The Philippines received a downward trend arrow due to a general decline in the rule of law in the greater Mindanao region, and specifically the massacre of 57 civilians on their way to register a candidate for upcoming elections.

**Overview**

Political maneuvering escalated in 2009 as potential candidates prepared for the 2010 presidential election. Meanwhile, the administration remained unsuccessful in its long-standing efforts to amend the constitution and resolve the country’s Muslim and leftist insurgencies. In November, President Gloria Macapagal-Arroyo declared martial law in the southern province of Maguindanao after 57 people were massacred in an apparent bid by the area’s dominant clan to prevent the electoral registration of a rival candidate.

After centuries of Spanish rule, the Philippines came under U.S. control in 1898 and won independence in 1946. The country has been plagued by insurgencies, economic mismanagement, and widespread corruption since the 1960s. In 1986, a popular protest movement ended the 14-year dictatorship of President Ferdinand Marcos and replaced him with Corazon Aquino, whom the regime had cheated out of an electoral victory weeks earlier.

Aquino’s administration ultimately failed to implement substantial reforms and was unable to dislodge entrenched social and economic elites. Fidel Ramos, a key figure in the 1986 protests, won the 1992 presidential election. The country was relatively stable and experienced significant if uneven economic growth under his administration. Ramos’s vice president, Joseph Estrada, won the 1998 presidential election by promising concrete socioeconomic reform, but his administration was dogged by allegations of corruption almost from the outset. Massive street protests forced him from office in 2001 after a formal impeachment process failed.

Gloria Macapagal-Arroyo, Estrada’s vice president, assumed the presidency upon his departure, and her political coalition won the May 2001 legislative elections. She nevertheless faced questions about the legitimacy of her unelected administration. In the 2004 presidential election, Arroyo initially seemed to have
defeated her challenger by some 1.1 million votes. However, claims of massive fraud triggered demonstrations and were verified by some members of the administration.

When an audiotape of a conversation between the president and election officials surfaced in June 2005, supporting the previous year’s vote-rigging allegations, many cabinet officials resigned to join a new opposition movement. An ultimately unsuccessful impeachment bid was launched, and the first of years of frequent protests called for the president’s resignation.

The administration mounted several efforts to undercut the opposition movement, including punitive prosecutions and executive orders in 2005 and a week-long state of emergency in 2006 in response to an alleged coup attempt. The congressional opposition responded with a second unsuccessful impeachment bid that June.

The Commission to Address Media and Activist Killings, also known as the Melo Commission, was established in August 2006 following a spate of assassinations that year and to address the larger issue of extrajudicial killings since Arroyo took office in 2001. A February 2007 report by the commission acknowledged military involvement, but the panel was not empowered to pursue the matter with criminal investigations or prosecutions. A November 2008 report by a UN special rapporteur also cited military involvement in a significant number of recent extrajudicial executions of leftist activists. The abuses were believed to be encouraged by a government mandate to crush the communist insurgency by 2010, blurred lines between legitimate leftist parties and illegal groups affiliated with the rebel New People’s Army (NPA), the president’s dependence on high-level military support to retain power, and a persistent culture of impunity.

Although the president’s coalition increased its lower house majority in May 2007 legislative elections, the opposition bolstered its control of the Senate. Later in the year, Arroyo was implicated in a major corruption scandal involving a national broadband contract with the Chinese company ZTE that had been approved in April. Separately, Arroyo pardoned former president Estrada in October, a month after the country’s antigraft court sentenced him to life imprisonment. His conviction had been the first of a former Philippine president, and the Arroyo’s pardon was widely perceived as a bid to set a favorable precedent for her own treatment on leaving office.

In November 2007, former navy lieutenant and current senator Antonio Trillanes and Brigadier General Danilo Lim led roughly 20 soldiers in a failed coup attempt. A former vice president and a Roman Catholic bishop joined the men in a live television broadcast to call for Arroyo’s removal from office on the grounds of electoral fraud and corruption.

Yet another failed impeachment bid was launched against the president in October
2008, and likely 2010 presidential candidate Manny Villar was ousted as leader of the Senate in November and replaced with a staunch Arroyo supporter.

Amid the political turmoil of 2008, peace talks between the government and the rebel Moro Islamic Liberation Front (MILF) broke down. The negotiations, which aimed to end a Muslim insurgency that had plagued the southern provinces since the early 1970s, had made some progress in 2007, focusing on the creation of a Bangsamoro Juridical Entity (BJE)—a self-governing expansion of the existing Autonomous Region of Muslim Mindanao (ARMM). In July 2008, the MILF agreed to sign an initial agreement on August 5, defining the BJE as the ARMM plus 712 barangays (small administrative units), with a formal referendum on inclusion to be held in the affected districts one year later and a formal peace agreement to be signed in November. However, local officials joined opposition leaders in calling the agreement unconstitutional, and on August 4 the Supreme Court imposed a restraining order on the deal.

While the MILF leadership expressed interest in continuing talks, 800 MILF fighters responded to the ruling by occupying five towns and nine villages in provinces bordering the ARMM. Government troops were sent in, and clashes erupted. The government officially called off the peace agreement on August 21, and the negotiating panel was dissolved in September. The conflict reached the highest levels of violence since 2003, with more than 600,000 Filipinos displaced by the end of 2008.

With a presidential election set for 2010, political maneuvering escalated in 2009. The lower house mounted a renewed campaign to amend the constitution by replacing the bicameral legislature with a unicameral one and lifting the one-term limit on the presidency. In June, the House of Representatives approved a resolution calling for the House and Senate to form a joint constituent assembly, which would ease passage of constitutional amendments by allowing the progovernment, 269-seat House to overwhelm the opposition-dominated, 24-seat Senate. Business leaders, civic groups, and the Roman Catholic Church objected to the amendment proposals, and they failed to pass by year’s end.

Meanwhile, the two leading progovernment parties merged to form a united front in the upcoming elections, nominating Defense Minister Gilberto Teodoro as their presidential candidate in November 2009. Arroyo herself said she would seek to represent her home district of Pampanga in the House and registered her candidacy the same month. Leading opposition contenders included Villar, the former senator and real-estate tycoon; former president Estrada, who faced new corruption and murder allegations; and Benigno "Noynoy" Aquino, son of former president Aquino, who was widely mourned after her death in early August.

Attempting to demonstrate progress before the end of Arroyo’s term, the administration changed its approach to the country’s long-standing insurgencies in 2009. It dropped preconditions for negotiations with the NPA, and the communist
rebels did the same, but peace talks scheduled for September failed to get off the ground. The government also sought to resume negotiations with the MILF, ordering a suspension of military operations in July. Both sides then agreed to a truce based in part on recognition of the August 2008 agreement as unsigned but “initialed.” In addition, they arranged to establish an international contact group that would include representatives of the European Union, Turkey, and the Organization of the Islamic Conference. Peace negotiations resumed in December with talks held in Kuala Lumpur, and joint ceasefire mechanisms were reactivated.

In the worst case of political violence in the country’s recent history, the wife of local vice-mayor Ismail Mangudadatu was ambushed by 100 armed men in November 2009 while traveling with other family members and supporters to file her husband’s candidacy for the Maguindanao provincial governorship. A total of 57 people were massacred in the incident, including 29 journalists and 3 media workers who were accompanying the unarmed group. The graves in which the bodies were found appeared to have been dug in advance, and the mutilation of female victims indicated sexual assault. Evidence soon emerged to implicate the Ampatuan clan, which dominated the province’s politics and was closely allied with the Arroyo administration.

Arroyo responded in early December by declaring martial law for the first time in nearly 30 years. The declaration, which applied to Maguindanao province only, entailed the suspension of habeas corpus and other rights, invoking significant criticism; the administration justified the move by arguing that the Ampatuan were fomenting rebellion. A state of emergency was declared in three Mindanao provinces immediately following the massacre, which remained even after martial law was lifted in mid-December. At least 62 people were arrested, including Maguindanao governor Andal Ampatuan Sr., and the authorities dug up arms caches as part of a broad effort to weaken local clans. Nevertheless, the Arroyo administration was widely criticized for its longtime policy of tolerating local warlords and supporting clan patronage as part of its counterinsurgency strategy, and the massacre brought new international attention the country’s deeply entrenched culture of impunity. Arroyo lifted martial law on December 12 just before a joint session of Congress was due to vote on the declaration, as the Senate had already registered opposition.

**Political Rights and Civil Liberties**

The Republic of the Philippines is not an electoral democracy. Elections in 2004 and 2007 were marred by fraud, intimidation, and political violence, and the country was shaken by alleged coup plots or attempts in 2005, 2006, and 2007.

The Philippines has a presidential system of government, with the directly elected president limited to a single six-year term. Gloria Macapagal-Arroyo, then the vice president, rose to the presidency in 2001 after military pressure and street protests drove President Joseph Estrada from power. She completed Estrada’s first term and—despite some legal challenges—won her own full term in 2004. Her
opponents have repeatedly called for her to step down, partly due to the constitutionally anomalous length of her tenure. She in turn has pushed for the creation of a parliamentary system of government with extended term limits, but these efforts proved ineffective in 2009.

The national legislature, the Congress, is bicameral. The 24 members of the Senate are elected on a nationwide ballot and serve six-year terms, with half of the seats up for election every three years. The 269 members of the House of Representatives serve three-year terms, with 218 elected by district and the remainder elected by party list to represent ethnic minorities. Legislative coalitions are exceptionally fluid, and members of Congress often change affiliation, effectively rendering political parties meaningless. In May 2009, the two leading progovernment parties merged to form Lakas-Kampi-CMD, which accounts for two-thirds of all House members, three-quarters of all governors, and 70 percent of all mayors. Opposition members hold a slimmer majority in the Senate. The main opposition party is the Struggle for a Democratic Philippines (Laban, or LDP).

Political violence is typically tied to local rivalries and clan competition, but it is especially common in the ARMM and has increasingly targeted leaders of legitimate left-wing parties that are perceived to be associated with leftist guerrillas. One far-left party, Bayan Muna, has endured the murders of more than 130 members since Arroyo took office.

The Philippines’ Commission on Elections (Comelec) is entirely appointed by the president, and with the president’s permission it has the authority to unseat military, police, and government officials. Comelec was widely discredited by the 2005 audiotape scandal regarding cheating in the 2004 elections. No internal investigation was conducted, and the 2007 legislative elections were overseen by the same tainted officials. Comelec chairman Benjamin Abalos resigned in October 2007 after being accused of bribing a government official to approve the broadband deal with China’s ZTE Corporation.

Corruption and cronyism are rife in business and government. Despite recent economic reforms, a few dozen leading families continue to hold an outsized share of land, corporate wealth, and political power. Local bosses often control their respective areas, limiting accountability and encouraging abuses of power. High-level corruption also abounds. For example, the ZTE contract scandal has entangled the president, her husband Mike Arroyo, and a number of other top officials. In November 2009, a Senate committee recommended that the ombudsman reopen the ZTE contract investigation, and called for corruption charges to be brought against Mike Arroyo and eight others, including government ministers. Senate accusations early in the year also put the president’s husband at the center of a scandal involving road-building contracts, in which he was accused of accepting bribes to influence the bidding process.

A culture of impunity, stemming in part from a case backlog in the judicial system,
hampers the fight against corruption. More high-profile cases have been filed in recent years, and several civic organizations have emerged to combat corruption, but cases take an average of six to seven years to be resolved in the Sandiganbayan anticorruption court. The country’s official anticorruption agencies, the Office of the Ombudsman and the Presidential Anti-Graft Commission (PAGC), have mixed records. Many maintain that the former has been compromised under the current administration, as convictions have declined, while the PAGC lacks enforcement capabilities. The president’s 2008 withdrawal of Executive Order 464, which since 2005 had prevented government and security officials from attending congressional inquiries without presidential permission, was a positive development, but administration allies have continued to avoid testifying by invoking executive privilege. The Philippines was ranked 139 out of 180 countries surveyed in Transparency International’s 2009 Corruption Perceptions Index.

The constitution provides for freedoms of expression and the press. The private media are vibrant and outspoken, although newspaper reports often consist more of innuendo and sensationalism than substantive investigative reporting. The country’s many state-owned television and radio stations cover controversial topics and are willing to criticize the government, but they too lack strict journalistic ethics. While the censorship board has broad powers to edit or ban content, government censorship is generally not a serious problem. The internet is widely available and uncensored.

Potential legal obstacles to press freedom were raised in 2007, including Executive Order 608, which established a National Security Clearance System to protect classified information, and the new Human Security Act (HSA), which would allow journalists to be wiretapped based on mere suspicion of involvement in terrorism. Libel is a criminal offense, and libel suits have been used frequently to quiet criticism of public officials. In September 2009, former president Estrada filed a libel complaint against the Philippine Daily Inquirer for a front-page story that included statements accusing his government of coercing a Chinese-Filipino tycoon into selling shares of the country’s largest telecommunications firm.

The Philippines remains one of the most dangerous places in the world for journalists to work, and impunity for crimes against them remains the norm. Several journalists were killed in separate incidents in 2009, but a total of 29 (plus three additional media workers) were slain in the November massacre in Maguindanao province. The reporters had been invited to accompany the family members of local vice-mayor Ismail Mangudadatu on their trip to file his candidacy for governor, reportedly in an effort to help ensure the family’s safety. Press freedom groups and the head of the national police called for an independent commission to investigate the massacre. The Commission on Human Rights was conducting an investigation at year’s end.

Freedom of religion is guaranteed under the constitution and generally respected in practice. While church and state are separate, the population is mostly Christian,
with a Roman Catholic majority. The Muslim minority is concentrated on the southern island of Mindanao and, according to the most recent census, represents 5 to 9 percent of the total population. Perceptions of relative socioeconomic deprivation and political disenfranchisement, and resentment toward Christian settlement in traditionally Muslim areas, have played a central role in the Muslim separatist movement. The U.S. State Department’s 2009 religious freedom report indicated no instances of religious persecution and praised the country for its efforts at interfaith dialogue.

Academic freedom is generally respected in the Philippines, and professors and other teachers can lecture and publish freely.

Citizen activism is robust, and demonstrations are common. However, permits are required for rallies, and antigovernment protests are often dispersed. Freedoms of assembly and association were suspended to varying degrees in the provinces of Maguindanao and Sultan Kudarat and in the city of Cotabato (all in Mindanao) in November 2009 following the declaration of a state of emergency in these areas and the imposition of martial law in Maguindanao. While martial law was lifted in Maguindanao in mid-December, the state of emergency in these areas was upheld.

The Philippines has many active human rights, social welfare, and other nongovernmental groups, as well as lawyers’ and business associations. Various labor and farmers’ organizations that are dedicated to ending extrajudicial killings and helping families of the disappeared face significant threats, and their offices are occasionally raided. Trade unions are independent and may align with international groups. However, in order to register, a union must represent at least 20 percent of a given bargaining unit. Moreover, large firms are stepping up the use of contract workers, who are prohibited from joining unions. Only about 5 percent of the labor force is unionized. Collective bargaining is common, and strikes may be called, though unions must provide notice and obtain majority approval from their members. Violence against labor leaders remains a problem and has been part of the greater trend of extrajudicial killings in recent years. Workers’ groups claim nearly 90 cases of abduction or murder since Arroyo took office, while government records put the number at 35.

Judicial independence has traditionally been strong, particularly with respect to the Supreme Court. In 2007 it spearheaded efforts to resolve the issue of extrajudicial killings and similar abuses, promulgating the writ of _amparo_ (protection) to prevent the military from delaying cases by denying that it has a given person in custody. Human rights lawyers generally describe the new writ as a success. In 2009, the Supreme Court issued a writ of _amparo_ protect a navy lieutenant from military authorities after she accused her commanding officers of embezzling U.S. military funds. In early December, an appeals court in Cagayan de Oro issued a writ of _amparo_ on behalf of members of the Ampatuan family, who claimed they were unnecessarily detained when government troops sealed off their homes.
following the Maguindanao massacre.

Rule of law in the country is generally weak. A backlog of more than 800,000 cases in the court system contributes to impunity, and low pay encourages rampant corruption. The judiciary receives less than 1 percent of the national budget, and judges and lawyers often depend on local powers for basic resources and salaries, leading to compromised verdicts. At least 12 judges have been killed since 1999, but there have been no convictions for the attacks. In September 2009, a Sharia (Islamic law) court judge was killed by two gunmen on Jolo Island.

Reports of arbitrary detention, disappearances, kidnappings, and abuse of suspects continued in 2009. Mounting evidence has confirmed the military’s responsibility for many of the numerous killings of leftist journalists, labor leaders, and senior members of legal left-wing political parties in recent years. Military officers maintain that the killings are the result of purges within the communist movement. The lack of effective witness protection has been a key obstacle to investigations. About 90 percent of extrajudicial killing and abduction cases have no cooperative witnesses. Especially problematic is the fact that the Department of Justice oversees both the witness-protection program and the entity that serves as counsel to the military. Similarly, the Philippine National Police, tasked with investigating journalist murders, falls under the jurisdiction of the military.

Convictions for extrajudicial killings are extremely rare, and not a single member of the military has been found guilty of such a murder since Arroyo took office. Overall numbers of extrajudicial killings have declined from an annual peak of 220 in 2006. However, there was a significant spike in death-squad killings at the local level in 2008 and 2009, especially in Davao. Local-level officials are believed to keep lists of suspected criminals who are abducted or killed if they fail to heed warnings to reform or leave the area. The death squads responsible reportedly collect about 5,000 pesos (US$100) for each job. In a positive development, the Commission on Human Rights launched independent investigations into the death squads in March 2009. There has also been a recent rise in kidnappings for ransom; authorities killed at least 47 suspected kidnappers during 2009, while 60 others were arrested in a government crackdown.

The Muslim separatist conflict has caused severe hardship for many of the 15 million inhabitants of Mindanao and nearby islands, and has resulted in more than 120,000 deaths since it erupted in 1972. Both government and rebel forces have committed summary killings and other human rights abuses. The escalation of violence in the south in late 2008 displaced more than 600,000 people; an estimated 300,000 remained displaced as of September 2009. Meanwhile, the communist NPA continues to engage in executions, torture, and kidnappings in the countryside, especially in central and southern Luzon.

Citizens may travel freely outside conflict zones, and there are no restrictions on employment or place of residence. The poor security situation inhibits individuals’
ability to operate businesses.

Women have made many social and economic gains in recent years. The UN Development Programme notes that the Philippines is one of the few countries in Asia to significantly close the gender gap in the areas of health and education. Although more women than men now enter high school and university, women face some discrimination in private-sector employment, and women in Mindanao enjoy considerably fewer rights.

The trafficking of women and girls abroad and internally for forced labor and prostitution remains a major problem, despite antitrafficking efforts by the government and civil society. The fact that many women trafficked for illicit labor are heavily indebted by the time they begin working exacerbates the problem. There are reports of bonded labor, especially of children, in black-market trades such as prostitution and drug trafficking. The country’s various insurgent groups have been accused of using child soldiers.

*Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom. Click here for a full explanation of Freedom in the World methodology.*