

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. Is there any general information about police and local official corruption in Bulacan?**
- 2. Is there any information about discrimination due to disabilities in a family?**

RESPONSE

1. Is there any general information about police and local official corruption in Bulacan?

The information provided in response to this question has been organised into the following two sections:

- [Police Corruption](#); and
- [Local Government Corruption](#).

Police Corruption

No information on police corruption in Bulacan was found amongst the sources consulted. Sources report that the Philippine Police Force (PNP) is corrupt and subject to political influence.

According to the US Department of State, police corruption was a problem in the Philippines during 2005 and 2006. The US Department of State also reports that “governors, mayors, and other local officials have considerable influence” over the PNP:

- *Country Reports on Human Rights Practices 2006 – Philippines* dated 6 March 2007:

Corruption was a problem in all the institutions making up the criminal justice system, including police, prosecutorial, and judicial organs.

...The Department of Interior and Local Government directs the PNP, which is responsible for enforcement of law and order and urban counterterrorism; however, governors, mayors,

and other local officials have considerable influence. The 115,000 member PNP has deep-rooted institutional deficiencies and suffered from a widely held and accurate public perception that it was corrupt. The PNP's Internal Affairs Service remained largely ineffective. Members of the PNP were regularly accused of torture, of soliciting bribes, and of other illegal acts. Efforts were underway to reform the institution in part to counter a widespread impression of official impunity. From January to November, the PNP dismissed 89 policemen. Of the 2,859 administrative cases filed against PNP officers and personnel, 1,398 were resolved, 944 remained under preliminary investigation, 391 underwent summary hearings, and the remaining 126 were filed with the People's Law Enforcement Board, a body composed of local government officials and NGO representatives that receives complaints filed against members of the PNP in the regions. In 2005 the PNP initiated a Transformation Program aimed at systematic institutional reform (US Department of State 2007, *Country Reports on Human Rights Practices 2006 – Philippines*, 6 March, Introduction & Section 1d – Attachment 1).

- *Country Reports on Human Rights Practices 2005 – Philippines* dated 8 March 2006:

The constitutionally mandated Commission on Human Rights (CHR) described the Philippine National Police (PNP) as the worst abuser of human rights.

...The Department of Interior and Local Government controls the PNP, which is responsible for enforcement of law and order; however, governors, mayors, and other local officials have considerable influence. The 115 thousand-member PNP has deep-rooted institutional deficiencies dating back to the 1990-91 reorganization that changed it from a constabulary force within the AFP to a national police force. The PNP suffered from a widely-held and accurate public perception that it was corrupt, and the PNP's Internal Affairs Service remained largely ineffective. Members of the PNP were regularly accused of torture, of soliciting bribes, and of other illegal acts committed with impunity. However, efforts were underway to reform the institution. From January to December, the PNP Directorate for Investigation and Detective Management dismissed 197 policemen. Of the 4,670 administrative cases filed against PNP officers and personnel, 2,344 were resolved, 1,288 remained under preliminary investigation, and 1,038 underwent summary hearings (US Department of State 2006, *Country Reports on Human Rights Practices 2005 – Philippines*, 8 March, Introduction & Section 1d – Attachment 2).

An article dated 25 May 2005 in *The Straits Times* reports that the Filipino police officers work as “guns for hire or as part of the private armies of politicians.” The article continues:

The nation's top officers acknowledge that the force is severely undermanned and under-equipped. Across the country, the police operate without enough guns, ammunition, telephone connections, cars and motorcycles.

Even more serious, say anti-crime activists, is the serious lack of discipline in the force.

...Polls put the police among the four most corrupt agencies, and the one least trusted.

That's not surprising given the fact that some 20 per cent of the officers are known to be operating on the wrong side of the law. As Mr Alvia describes them, they are 'out-and-out gangsters'.

Filipinos read routinely about policemen and soldiers involved in kidnappings, bank heists, extortion and drug trafficking.

...Tales of abusive, trigger-happy cops are a regular topic in the media too.

‘There are a lot of policemen in conflict-of-interest situations such as owning an agency deploying security guards or running businesses on the side,’ said Mr Alvia.

‘Others offer their services either as guns for hire or as part of the private armies of politicians’ (Baguioro, Luz 2005, ‘Sorry state of the police in Philippine’, *Strait Times*, 25 May – Attachment 3).

An article dated 10 May 2005 in *The Guardian* reports on the killing of journalists in the Philippines. Inday Espina-Varona, Chairwoman of the National Union of Journalists of the Philippines, notes that in some areas politicians and police appear to act with impunity, so when access to local justice is blocked locals go to the media to air their grievances. According to Sheila Coronel, Executive Director of the Philippine Centre for Investigative Journalism, most killings are related to “local politics, local feuds, local corruption and local mafia”. The Committee to Protect Journalists reports that only 15% of the murders are solved. Supt Tango denies police complicity; however, he adds that, “we’re not denying that some military and police personnel have been involved in some cases” (Aglionby, John 2005, ‘Killing the king’s messengers’, *Guardian*, 10 May – Attachment 4).

An article dated 13 April 2005 in *WMRC Daily Analysis* reports that the PNP “has a reputation for corruption and incompetence, and collusion between the police and rival politicians – and their private armies – is believed to be commonplace.” The article quotes *Agence France Presse* who reports that the Philippine government has sacked the entire police force of Abra province for failing to disband private armies. A Philippine government investigation found “widespread corruption within the police force, with officers offering their services to local politicians for a fee” (Peart, Lee 2005, ‘Government Sacks Provincial Police Force in Philippines’, *WMRC Daily Analysis*, 13 April – Attachment 5).

An article dated 13 December 2004 in *WMRC Daily Analysis* reports that the PNP Chief has accepted the verdict of a Transparency International survey that gave the PNP 4.2 in a 5 point corruption index:

The police chief’s comments reflect the endemic degree of corruption in the PNP. The PNP has been linked to instances of kidnapping for ransom and is believed to be open to bribery. President Gloria Macapagal-Arroyo set up a commission designed to revamp the police force in July 2003...but there is little sign so far that corruption levels are falling (Peart, Lee 2004, ‘Police Chief in Philippines Admits to Institutional Corruption’, *WMRC Daily Analysis*, 13 December – Attachment 6).

Local Government Corruption

An article dated 18 May 2007 on the Bulacan provincial government website reports that “Bulacan is the only province in the country that was chosen by World Bank to have its anti-graft program piloted in the Philippines.” The article continues:

DBP [Development Bank of the Philippines] SEVP Elizabeth Ong explained, that these loans were granted based on the effective fiscal management system of the province, which made Bulacan one of the most progressive provinces in the country today. And contrary to rumors of bankruptcy and corruption, the Provincial Government of Bulacan is very stable in terms of its finances. In fact, Bulacan is the only province in the country that was chosen by World Bank to have its anti-graft program piloted in the Philippines. Along with the City of Marikina, Municipality of Cainta, Rizal, and several departments of the national government,

the Province of Bulacan has signed a Covenant of Cooperation and Support to the Presidential Anti-Graft Commission-World bank Project to strengthen internal audit units for effective procurement monitoring and enforcement.

...Bulacan has been awarded numerous international and local awards for the soundness of its governance. Bulacan remains committed to transparency and accountability and is committed to a culture of excellence it is known for ('Bulacan Further Pursues Social Services Projects' 2007, *PGBOnline News*, 18 May, Provincial Government of Bulacan website <http://www.bulacan.gov.ph/News/PrintVersion/Print.asp?ID=277> – Accessed 17 May 2007 – Attachment 7).

An article dated 18 May 2007 on the Bulacan provincial government website reports that the Land Bank of the Philippines (LBP) “upheld the use of Bulacan’s Special Education Fund (SEF) to secure a P215-millions loan to finance the construction of school buildings in the province.” The LBP statement was issued after the Movement of Responsible Enterprise (MORE) accused Bulacan Governor Josefina dela Cruz of “misrepresentation, including alleged fund misuse and technical malversation” ('Land Bank upholds Bulacan Fund use' 2007, *PGBOnline News*, 18 May, Provincial Government of Bulacan website <http://www.bulacan.gov.ph/News/PrintVersion/Print.asp?ID=151> – Accessed 17 May 2007 – Attachment 8).

No further information on local official corruption in Bulacan was found amongst the sources consulted. The following sources provide general information on corruption in the Philippines.

According to the US Department of State, a “justifiable public perception of corruption in the judicial, executive, and legislative branches remained high” in the Philippines during 2005 and 2006:

- *Country Reports on Human Rights Practices 2006 – Philippines* dated 6 March 2007:

A justifiable public perception of corruption in the judicial, executive, and legislative branches remained high. Both the government and the private sector have established a number of anticorruption bodies, including an Ombudsman’s Office and an anticorruption court. Cases were opened against mid level officials in the Department of Public Works and Highways, the Bureau of Customs, and the Bureau of Internal Revenue. During the year, several elected figures, including the opposition mayors of Makati and Pasay City and administration mayors of Baguio and Santa Rosa City, Laguna Province, were suspended from their offices on corruption-related charges. In October the Court of Appeals issued a 60-day temporary restraining order on the suspension of the mayor of Makati. The mayors of Pasay, Baguio, and Santa Rosa remain suspended as of end of November (US Department of State 2007, *Country Reports on Human Rights Practices 2006 – Philippines*, 6 March, Introduction & Section 1d – Attachment 1).

- *Country Reports on Human Rights Practices 2005 – Philippines* dated 8 March 2006:

A justifiable public perception of corruption in the judicial, executive, and legislative branches remained high. Both the government and the private sector have established a number of anticorruption bodies including an Ombudsman’s Office and an anticorruption court. Cases were opened against high-ranking military officers and against officials in the Department of Public Works and Highways, the Bureau of Customs, and the Department of Transportation and Communication. Nonetheless, the perception remains of a “very high” and

“steady” level of corruption in public agencies (US Department of State 2006, *Country Reports on Human Rights Practices 2005 – Philippines*, 8 March, Introduction & Section 1d – Attachment 2).

A Transparency International report dated 28 February 2007 found that there are currently seven anti-corruption bodies operating in the Philippines: *Tanodbayan* (Ombudsman), *Sandiganbayan* (Anti-Graft Court), Presidential Commission on Good Government, Inter-Agency Anti-Graft Coordinating Council, Presidential Committee on Effective Governance, Presidential Anti-Graft Commission and the Governance Advisory Council. According to Transparency International, “corruption remains a serious problem in the Philippines in spite of the various efforts by the government and civil society to curb it.” The report continues:

Surveys conducted by the Social Weather Station in 2005 and 2006 found that corruption was perceived as a major problem as well as a consistent area of dissatisfaction by the public. Similarly, in 2000, Nelson Moratalla, Deputy Director of the Philippine National Police Academy, concluded: ‘On the whole, the results of national and international surveys consistently depict the Philippines as riddled with corruption and unable to effectively fight corruption’.

The NIS [National Integrity System] in the Philippines faces two major problems. First, legislation either under-regulates (as in the lack of protection for whistleblowers) or over-regulates (as in local government regulations). The second problem is ‘more disturbing’: all the integrity pillars are ‘tainted by internal corruption and are therefore heavily compromised’ and ‘unable to perform their functions and operate effectively’. For example, the constitutional commissions are not independent, the public procurement system is plagued with misappropriation problems and ‘there is...a need to improve enforcement by prosecuting and convicting “big fish” rather than “small fry”’ (Quah, Jon S.T. 2007, *National Integrity System – Transparency International Regional Overview Report: East and South East Asia 2006*, 28 February, Transparency International, p.8 <http://www.transparency.org/content/report/16332/218422> – Accessed 17 May 2007 – Attachment 9).

2. Is there any information about discrimination due to disabilities in a family?

No information on discrimination due to disabilities in a family was found amongst the sources consulted.

List of Sources Consulted

Internet Sources:

Government Information & Reports

Immigration and Refugee Board of Canada http://www.irb-cisr.gc.ca/cgi-bin/foliocgi.exe/refinfo_e

The Official Government Portal of the Republic of the Philippines <http://www.gov.ph/>

Provincial Government of Bulacan <http://www.bulacan.gov.ph/>

US Department of State <http://www.state.gov/>

United Nations (UN)

UNHCR <http://www.unhcr.ch/cgi-bin/tehis/vtx/home>

Non-Government Organisations

Amnesty International <http://www.amnesty.org/>

European Country of Origin Information Network <http://www.ecoi.net/>

Freedom House <http://www.freedomhouse.org/template.cfm?page=1>

Global Integrity <http://www.globalintegrity.org/>
Human Rights Watch <http://www.hrw.org/>
Transparency International <http://www.transparencyintl.org/>

International News & Politics

ABS-CBN News <http://www.abs-cbnnews.com/>
Bohol Standard <http://www.theboholstandard.com/>
Guardian <http://www.guardian.co.uk/>
Inquirer <http://www.inquirer.net/>
Malaya <http://www.malaya.com.ph/may18/>
Manila Times <http://www.manilatimes.net/>
Philippine News <http://www.philnews.com/>
Sun Star <http://www.sunstar.com.ph/>

Search Engines

Google <http://www.google.com.au/>

Databases:

FACTIVA (news database)
BACIS (DIMA Country Information database)
REFINFO (IRBDC (Canada) Country Information database)
ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)
RRT Library Catalogue

List of Attachments

1. US Department of State 2007, *Country Reports on Human Rights Practices 2006 – Philippines*, 6 March.
2. US Department of State 2006, *Country Reports on Human Rights Practices 2005 – Philippines*, 8 March.
3. Baguioro, Luz 2005, 'Sorry state of the police in Philippines', *Strait Times*, 25 May. (FACTIVA)
4. Aglionby, John 2005, 'Killing the king's messengers', *Guardian*, 10 May <http://www.guardian.co.uk/elsewhere/journalist/story/0,,1480674,00.html> – Accessed 25 September 2006.
5. Peart, Lee 2005, 'Government Sacks Provincial Police Force in Philippines', *WMRC Daily Analysis*, 13 April. (FACTIVA)
6. Peart, Lee 2004, 'Police Chief in Philippines Admits to Institutional Corruption', *WMRC Daily Analysis*, 13 December. (FACTIVA)
7. 'Bulacan Further Pursues Social Services Projects' 2007, *PGBOnline News*, 18 May, Provincial Government of Bulacan website <http://www.bulacan.gov.ph/News/PrintVersion/Print.asp?ID=277> – Accessed 17 May 2007.

8. 'Land Bank upholds Bulacan Fund use' 2007, *PGBOnline News*, 18 May, Provincial Government of Bulacan website
<http://www.bulacan.gov.ph/News/PrintVersion/Print.asp?ID=151> – Accessed 17 May 2007.
9. Quah, Jon S.T. 2007, *National Integrity System – Transparency International Regional Overview Report: East and South East Asia 2006*, 28 February, Transparency International <http://www.transparency.org/content/report/16332/218422> – Accessed 17 May 2007.