

Part Three -- Findings and Recommendations of the Commission: Reiteration and Collation

In this last Part of the Report, we set out again the findings and recommendations of the Commission in respect of the events of 27 July 2003 at Oakwood. We consider that these findings and recommendations need to be presented together lest the recommendations appear hanging in space devoid of reference on the ground, as it were. The recommendations of the Commission concerning the grievances of the officers and men who went to Oakwood, upon the other hand, may make some sense though standing alone. Our hope is that Part Three of the Report may serve the reader-friendly purpose of an Executive Summary that we have decided to forego.

I. Findings of the Commission Concerning the Events of 27 July 2003 at Oakwood

A. Analysis and Findings

In the section that follows, we seek to present the findings of the Commission, as well as the inferences and possible insights that appear to be derivable from the events of 27 July 2003 at Oakwood. The over-arching theme is the distinction that, the Commission believes, must be drawn between, on the one hand, the objectives which the Magdalo group sought to realize by going to Oakwood -- that is, the forcible seizure of power and the overthrow of the existing Government – from, on the other hand, the grievances and the complaints the existence of which constituted the proffered justification for their attempt to seize control of government by force of arms. The Commission believes that the mutiny had been planned and was not spontaneous and that it was part of a larger plan to achieve political change by military force. At the same time, it will be seen from Part Two of this report that some of the grievances given expression by the rebels at Oakwood, although utilized by them to radicalize soldiers and young officers and to recruit adherents to “Oplan Andres,” are to a substantial degree

real, and not merely fictitious. Finally, those grievances are not unique to the military but rather reflect insistent demands for reform made by practically all sectors of our society. The total picture is, indeed, a complex one and the challenges inherent therein truly formidable.

1. The Mutiny was Planned and not “Spontaneous”

a. The rebel group did not take control of Oakwood only to air their grievances nor was the incident “spontaneous”. Facts gathered by the Commission point to the political goal of taking power by the Magdalo group and the establishment of a fifteen (15)-member council after the restoration of former President Estrada to the Presidency for three (3) days only. By early 2003, it was clear that recruitment conducted by the rebel leaders exploited the soldiers’ legitimate grievances against the AFP, for which Honasan’s NRP was the purported sole solution. The “Last Revolution” stressed that since the incumbents in the Government and senior military officers would not give up power voluntarily, they would have to be removed by force.

b. The fact that groups identified with Honasan (Diablo and PGBI) and Estrada (PMAP and DEMOKRASYA) were apparently part of the support group for a planned replication of “people power” further indicates the political character of the incident. They attempted to mass at the EDSA Shrine and to go to the Oakwood area, but were prevented from doing so by the Government’s blocking forces.

c. That the event was not “spontaneous” is strongly indicated by several factual circumstances, including: (1) the wide recruitment of military personnel, which had begun months before the mutiny at gripe sessions at which the bloodletting rite and the oath of loyalty were undertaken by each recruit; (2) the purchase of uniforms and combat boots, rebel flags, and arm bands utilized at Oakwood; (3) the provision to the rebels of backpacks that must have been purchased ahead of time; (4) the purchase of

expensive communications equipment and vehicles that were later recovered at Oakwood and various other places by the authorities; (5) the reservation for Gambala under the name of George Uy for 19-28 July at Oakwood, and his actual occupation of the room where he was visited by Trillanes on 24 July; (6) the rebels' use of two staging points in Dasmarinas Village and Mandaluyong City; and (7) the prepositioning of rebel vehicles in the armories of Fort San Felipe and Sangley Point at Naval Base Cavite.

d. The discovery of the plot prompted the rebel group to implement Plan Charlie and stage the Oakwood occupation as soon as the President ordered the arrest of the leaders in the evening of 26 July.

2. Discovery and Pre-emption

a. The fortuitous scheduling of the coup attempt close to the President's third SONA scheduled for 28 July 2003, helped in the timely adoption of countermeasures to avert the plot. Security arrangements for the SONA probably helped Government forces such as TF Libra under Abu and TF Ayala under Teodosio prepare the countermeasures actually adopted during the Oakwood incident.

b. However, the Government authorities failed to prevent the Marines from Ternate, Cavite from moving to Oakwood despite intelligence reports about them. Neither did the authorities succeed in preventing the rebels from occupying Oakwood. Since Oakwood was a "soft target" and prematurely committing Government troops in the area could expose the "hard targets" such as Malacanang Palace, military camps, and television and radio stations that are more critical to the survival of the Government, the authorities continued to watch troop movements and opted not to deny Oakwood to the rebels. Hitting the "hard targets," according to Plans Alpha and Bravo, was apparently premised on the achievement of the goals of a wider and larger recruitment of rebel

troops and civilian components of the plot. As this did not materialize due to the early discovery of the plot, Plan Charlie was activated.

c. The rebels failed to elicit significant support especially from the senior officers in the military. Thus, the Oakwood coup attempt is the first one in the country's history that had been led by junior officers. This suggests (1) a breakdown in the chain of command that the leaders themselves referred to, (2) alienation of the Magdalo group from their senior officers, which may reflect sentiments shared by other junior officers in the AFP, and (3) a general decline of professionalism in the AFP officer corps.

d. The rebel leaders, it appears, also miscalculated the state of public sentiment or opinion as they failed to draw civilian support from sources other than the PGBI, Diablo, PMAP, and DEMOKRASYA.

3. Demands and Grievances

The grievances aired by the rebels referred to the RSBS, the military procurement system, particularly the practice of "conversion", the transfer of arms and ammunition to unauthorized parties, and anomalies in the construction and repair of various facilities at Marine Base Cavite.

a. The Commission has looked at these grievances and found some are not without foundation. Nevertheless, it appears that the real impetus for the rebellion, the operative goal of the Magdalo group, was to seize power by force and implement Honasan's NRP.

b. The goal and the plotting and the willingness to use armed violence to secure political changes and thereby, hopefully, correct the grievances proclaimed appear to reflect a certain psychological basis which, in the Final Report (1990) of the Davide

Commission, was described as a “Messianic complex”.¹ There is the idealism taught at the PMA which is later challenged by the realities of combat duty and life in the real world. This creates a powerful emotive force that when combined with the issue of graft and corruption and the poor conditions in the field, could make soldiers vulnerable to recruitment by both military and civilian coup plotters.

c. This, however, does not diminish the reality and legitimacy of their grievances, with respect to, for instance, the RSBS, the Modernization Fund, and a few other cases discussed in detail in Part II of this report.

d. Moreover, the military’s rigid hierarchy, subordination to seniors, and strict culture of obedience make the grievance mechanisms such as the Inspector General Armed Forces of the Philippines (IG) and the Office of Ethical Standards and Public Accountability (OESPA) ineffective.²

4. The Negotiated Return to Barracks

a. Many groups persuaded the rebels to return to barracks, including their classmates from the PMA and military officers the rebels trusted such as Lim, Oban, Domingo, and Danga. Two groups of negotiators were apparently cleared to negotiate with the rebels by Secretary Romulo. The first consisted of Biazon, Honasan, Sotto, Defensor, and Velasco who apparently obtained authorization from the Executive Secretary at various times and through various means. The second was led by Cimatu who, after obtaining the acceptance by the rebels as the principal Government negotiator eventually succeeded in concluding the return to barracks agreement.

¹ The Final Report of the Fact-Finding Commission (pursuant to R.A. No. 6832), Chapter III, Sections A and B, and Chapter VII, Section A, October 1990.

² See below, “The AFP Grievance Mechanism: The Limitations of Internal Controls”, Part Two, II-D.

b. Varying accounts of the details of the discussions with the rebels could be due to the large number of people present at different stages of the process, their location relative to the scene of the negotiations as well as to the participants, the variety of personal and positional interests they represented, and the environment of tension and crisis.

c. Not having a more clearly defined mandate other than to end the incident as soon as possible and without bloodshed and damage to property, a military framework defined the terms of the agreement, i.e., that the core group would bear full responsibility for the incident under military law while the followers would be processed according to the Articles of War. The discussions between the Government group led by Cimatu and the Magdalo group is also a classic case of “mutual ignorance” of the applicable laws, neither side being aware of Article 134 of the Revised Penal Code that penalizes coup d’etat. This is a disturbing revelation. Neither, it also appears, was there anyone with a working knowledge of what Article 105 of the Articles of War actually provides.

d. Some have alleged that differences in the interpretation of the terms of the return to barracks agreement by the rebels, by the negotiators, and by the civilian prosecutorial agencies of the Government may have created a perception that the rebel officers were “betrayed” by the filing of charges in civilian courts. Assuming this sentiment exists and if it becomes widely shared by officers in the AFP, it could become a tool of recruitment and tend to discourage future negotiations with the Government in a similar situation.

5. Other Findings

a. *Search and Recovery of Materials Left by Rebels*

(1) Materials, including documents left by the rebels in Oakwood and in the vehicles recovered in Naval Base Cavite indicated some civilian support, in cash and in kind, had been extended to the rebels. Communications equipment left at Oakwood, vehicles, uniforms, flags, arm bands, backpacks, and other paraphernalia obviously cost a substantial amount of money. The use as staging points of two houses owned by persons close to former President Estrada described above tends to reinforce the belief that some support from certain civilian sectors had been provided.

(2) There is reasonable basis to believe that the documents and diskettes recovered by Government authorities were not merely fabricated and planted by military authorities. Testimonies regarding the details of the process of recovery and the places where they were recovered tended to be, in part, inconsistent with each other. This is due perhaps to the haste with which the Oakwood management sought to clear the premises, the different views held by the Oakwood management, and the ISAFP operatives on what “valuable” means, as well as the ISAFP officers’ desire immediately to recover whatever materials might have intelligence value.

(3) Authorities that came to investigate and gather evidence regarding the incident appeared less than careful in the observance of standard evidence-collection procedures.

b. *Root Causes*

(1) The politicization of the military amid the erosion of civilian political institutions that had oversight powers over the military, particularly during and since the imposition of martial law, is a cause of military adventurism. The AFP’s role as a partner in national development efforts led them to assume roles that used to be played by civilian authorities. This tended to increase their political leverage over other sectors of society, and contributed to their politicization as they interfaced directly with the people

and the problems of the country. During the martial law period, there were no institutional checks on the military's power and influence as well as on the uses to which its power was used, other than the personal power of President Marcos.

(2) Failure on the part of the Government to enforce the law deprives the law of its power to deter, particularly among those who had engaged in previous coup plots against the Government but who were granted unconditional amnesty in 1995 without prior punishment. A number of former coup plotters who had been punished for their participation in the coup attempts of the 1980s and returned to the military after the 1995 grant of unconditional amnesty, have turned their back on military adventurism. Members of their units did not join the Magdalo group in Oakwood. But some of those who received unconditional amnesty without prior punishment were in the list of members of the NRP Council. This suggests that consistent enforcement of the law may be a critical factor in neutralizing the coup virus.

(3) The key role of the AFP in the campaigns against communist insurgency and Moro secessionism creates civilian Government dependence upon the military. In addition to the clearing of areas of insurgents and defending such cleared areas, soldiers are required to discharge the tasks of consolidation and development that properly belong to civilian authorities.³ Not only is the military's political power enhanced, but their politicization is also thereby increased as they confront the problems of these communities on a prolonged basis.

(4) Enlistment by civilian persons, including politicians, of military support for their personal and political ambitions contributes to military politicization and adventurism. Former President Marcos (and not the AFP) initiated the enlargement of the role of the military during his incumbency, particularly during martial law. Civilian

³ Army Col. Noel Buan, at the Dialogue between the Commission and the First Scout Ranger Battalion, Isabela City, Basilan, 19 September 2003.

persons, including politicians, also sought and encouraged the military breakaway of February 1986 and January 2001, giving thereby the AFP great political leverage over the civilian leaders who appear to rely on the military for political survival. When adequately motivated, military adventurers could exploit this situation to destabilize and overthrow the Government.

(5) At the same time, officers and troops under diligent and respected commanding officers did not join in the 27 July mutiny, suggesting the critical role played by this breed of military leaders in dealing with the coup virus.

c. *Provocations*

(1) Grievances about graft and corruption in the military, such as the RSBS, the Modernization Fund, and the procurement system provide a fertile ground for the recruitment of officers and men for military intervention and even the overthrow of Government. The expression of grievances resonates to the wider polity who share these sentiments, even as they do not approve of the means used and the solution proffered by the Magdalo group.

(2) The Commission believes that the discovery or disclosure of the plot led the rebels prematurely to launch “Oplan Andres”, a plot larger than the Oakwood incident. Failure to attain the force requirements of Plans Alpha and Bravo compelled the rebels to launch Plan Charlie.

(3) Moreover, members of PMA '94 and '95 were “frustrated” when the dialogue about their concerns they expected would take place during the dinner hosted by the President on 23 July, did not take place. PMA '94 and '95 had the opportunity to talk to Abaya at the “White House”.⁴ They talked about their class being unjustly linked to a

⁴ This is in reference to the residential quarters of the AFP chief of staff in Camp Aguinaldo

plot against the Government as well as about their commitment to fight graft and corruption ever since their graduation from the Academy. When the dinner with the President arranged for 23 July did not include a dialogue about their concerns, the invitees went down “frustrated.”

(4) Finally, the order by the President aired on national television for the arrest of the coup leaders as “rogue soldiers” was a precipitating factor behind the Oakwood incident. At the time of the President’s order, the leaders of the plot were already missing from their respective units.

II. Recommendations of the Commission Concerning the Events of 27 July 2003 at Oakwood.

1. *Due diligence by commanding officers* - Commanding officers in the field need constantly to warn their men against recruitment for destabilization plots against the Government by adventurers in the military. Former military rebels who have turned their back on military adventurism could be used to conduct regular dialogues within the AFP for this purpose. The adoption of a program of this nature should go a long way towards neutralizing the coup virus.

2. *Effectively address legitimate grievances* - The Government and the AFP need to address the legitimate grievances of the military against corrupt officers, officials, bureaucrats, and practices. More specific recommendations on this matter are made in Part Two of this report.

3. *A civilian Secretary of National Defense* – This Commission reiterates the recommendation of the Davide Commission to have a civilian appointed to the position of Secretary of National Defense.⁵ Beyond the need to institutionalize the supremacy of

⁵ The Final Report of the Fact-Finding Commission (pursuant to R.A. No. 6832), recommendation C.2.f., pp. 524-525.

civilian authority over the military, the appointment of persons who have not had long and deep ties to the military, and who have not held positions in the military establishment that itself needs to be reformed, is essential if a reform program is to succeed. Although military officers acquire a civilian status upon retirement, they are likely to bring the rigidity of hierarchy, seniority, camaraderie, and other aspects of the military culture into the office of the SND that would obstruct reform.

4. *Return NICA to its original mandate* – Likewise, echoing the Davide Commission recommendation, this Commission recommends the appointment of a civilian head for the NICA. Moreover, NICA should be returned to its original mandate, that is, to coordinate all intelligence agencies, military and otherwise. The President must have a source of intelligence additional to the ISAFP.⁶ This should provide the Commander-in-Chief (C-in-C) with a parallel intelligence source in the event that information gathered by ISAFP is not made fully available to the C-in-C, for any reason whatsoever.

5. *Enforce the law against all violators* - Erring officers, troops and civilian partners in coup plots must be treated in accordance with law to control and reverse the culture of impunity.⁷ As already noted, former rebel soldiers that were punished for their participation in the coups of the 1980s tended to have abandoned military adventurism. To remedy the recurrence of “negotiation in mutual ignorance” of applicable laws, this gap must be addressed in officer education and training.

6. *Observe or respect the military’s political neutrality* - Civilian political leaders must restrain themselves from enlisting military support for their personal and

⁶ The Report of the Fact-Finding Commission (pursuant to R.A. No. 6832), recommendation C.2.f., pp. 524-525.

⁷ Although Commissioner Narciso concurs with this recommendation, he stresses that the discussions at Oakwood between Cimatú and the rebel soldiers should be taken into account by the Government in its treatment of the latter.

political agenda as this can only further politicize the military and grievously endanger the constitutional system. This is a theme that should constantly be recalled to politicians and political parties.

7. *Provide “negotiators” with clear terms of reference* - Government “negotiators” in similar incidents should be given clear terms of reference by the authorities to avoid misperceptions that could promote another coup plot in the future. In this regard, strict adherence to the law as recommended in number 5 above need not deter rebel soldiers from “negotiating” with government. In a “negotiation” of a similar nature, it is incumbent on the Government “negotiators” to demonstrate to and persuade the other side that it is to their common interest to “negotiate”. The law itself embodies the basic principle that punishment must be tailored to the degree of participation in the offense to be penalized.

III. Recommendations of the Commission Concerning the Grievances Voiced by Mutineers at Oakwood

A. The RSBS Problem

1. *Liquidate present RSBS in an orderly manner* - The present RSBS should be liquidated in an orderly and professional manner so as effectively to conserve whatever values in its asset portfolio remain.

2. *Return the soldiers’ RSBS contributions* - The soldiers’ contributions together with accrued interest should be returned to them as promptly as feasible, in a phased and programmed basis as RSBS is liquidated. The soldiers can probably earn better yields than six percent (6%) per annum, compounded annually, at existing institutions like the AFP Savings and Loan Association (AFPSLAI).

3. *Initiate an AFP Service and Insurance System* - A major initiative should be undertaken immediately by the Government in respect of the design and development of an AFP Service and Insurance System (AFP-SIS), possibly as an analogue of the existing Government Service and Insurance System (GSIS). The requirements of actuarial and financial viability of a separate AFP-SIS must be carefully studied. Some problems can be anticipated by limiting compulsory membership in a separate AFP-SIS to military personnel joining the AFP after establishment of a separate AFP-SIS. The new system must be completely independent from the SND and from the CSAFP. The new pension plan should be contributory on the part of the soldiers, just as all GSIS benefits for civilian government employees and all Social Security System (SSS) benefits for private sector employees, are contributory. The new and independent system must be subject to all the financial and investment disciplines that private pension funds are subject to under applicable BSP and SEC regulations.

The financial requirements of a realistically sustainable level of retirement benefits, given the current structure of compensation for AFP personnel, must be carefully studied.

4. *Implement fully the recommendations of the Senate Blue Ribbon Committee* - All the specific recommendations made by the Senate Blue Ribbon Committee in its Reports must be vigorously, transparently and consistently implemented, including the criminal prosecutions of, inter alia, Ramiscal and Abadia. Such implementation should be monitored and quarterly reports be provided to the Office of the President, the DND and to the AFP-GHQ, and AFP personnel generally.

B. The AFP Procurement System: Conversion and Other Problem

In respect of the procurement system of the AFP and the very substantial problems relating thereto, the Commission puts forward the following recommendations:

1. *Simplify AFP procurement procedures* - The procurement procedures of the AFP should be drastically simplified to reduce the incentives for conversion and other forms of misappropriation of public funds. The “cost of money” is in effect a heavy penalty paid by AFP service units for complying with the complex requirements of the AFP’s own procurement procedures.

2. *Control commanders’ discretionary powers over the CMF* - The requirements of transparency should be made more stringent to control the discretionary powers of commanders in the disbursement or retention of “Centrally Managed Funds,” and correspondingly increasing the accountability of such commanders in respect of such disbursements.

3. *Reduce the amount of CMF in GHQ/service HQ hands* - The ability of the GHQ AFP to retain “Centrally Managed Funds” (CFM) should be reduced by distributing more of such funds to the HQ of each of the major services of the AFP, after careful review. Similarly, the ability of the HQ of each of the major service units to retain “Centrally Managed Funds of, e.g., the PA, should be reduced by distributing more of such funds to, e.g., the Division Commanders.

4. *Strictly implement control measures over supplies* - Existing control measures in respect of the management of issued or acquired supplies should be strictly implemented and substantive penalties imposed for failure of supervision by commanders of service units, including relief from command.

5. *Set tenure limits for AFP finance and procurement officers* - Tenure limits should be set for comptrollers, logistics officers, procurement, and special disbursing officers to a maximum of, e.g., four (4) years. Two (2) years each for junior and senior positions, respectively would appear reasonable. The ability of AFP operating units to receive cash advances should be increased (presently limited to 10%) of total annual MOOE Funds.

6. *Establish an autonomous Internal Affairs office (IAO)* - Apropos, the fundamental limitations of the existing AFP grievance mechanism to deal with the problems of corruption control in the AFP, one recommendation that may be made is that an Internal Affairs Office (IAO) that can handle grievances of AFP personnel, outside of the Chain of Command, should be organized as an entity separate from the AFP and reporting directly to the Commander-in-Chief, that is, the President. Possibly, the Office of the Inspector General (IG) and the Office of Ethical Standards and Public Accountability (OESPA) could be merged into such an IAO. If and when established, the existence of such IAO should be brought home to AFP personnel by a countrywide information drive.

C. Modernizing the AFP: Funding and Consequential Problems

1. *Vigorously pursue recovery of the JUSMAG and NOVAI properties* - The efforts of the Republic of the Philippines, BCDA, DND, and the CSAFP to recover the JUSMAG and the NOVAI properties must be pursued as vigorously as possible by the most competent lawyers that the government agencies can deploy. If, indeed, falsification of public instruments (including a presidential proclamation) was resorted to in connection with either or both of these litigations, the appropriate criminal proceedings should be commenced and pursued.⁸

⁸ It appears that two criminal cases have been filed against NOVAI officers; (a) *People v. Domingo, et al.*, Criminal Case No. 98-164382, Branch 15, RTC Manila for “Forging the Signature of the Chief Executive”;

2. *Pursue recovery of the ‘squatted’ land in Fort Bonifacio* - The recovery of 59.6 hectares⁹ from the civilian and military squatters inside Fort Bonifacio must be pursued by the appropriate agencies of the Government by all lawful means, including the use of public force where necessary and reasonable, while paying due attention to the constitutional standard of “a just and humane manner” of eviction.¹⁰ The legal effects of Executive Order No. 70, dated 11 February 2002, upon the status of such land occupied by civilian and military squatters, must be clarified. The concern of the Government for landless citizens is, of course, completely understandable. At the same time, the Government must take into account two (2) things. The first is that the ability of squatters to maintain by force their unlawful occupancy of public land against the Republic of the Philippines and BCDA should not be rewarded. That ability tends to signal the weakened condition of the institutions of Government in general and of law enforcement in particular. Second, the Government must not forget the many thousands of homeless AFP officers and enlisted men, whose plight is referred to below in “V. – Problems of Housing: AFP Officers and Enlisted Personnel”, and of the continuing validity of the basic statutory intent set out in Republic Act No. 7898 (the AFP Modernization Act): the proceeds of sales of Fort Bonifacio land are intended for the modernization of the AFP.

3. *Substantially increase AFP’s share in Fort Bonifacio’s sale proceeds* - The share allocated to the AFP Modernization Program in sale’s proceeds generated by the Based Conversion and Development Authority (BCDA) should be increased very substantially. The Commission remains unaware of any rational explanation for dribbling away 37.5% of the proceeds of sales of Fort Bonifacio land to fourteen (14)

and (b) *People v. Domingo, et al.*, Criminal Case No. 97-297010, Branch 28, MTC, Manila, for Falsification of Public Documents. These cases are pending before the respective trial courts.

⁹ The land squatted upon was originally 64 hectares in area. A portion of this area – 4.4 hectares – was subsequently cleared by the BCDA and included in a joint venture development project that BCDA entered into with a private company.

¹⁰ See Article XIII, Section 10, 1987 Constitution.

other non-military-related government departments and offices. It appears only reasonable to us that all those proceeds from the sales of military land should be shared only by the AFP (for its modernization program) and the BCDA.

4. *Reinforce Office of the Ombudsman by increasing funding and other support* - It has become very clear to the Commission that meaningful reform, whether in the military or in the civilian sectors of government service, is simply not feasible without independent, vigorous and able prosecutorial services of the Government. In our Government, the Office of the Ombudsman – more specifically, the Office of the Special Prosecutor attached to the Office of the Ombudsman – is supposed to function as the principal prosecution arm vis-à-vis erring public officials. Thus, the Special Prosecutor of the Office of the Ombudsman has filed two hundred forty (240) criminal charges in the RSBS matter alone. The Ombudsman has also filed one hundred ninety-five (195) separate indictments in respect of extensive irregularities in the procurement of goods for the Philippine Navy. The Ombudsman may be expected to be even more heavily engaged in the future in respect of efforts to reform the procurement service of the AFP as a whole, not to speak of government procurement in general. The Commission's finding has earlier been noted that the internal grievance resolution process of the AFP, constituted by the Office of the Inspector General, AFP, has important structural and other limitations upon its ability to deal with the kind of grievances analyzed in the Commission's Report.

In a lengthy Memorandum dated 1 October 2003, submitted to the Commission, the Ombudsman went into some detail about the funding and other formidable difficulties faced by his office in discharging its constitutional and statutory role in the effort to bring corrupt and other erring public officers to justice. The Ombudsman underscored a shocking statistic: upon starting on his term of office, the incumbent Ombudsman found that the success ratio (or conviction rate) of the Office of the Ombudsman, in respect of cases brought before the Sandiganbayan, had declined to six percent (6%). This means, the Ombudsman was courageous enough to state, that the high-ranking public officials

and military officers charged before the Sandiganbayan have a ninety-four (94%) chance of walking away free at the end of the proceedings.¹¹

The Commission is bound to note that no government can accept this success ratio for any substantial period of time, without running a grave risk of forfeiting its legitimacy altogether. It is, of course, true that this low success ratio is the result of a confluence of factors bearing upon the Office of the Ombudsman, and possibly the Sandiganbayan itself. It is also true that criminal conviction and incarceration are not the only strategies necessary for a serious effort to control and abate the level of corruption in the AFP. Even so, the minimum recommendation that we feel compelled to address to the President and the appropriate government authorities, is that the Office of the Ombudsman must be given the budgetary and other support that it needs, with all possible dispatch, if the grievances referred to in Oakwood, and more generally in various parts of the AFP itself, are to be addressed seriously and effectively. While all government offices and agencies are limited in their activities by the scarcity of budgetary resources, the highest priority should be given to corruption control in the AFP. An indispensable part of that control is the ability of the Office of the Ombudsman efficiently to investigate and prosecute even high-ranking officers in the AFP.

D. The State of the AFP Medical Services

Two fairly obvious general conclusions can be drawn from what has been said: (1) the AFP military service needs more money – for medicine, food, facilities, doctors; and (2) it can stand closer scrutiny of its management practices.

¹¹ Under R.A. No. 8249, approved on 5 February 1997, public officials with Salary Grade 26, under the Compensation and Position Classification Act of 1989 (Republic Act No. 6758), and below are to be tried before the ordinary courts of the Republic. Under Republic Act No. 8249, the Sandiganbayan has exclusive original jurisdiction over cases involving “Philippine army and air force colonels, naval captains and all officers of higher rank”. (Section 4)

On the financial side, part of the funding of the AFP Modernization Program generated from the sale of Fort Bonifacio land should be dedicated to the modernization and upgrading of medical services, in accordance with the original statutory intent.

On the management side, geographic distribution of hospitals should be reviewed. Consolidating existing hospitals into fewer units could probably result in better medical services.

The suggestion that doctors be hired as doctors and compensated according to their level of expertise and experience and not according to rank, probably merits consideration and trial and validation.

A government counterpart to the premium paid by soldiers to PHILHEALTH insurance should enhance the benefits which the military can receive.

The close relationship between the prompt availability of adequate medical services when needed by troops engaged in encounters with hostile forces, and the fighting efficiency and morale of such troops, needs no documentation. What is needed is, after realization thereof, dedication of more efforts and funds to the improvement of the AFP medical services.

E. The Problem of Benefits for Soldiers Killed in Action

Aside from the relatively small amount that is received by way of death benefits, the common problem is that of processing delays. A major cause of delays is the completion of the documentation needed. Another cause of delay is the verification of identities of beneficiaries, especially when there are illegitimate offspring left behind. What is needed is the strengthening of the record system of the personal data of soldiers

and their dependents. The data should not only be accurate and up to date but also immediately accessible. Clearly, computerized information systems are called for.

F. The Problem of Pilot to Aircraft Ratio or Too Few Aircraft

Plans for the modernization of the Air Force have been in existence since 1996. To date, P2.865 Billion has been programmed for the Air Force modernization program. This includes allocation for the acquisition of various types of aircraft, for the upgrading of some others, and for training and administrative matters. So far, however, only P127.391 Million has been released. The rest await completion of various requirements of the AFP procurement system. (A more detailed account of problems in procurement is found elsewhere in this report.)

G. The Inadequacies of AFP Housing for Officers and Enlisted Personnel

The Commission's recommendations on this matter may be summarily stated in the following manner:

(1) The AFP budget should provide for increased allocation of funds for the AFP On-Base Housing Program as well as its Off-Base Housing Program;

(2) The "overstaying" of retired military personnel in AFP housing should be stopped and rectified;

(3) The number of privately owned quarters in all military bases should be reduced, if not totally eliminated; and

(4) Strict implementation of existing criteria for the awarding of government quarters to officers and enlisted personnel in the active service must be ensured.

Concluding Observations

A person or body given the task of making recommendations is naturally interested in the level of acceptance and implementation given to such recommendations. In the present instance, the Commission feels bound to reiterate its belief that many of the grievances voiced at Oakwood are founded in fact and must be addressed with great seriousness and all the political will that can be mustered. Similarly, the recommendations put forward by the Commission in respect of the Oakwood mutiny itself need to be considered with equal seriousness and strong political determination. Our hope is that these sets of recommendations not be allowed simply to rest on some official shelf, even as most, perhaps all, of the recommendations made by the Davide Commission in 1990 seem to have been benignly neglected, probably on the same shelf, since then.


Our final recommendation, accordingly, is that one official of high competence, commitment and integrity, with direct access to the President and enjoying the trust of all political groupings, be designated with all dispatch, on a full time basis, with the task of implementing the recommendations here collated. Regular and frequent monitoring of the implementing measures which need to be taken by a number of government agencies, will be indispensable. Some of these recommendations are necessarily cast in relatively general terms: these will need to be specified in more operational terms. Some of the recommendations may need legislative action, e.g., the strengthening of the Office of the Ombudsman. The necessary legislation should, of course, be drafted forthwith. But much can be done while legislation is being sought. Thus, competent prosecutors could be detailed from, perhaps, the Department of Justice, and assigned to assist the Ombudsman's Office in prosecuting the criminal cases relating to the extraordinary overpricing of the RSBS real property acquisitions. Other recommendations need no congressional enactment, for instance, more thoughtful and energetic handling of the cases brought by the Republic in the JUSMAG (SHAI) and NOVAI matters. The person


or agency designated to implement, and to monitor the implementation of, the above recommendations will have to establish an order of priority, if only because of the finiteness of time. That person must have a strong sense of the importance and urgency of the task involved; a truckload of common sense will also be most helpful.

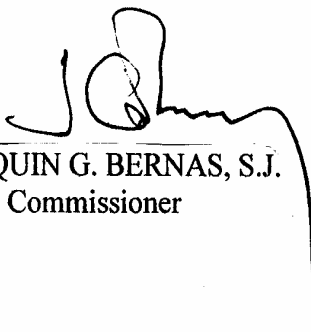
Finally, that person must also believe with all his heart that reforming and modernizing the AFP, and with it stabilizing and strengthening the Republic, is not only necessary and worth doing, but also can be done, done urgently and done well.

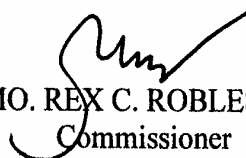
17 October 2003



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