 6: Reciprocal relationships and overlapping boundaries between police and civic ethics & governance.

If the process is inclusive, and in collaborative inquiry, it has to be inclusive in order to be collaborative, then it could make the collective definition of the ethical possible through the linking of the different spheres and domains of life (O'Neill 1996, p. 185), which is where the inter-subjective sharing of ideas, experiences and feelings as understood in Habermas (1984) becomes the key. If for example, police corruption is really an outgrowth of civic corruption, then it could be possible for collaborative inquiry as a learning process to make a critical examination of this, thereby leading to meaningful change, perhaps, better ethics and perhaps better governance. Policing, as the PNP's Directorate for Police Community Relations (2003) keeps repeating is supposed to involve citizen cooperation with the police to deal with the problems of crime and disorder. Beyond this is the constant emphasis on increasing citizen participation so that political authority at all levels is based with the citizenry as much as possible (Bastian & Luckham 2003, p. 19). It is arguable, however, that for this deliberative collaboration to occur, the PNP would have to shift much of its focus from its top-down planning to a bottom-up perspective. Programs like the ITP should continue. However, a re-orientation of the direction for police reform is needed beyond the ITP. This re-orientation could provide municipal and city police commands with the resources and the necessary training to engage communities not as clients receiving police services, or as threats to public order, or even as merely involved cooperative concerned citizens. In many experiences involving collaborative approaches to public management, the framework for collaboration involves inclusiveness, co-equality among participants, open mindedness, and a commitment to social change that would engage all participants in a learning process that could test and critically analyse ideas and even values (Palmer, Smith, Willetts & Mitchell 2009, p. 75). Taking from Heikkila and Isett (2007), this could ideally offer communities and citizens the competence and capacity towards police leadership, which

is an element of citizen-based collaborative governance in policing. Collaborative Inquiry methods used in action research processes, such as the American experience with the PCIP Project, could become the means for the actualisation of these concepts. Given the nature of police training in the PNP, the PNP's own organisational structure, its highly militarised character, and the political control to which it is subject; this may not be an easy proposition. However, this study proposes that it is possible to enable meaningful police-community collaboration. It may even be possible, albeit difficult, for the PNP to establish the necessary structural changes in itself to facilitate such collaborative efforts. Perhaps future and subsequent studies could examine the ways in which this could be possible and develop further the model for police-community collaboration. In any event, this research has been written with a view to improving police governance and ethical behaviour in the PNP. It may well also be an instrument to enable better ethical practice and behaviour in the wider Philippine society as part of improving the PNP. Beyond the Philippines and the PNP, however, is the much wider issue of improving ethical practice and governance not only in policing, but also in other areas of life in other parts of the world where issues of corruption, unethical practices and problems of governance do occur. It is not meant to be the final word on the subject, nor does it even pretend to offer definitive resolutions to these issues. However, if it becomes part of the overall literature of governance and spurs other research efforts in this and its related fields, it is well worth having undertaken it.

Epilogue

Just as this research is nearing completion, an incident occurred in Manila on the 23rd of August 2010 involving the PNP and a bungled attempt to rescue a busload of Hong Kong tourists who had been held captive by a disgruntled former police officer (Gomez 2010). Former Senior Inspector Rolando Mendoza had been dismissed from the PNP after the Office of the Ombudsman had found him guilty of bribery while in the service. Mendoza had been highly decorated earlier in his police career, but it was later known that he had become a corrupt and unethical officer as time went by, getting involved in cases of corruption and even, if true, the rape of a female vagrant in one of Manila's public parks (Bandila 2010). In an effort to convince the Government to reinstate him in the PNP, he hijacked a full tourist bus, parked it on a wide street in front of Manila's Quirino Grandstand and not far from the iconic Fort Santiago tourist spot, and demanded that he be returned to his old job, rank and status (Gomez 2010 & SBS World News Australia 2010). The PNP had mismanaged this hostage crisis enough that, when it ended, a police assault attempting to neutralise Mendoza resulted not only in his death, but also in the deaths of eight tourists on the bus as well as injuries among bystanders around the crime scene (Bandila 2010). Much has been said and is still being said about what had gone wrong. The British Broadcasting Corporation (BBC), in an interview with Scotland Yard security analyst Charles Shoebridge, posits ten things that the PNP had done wrong. Among them are the poor state of the PNP's training in managing such incidents, the equally poor state of its equipment, the lack of crisis management skills among the officers involved, and the inability to manage the crowds and the media (BBC 2010). Apparently, while PNP negotiators were trying to work with Mendoza, there was a television set on the bus which enabled the former officer to know what was truly afoot in the outside world. Various Philippine media organisations had been broadcasting everything that

was going on, including what the PNP was doing. One radio announcer from Radio Mindanao Network even tried to interview Mendoza, and when the latter had gone berserk, tried to act the role of hostage negotiator, something he was not trained to do (Bandila 2010).

Investigations are still ongoing and the incident has not yet reached a proper conclusion at this writing. What it does say for this research, however, is that it underscores the ineffectiveness of the PNP's existing solo efforts at institutional reform. Some of the points that Shoebridge (in the BBC 2010) raised have been dealt with in this research, such as the state of the PNP's training, its equipment, and its poor management and leadership. The inability of the PNP to manage the media and onlookers could arguably be a manifestation of the PNP's lack of a good working relationship with the wider community. Taking from Ulrich (1987), it would be difficult for an institution such as the PNP to obtain cooperation from anyone with whom it does not have a harmonious and equitable relationship. Above all, a police institution that does not involve the wider community as an equal collaborator in its desire to reform itself could not hope to successfully address its problems. This relationship should be a deliberative and collaborative one between equals if it is to work (Varona 2010, p. 18). Indeed, if this recent hostage incident could provide lessons, it is that police reform needs free and open community participation. The failure of reform could mean many more such incidents in the future.

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Appendices:

Appendix A: Sample questionnaire for initial survey

Appendix B: Sample topics for interviews

Appendix C: Discussion guide for collaborative inquiry discussion

Appendix A

Questionnaire for PNP Personnel

To the respondent:

Thank you for contributing to this research effort. This Questionnaire is intended to be used to collect data for a study on police governance, which would hopefully lead to better policing for the good of our communities. Please note that anything you write or say to me will be treated as confidential. Please note that your participation is entirely voluntary.

When this study is completed, you will be provided with a copy of the research findings. You have the right to change your answers should you decide to do so at any time, even after you have submitted this questionnaire. Please return this questionnaire to: _____ for later collection and analysis. Thank You.

Sincerely,

Glenn Varona, MPA
Flinders University of South Australia

1. Are you aware that the Philippine National Police has a Code of Ethical Conduct? *YES___   NO___*

2. If you answered 'YES' to number 1, how strongly are ethics enforced in the PNP, in your view?
   Very Strongly Enforced_____
   Strongly Enforced_____
   Moderately Enforced_____
   Weakly Enforced_____
   No Enforcement at all_____

3. What, in your view, is the most difficult ethics problem in the PNP?_____
   Why?_____

4. In your view, does a person's private moral life have an influence on that person's professional ethics?   *YES_____   NO_____   DON'T KNOW_____*

5. In your opinion, which agency or entity should be the most responsible in enforcing and managing ethics in the PNP?
   Internal Affairs Service (IAS)_____
   People's Law Enforcement Board (PLEB)_____
   PNP Unit commanders/leaders_____
   Philippine Commission on Human Rights (PCHR)_____
   Office of the Ombudsman_____
   Local Government Officials_____
   National Police Commission (NAPOLCOM)_____
   The Media_____

Why do you think so?_____
_____

6. Of the agencies or entities in number 5, which would you select as the top three most important in terms of enforcing police ethics and conduct?
   Most Important Agency/Entity_____
   Second Most Important Agency/Entity_____
   Third Most Important Agency/Entity_____

7. How important are police ethics to you?
   Extremely Important_____
   Very Important_____
   Moderately Important_____
   Unimportant_____
   No Opinion_____

8. How valuable do you think is the participation of subordinate police personnel or the rank and file in management or policy making with police superiors or commanders?
   Extremely Valuable_____
   Very Valuable_____
   Moderately Valuable_____
   No Value_____
   No Opinion/Not applicable_____

9. In your experience, has there been any participation by subordinate personnel allowed in your unit/organisation, in which you have contributed to decision making?   *YES____ NO_____   DON'T KNOW____*

10. What form of participation, if any, is regularly allowed in your experience by the leadership/command of your unit?
    No participation at all____
    Commanders simply inform subordinates of decisions already made____
    Occasional consultation with rank and file____
    Regular and constant discussions between commanders and subordinates____
    Others (Please specify)_____
    _____

11. How often are ethical matters, such as those listed down in the PNP Code of Ethical Conduct, included in your unit/organisation's conferences or meetings?
    Always included____
    Often included____
    Sometimes included____
    Rarely included____
    Not included____

12. In your experience, are people who are non-PNP members (e.g. Community leaders, local government officials, media personalities, NGO's, PLEB officials) allowed to participate in your unit's policy making? If you are not a PNP member, have you been allowed such participation?
YES, ALWAYS____
YES, VERY OFTEN____
YES, ONCE IN A WHILE____
YES, RARELY____
NO, NOT AT ALL____

13. Would you or do you welcome the participation of such people in you unit's management and decision making? If you are not a PNP member, would you welcome the opportunity to participate in the decision making of your local police? *YES____   NO____   DON'T KNOW____*
Why, or why not?_____

_____

_____

14. In which of the following areas of fields of specialisation have you received training or are experienced in? (You may tick more than once.)
   *a.   Crime investigation/control____   **Other specialisations (Please Specify)_____*
   b.   Firearms competence____   _____
   c.   Office administration____
   d.   Use of explosives____
   e.   Crowd management/control____
   f.   Criminal Law and Procedures____
   g.   Gender sensitivity____
   h.   SWAT Training____
   i.   SAF Training____
   j.   Counter-terrorism/hostage rescue____
   k.   Counter-insurgency Training____
   l.   Use of non-lethal weapons and techniques____
   m.   Cross cultural/social diversity awareness____
   n.   International peacekeeping____
   o.   Transnational crimes____
   p.   Information technology____
   q.   First aid/emergency medicine____
   r.   Traffic management____
   s.   Community oriented policing/police community relations____
   t.   Ethics and moral conduct____
   u.   Directorate staff course____
   v.   Scene of the crime operations (SOCO)____
   w.   Explosive Ordnance Disposal (EOD)____
   x.   Intelligence/security____
   y.   Civil Defence/Disaster Management____
   z.   Environmental policing____

15. In your opinion, which of the competencies above should PNP personnel have the most training or experience?_____
Why?_____

_____

_____

16. In your view, what areas of reform should the PNP prioritise in its reform programs?_____

_____

_____

Why?_____

_____

_____

Thank you very much for your participation in this study.

Questions that will be asked:

BACKGROUND INFORMATION:

In terms of this research Managing Ethics or Ethics Management refers to the act of managing ethical principles into the police institution and its subordinate organisations.

THE INTERVIEW WILL START WITH SOME DEMOGRAPHIC QUESTIONS.

- What position do you hold in the PNP?
- What how long have you held that position?
- What are your most fundamental responsibilities and functions?

Primary Topics:

- What is the state of ethics management in the PNP, if any exists?
- In what concrete way have the provisions of the PNP Code of Ethical Conduct been internalised into the PNP? Is it working as intended?
- What are the PNP's most difficult ethical problems and how is the institution dealing with them?
- What would you do if you were in charge?

Practical Ethics Topics:

- Have ethics issues been included in the training; management practices (e.g. performance evaluation) and field operations; community relations; and accountability mechanisms of the PNP? How strongly are ethics enforced in these areas, in your experience?
- What efforts at institutional reform have been carried out so far in the PNP?
- How effective have the internal and external accountability mechanisms been in enforcing ethical accountability in the PNP?

Police Governance Issues:

- Are subordinate ranks in police units and other rank and file personnel allowed to participate in unit command decisions by superior officers or commanders? How and in what way? What has been your experience?
- What about non-police personnel? To what extent and in what way are people from outside the PNP (e.g. community leaders, local political officials, members of the media, NGO's) allowed to participate in making decisions affecting policing?
- What are your thoughts about increasing subordinates' participation in command decisions? What about non-PNP participation in policy making?
- Has the PNP ever included multi-cultural awareness or cross cultural sensitivity in its training and operational practice?
- What is the gender balance in the PNP? What are the issues related to gender in the PNP, if any?
- What, in your view, are the most important functions and roles of a police institution?

Appendix C

Discussion Guide for Collaborative Inquiry Discussion

20 July 2009

Isabel Fundamental Baptist Church (NOTE: This was the discussion venue.)
Municipality of Isabel
Republic of the Philippines

Towards Improving Ethics and Governance in the Philippine National Police:
A Critical Systemic View

Objective:

The aim of this exercise is to attempt to establish a collaborative inquiry discussion among policing stakeholders in the Municipality of Isabel, in the hope that this initial effort could establish a continuing process in which the local community could closely work with police in improving police ethical standards, practices and policing governance.

Operational Concept:

A collaborative inquiry discussion is a process based on continuous and sustained collective dialogue with a view towards developing understanding through the sharing of narratives and the establishment of viable and tangible goals among participants.

For this particular activity, the following questions will be discussed among participants, followed by a period of reflection, and then concluding hopefully with a consensus on the desired outcomes:

1. What is police ethics?
2. What are the critical issues confronting police ethics management and police governance in the Municipality of Isabel?
3. What are the police and community doing to resolve these issues?
4. What can the community do to participate in the management of ethics into the local municipal police?

Desired Outcome:

The establishment and statement of certain police ethical principles applicable to the local municipal context and situation.