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FREEDOM IN THE WORLD

Philippines

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OVERVIEW:

In October 2012, the government signed an agreement with the Moro Islamic Liberation Front that established a framework for peace on the southern island of Mindanao. Separately, in September the president signed the Cybercrime Prevention Act despite critics' warnings that it would curtail freedom of expression and undermine due process. The Supreme Court quickly suspended the law's implementation pending a review of its constitutionality. Former president Gloria Macapagal-Arroyo remained in pretrial detention on corruption charges at year's end, having initially been arrested in late 2011, released on bail in July, then rearrested under new charges in October.

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 by powerful elites, 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 and former national defense secretary under Aquino, 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. 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, and her political coalition won the May 2001 legislative elections. 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 initiated a second unsuccessful impeachment bid that June.

Although the president's coalition increased its lower house majority in May 2007 legislative elections, the opposition bolstered its control of the Senate.

2013 SCORES

STATUS

Partly Free

FREEDOM RATING

3.0

CIVIL LIBERTIES

3

POLITICAL RIGHTS

3

Later that 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 Estrada in October, a month after the country's antigraft court sentenced him to life in prison. His conviction had been the first of a former president, and the pardon was widely perceived as a bid to set a favorable precedent for Arroyo's own treatment after leaving office. Leaders of an unsuccessful coup attempt in November called for Arroyo's removal on the grounds of electoral fraud and corruption, and yet another failed impeachment bid was launched in October 2008.

In November 2009, the wife of a local vice mayor was ambushed by 100 armed men as she traveled with other family members and supporters to file her husband's candidacy for the Maguindanao provincial governorship. A total of 58 people were massacred in the incident, including 29 journalists and three other media workers who were accompanying the unarmed group. 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, as well as a state of emergency, which remained in place in three provinces 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 amid an 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.

In the May 2010 presidential election, the reformist Liberal Party (LP) candidate Benigno "Noynoy" Aquino—the son of former president Corazon Aquino—prevailed with 42 percent of the vote. In concurrent congressional balloting, half of the 24 Senate seats were up for election. Three went to LP candidates; two each to Arroyo's Lakas-Kampi CMD party, the Force of the Filipino Masses, and the Nationalist Party; and one each to the National People's Coalition, the People's Reform Party, and an independent. In the 280-member lower house, the LP ultimately won 119 seats, while Lakas-Kampi CMD took 46 and other parties split the remainder. In keeping with a long-standing pattern, the LP's predominance resulted from a number of lawmakers defecting to join the new president's party.

Soon after taking office, Aquino established a Truth Commission to investigate the corruption and electoral fraud allegations against Arroyo. The former president was arrested on vote-rigging charges in November 2011, then released in July 2012 after posting nearly \$25,000 bail. She was arrested again in October, this time on charges that she and members of her administration had stolen money from the national lottery. She remained in custody at year's end, and further corruption charges were expected.

In October 2012, the Moro Islamic Liberation Front (MILF) signed a peace agreement with the government, aiming to end a Muslim insurgency that had plagued the southern provinces since the early 1970s. The pact would create a new, larger autonomous region to be known as Bangsamoro, replacing the existing Autonomous Region of Muslim Mindanao (ARMM). However, some rebel factions did not accept the terms of the agreement. Elements of the Moro National Liberation Front argued that the terms of the MILF deal abrogated their separate 1996 agreement with the government, but they remained peaceful. Another group, the Bangsamoro Islamic Freedom Fighters, which broke away from the MILF after disagreements on the peace process, vowed to continue its insurgency.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

The Republic of the Philippines is an electoral democracy. The May 2010 elections marked a significant improvement over previous polls that were marred by fraud, intimidation, and political violence. The country has a presidential system of government, with the directly elected president limited to a single six-year term. The national legislature, 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 280 members of the House of Representatives serve three-year terms, with 228 elected in single-member constituencies and the remainder elected by party list to represent ethnic minorities. Legislative coalitions are exceptionally fluid, and members of Congress often change party affiliation.

The Commission on Elections (Comelec) is 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, and the 2007 legislative elections were overseen by the same tainted officials. However, during the 2010 balloting, the commission was led by the respected lawyer Jose Melo, and its push for a fully automated election system was seen as an effort to restore its reputation. In a positive step for human rights, detainees were permitted to vote for the first time in 2010. Another significant improvement was the reduction in political violence, aided by restrictions on firearms during the campaign. Such bloodshed is typically tied to local rivalries and clan competition. Persistent problems included media bias, which tended to favor wealthier candidates, and vote buying.

As the 2013 elections approached, teachers raised concerns in 2012 about their potential disenfranchisement, as they often serve as election inspectors and miss the opportunity to vote themselves. About 120,000 teachers were reportedly deregistered in 2010 because their poll duties had prevented them from voting in the past two elections. Political violence also remained a concern in 2012, as widespread intimidation, bombing incidents, and low-level violence continued in the ARMM. Separately, Raul Matamorosa, the mayor of Lupi in the eastern Bicol region and an ally of President Benigno Aquino, was shot and killed by unidentified assailants in October.

Corruption and cronyism are rife in business and government. 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. In addition to the ongoing cases against former president Gloria Macapagal-Arroyo, Supreme Court chief justice Renato Corona, an Arroyo appointee, was ousted by the Senate after an impeachment trial in May 2012, having been found guilty of submitting false asset declarations.

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 observers maintain that the former was compromised under the Arroyo administration, as convictions declined, while the PAGC lacks enforcement capabilities. The Arroyo-era ombudsman was forced from office in 2011 after Aquino's congressional allies voted to impeach her. The Philippines was ranked 105 out of 176 countries surveyed in Transparency International's 2012 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 include Executive Order 608, which established a National Security Clearance System to protect classified information, and the Human Security Act, which allows journalists to be wiretapped based on mere suspicion of involvement in terrorism. Libel is a criminal offense, and libel cases have been used frequently to quiet criticism of public officials. Despite persistent lobbying by press freedom groups, Congress has yet to pass a draft Freedom of Information Act, which remained stalled in the

lower house at the end of 2012. In September the president signed the Cybercrime Prevention Act, which would extend criminal libel law to online content, potentially criminalizing simple activities like forwarding or recommending material created by others. The maximum penalty for online libel would be 12 years in prison, twice as long as for libel in traditional media. The law also allows the authorities to shut down websites and monitor traffic data without a court order. In early October, the Supreme Court suspended implementation of the law pending a review of its constitutionality.

The Philippines remains one of the most dangerous places in the world for journalists to work, and impunity for crimes against them is the norm. The Maguindanao massacre trial was ongoing in 2012, and although it was transferred to Manila to prevent local interference and has moved forward with unusual speed, a number of complications have been noted, including witness intimidation, flawed forensic investigations, and the fact that only 19 of the 196 suspects were on trial. Three journalists were killed in the Philippines during 2012, according to the Committee to Protect Journalists, but only one murder was confirmed as being related to the victim's work.

Freedom of religion is guaranteed under the constitution and generally respected in practice. While church and state are separate, the Catholic Church exerts political influence. 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 Muslim separatist movements.

Academic freedom is generally respected in the Philippines; professors and other teachers can lecture and publish freely. However, in August 2012 the president of a respected Catholic university threatened to investigate—and potentially dismiss—faculty who had expressed support for the proposed Reproductive Health Bill, which would provide increased access to and government funding for contraceptives. The legislation was passed in December.

Citizen activism is robust, and demonstrations are common. However, permits are required for rallies, and antigovernment protests are often dispersed. 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 serious 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 broader trend of extrajudicial killings over the last decade.

Judicial independence has traditionally been strong, particularly with respect to the Supreme Court. However, by late 2010 all members of the Supreme Court were Arroyo appointees, and they continue to dominate the body despite the 2012 impeachment of Chief Justice Corona. 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 power holders 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.

Arbitrary detention, disappearances, kidnappings, and abuse of suspects continue to be reported. 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 the context of the Arroyo administration's counterinsurgency against the New People's Army, a

communist rebel group. Military officers maintain that such killings were 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 cooperating 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 murders of journalists, falls under the jurisdiction of the military. Convictions for extrajudicial killings are extremely rare, and no military personnel were found guilty during Arroyo's presidency. At the end of 2012, Aquino signed a new law criminalizing enforced disappearances.

Local officials are believed to keep lists of suspected criminals who are abducted or killed by death squads if they fail to heed warnings to reform or leave the area. The Commission on Human Rights launched independent investigations into death squads in March 2009, but many witnesses and advocates fear for their safety if they testify. Kidnappings for ransom remained common in the Southern region, with several high-profile abductions of Australian, American, and European tourists in 2012 by militants affiliated with Abu Sayyaf. Abu Sayyaf continued to attack civilians and battle security forces in 2012; in July the militants staged ambushes on rubber plantations, the largest of which killed six workers and wounded 22.

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. More than 11,000 people remained displaced in Mindanao at the end of 2012. An estimated 300,000 people were displaced throughout the year; two thirds were due to the separatist conflict and clan violence, while others were the result of tropical storms and flooding.

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 have significantly closed 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 those in Mindanao enjoy considerably fewer rights in practice. Divorce is illegal in the Philippines, though annulments are allowed under specified circumstances. A 2009 law known informally as the Magna Carta of Women included provisions calling for women to fill half of third-level government positions, requiring that each barangay (local administrative unit) have a "violence against women desk," and recognizing women's rights as human rights. Despite these measures, enforcement has been uneven. 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 country's various insurgent groups have been accused of using child soldiers.

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