

## Mafia-style domination in the Philippines: comparing provinces

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PRIF-Report No. 117

# **Mafia-style Domination in the Philippines: Comparing Provinces**

Peter Kreuzer

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## **Summary**

This report deals with domination in three different regions in the Philippines: the two provinces of Pampanga and Negros Occidental, and the Autonomous Region in Muslim Mindanao (ARMM).

Domination in the Philippines has been analysed under various headings, from patron-client relations to patrimonialism, oligarchy, bossism and principalia-rule. While there are certain differences, the various broadly used concepts coalesce around an understanding that posits a fusion of wealth and political power as well as a political process that is characterised by clientelism, crime and coercion exerted by elected politicians. Yet despite significant consensus with respect to the empirical representations of Philippine politics, no model has emerged up to the present that integrates all four core dimensions of oligarchy, patronage, corruption and illegal business, and violence.

This report proposes a model that differentiates between the structural viewpoint – which focuses on the predominance of an oligarchic elite – and the process model – which describes domination as a specific way of doing politics Mafia-style.

From the outset, one must bear in mind that Mafia-style domination does not presuppose the existence of a Mafia-type organisation but rather refers to a specific way of exerting and upholding power. As Henner Hess, one of the foremost researchers on the Mafia, has argued, this is a “method for the consolidation of ruling positions” (Hess 1998: 6). Understood in such a way, Mafia can “in principle [...] be applied to any power phenomena functioning analogously in other cultures” (Hess 1998: 175).

The model of Mafia-style domination is developed from the practices found in Mafia-dominated areas of southern Italy. Mafia-style domination is characterised by the crucial role of real and imagined family/kinship ties, a territorial concept of power that relies on the local domination of specific territories, family/kinship control of the most important strands of business in the locality, reliance on clientelistic relationships and patronage for everyday domination, and personal control over significant means of violence that can be utilised either in horizontal competition between dominant families or towards threats to domination from below.

This model of Mafia-style domination is then tested in the three research areas of Pampanga, Negros Occidental and the Autonomous Region in Muslim Mindanao. These areas have been chosen in particular owing to the fact that they represent within-country variation in the Philippines to a significant extent. Pampanga, servicing the neighbouring National Capital Region, belongs to the most developed provinces with a fairly developed service sector. In Negros Occidental, agriculture is still quite important, employing more than 40 per cent of the population and alternative job-options remain rather scarce. The ARMM is the least-developed of all regions in the Philippines. It has been ravaged by a long-standing civil-war and has not seen any significant development in decades.

Before delving into an analysis of the various dimensions of domination, the report illustrates how provincial/regional elites in all aforementioned regions fuse political and economic power despite regional differences with respect to development and economic structure. In all three cases, domination is exerted by an oligarchy that is organised along

familistic lines. Furthermore, all three areas are controlled by a small number of families, who, one the one hand, have generally perpetuated their power base over several generations, and, on the other, concurrently have kept open certain paths for individual social mobility. Whereas options for joining the circle of oligarchs differ, once in power, the new elites act in similar ways that perpetuate familism and oligarchic domination. In the familialistic context of politics, rising forces attempt to put their progeny into positions of political power, important to safeguard their newly acquired wealth, establishing or extending family dominated business.

The core non-coercive patterns of domination rely on a combination of self-enrichment and patronal distribution. The logic of patronage necessitates the privatisation of public resources and their distribution in the form of gifts and favours. Self-enrichment and patronage go hand-in-hand and both require a certain degree of criminalisation in political and economic behaviour. These practices cannot merely be reduced to corruption but clearly go beyond it, including either active participation in illegal business or the skimming off of profits in ways that closely resemble protection rackets. What has proven especially problematic during the past decades is that oligarchs have been able to create their own civil society organisations and integrate them into personal systems of patronage and self-enrichment. Even in cases in which genuine philanthropic aims may be assumed, these practices have worked to the advantage of the elite and contribute to an all-encompassing relationship of dependency that links the broad mass of the population to the leaders. Despite the self-serving character of patronage, it is not imposed upon society but may be said to be formed in response to popular demands. What is more, it conforms to local understandings of appropriate behaviour and enjoys high levels of legitimacy. In these areas, patronage clearly qualifies as a culturally acceptable approach to domination. It seems of little consequence that many of the prevalent practices require bending or breaking of the law; impunity is nearly complete.

This last observation involving the prevalence of impunity not only characterises corruption and various other forms of illegal self-enrichment and patronage but also the private uses of violence in the contexts of political competition aimed at challengers to the predominant positions of the leading families. Even in cases of extrajudicial killings, perpetrators are generally not imprisoned, nor are the financiers and principals. Violence has not been made taboo as a means of political competition or repression in any of the provinces. However, levels of violence differ significantly. Whereas the ARMM is characterised by extraordinarily high levels of horizontal violence that is utilised against contenders for political and economic power, the elites of the other two regions have successfully established oligopolist solutions delimiting competition and thereby reducing the threat of intra-elite violence. This, however, does not hold true for vertical repressive violence. In this respect, both Pampanga and Negros Occidental alike have figured in fairly prominently during the past decade. Similar datasets for the ARMM-provinces are not available, yet it is clear that repressive violence is at an even higher level there, despite the fact that reports of such violence only seldom make their way out of the immediate neighbourhood.

If we accept that the core ingredient that differentiates Mafia-style domination from mere corruption or patronage is violence – as Henner Hess contends (1998: 176) – then the provinces being analysed here clearly fit the model. In all three cases, corruption and

other criminal behaviour related to self-enrichment and patronage have established themselves as preponderant patterns, as has violence. Whereas the latter may seem fairly inconspicuous in Pampanga and Negros Occidental when compared to the ARMM, it still functions as the iron fist in the velvet glove of patronal domination. Violence provides the bite needed in critical situations, when claims to political or economic domination are severely threatened. While such cases are rare, they still send an important message that is locally recognised and well understood.

An overview of efforts by the Italian authorities to counter the power of the Mafia provides a sobering background to an appraisal of what might be done elsewhere. In Italy, as in the Philippines, Mafia-style domination is part and parcel of the democratic political process in a number of regions. Here, the core problem lies with the political elite itself. There is, however, no reason to assume that the political elite would opt for its own disempowerment. In addition, representatives of the status quo are regularly re-elected in both countries, whereas reformers only succeed sporadically and for short periods of time. Any attempt to strengthen democracy through decentralisation or devolution will only strengthen the local traditional politicians' position.

The only time historically that the Mafia was severely weakened has been under fascist auspices, when thousands of Mafiosi were put to jail. Their political basis – elected municipal councils – were abolished as well. The success of the onslaughts depended on the replacement of electoral democracy by dictatorship and would thereby be out of the question as a desirable option today, as it simply replaces one evil with another. The only viable Italian alternative for undermining the power of the Mafia remains the legal process. While this may not prove enough to end Mafia-style domination, it does lead to one crucial antidote: not democracy, but rule of law. If criminal members of the elite were prosecuted and convicted if found guilty, their cost-benefit calculations would fundamentally change. Whereas oligarchs most probably would stay in place and utilise their financial muscle to defend their wealth and income, the criminal dimension could be minimised, which would certainly be no mean feat.

In the final analysis, fundamental change depends on the ballot box and will not be forthcoming as long as proponents of the status quo continue to be re-elected by an electorate that expects governance through clientelist exchange relationships.



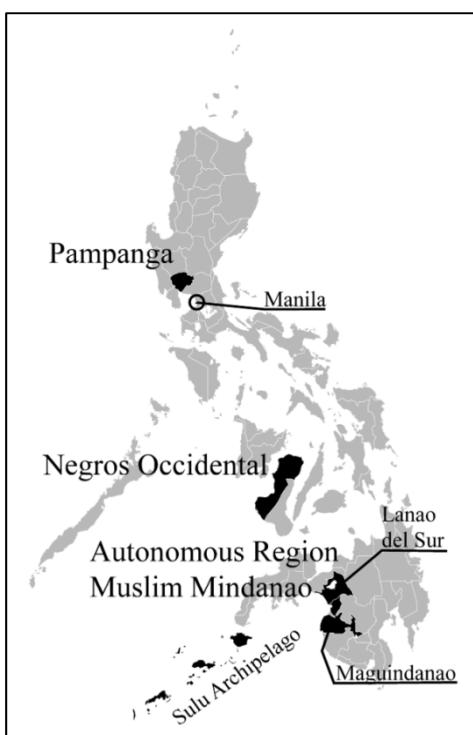
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## 1. Introduction

Analysts of Philippine politics tend to describe the political elite in terms of patronage, patrimonialism, feudalism, oligarchy, bossism or *principalia*-rule. Social order and domination are characterised by vertical, dyadic, inter-personal relationships, a high degree of fragmentation, high levels of corruption and a fairly regular use of physical violence for political ends. Whereas earlier studies tended to focus on the beneficial aspects of patron-client relationships and a patrimonial order, later ones highlighted the sordid underbelly of this form of social organisation. John Sidel's utilisation of the American concept of bossism (1999) pinpointed the role of physical violence as a crucial means of domination.



Despite varying terminology, all of these studies share a common vantage point from which they interpret Philippine politics, that of clientelism at its core, complemented by the criminalisation of politics and business. A coercive dimension is also present, one which takes note of the capacity of local politicians to act as agents of violence, both within intra-elite competition and in the area of repression of political and social dissent. Yet they have failed to provide a model that can account for all four dimensions of oligarchy, patronage, crime and violence.

This report argues that oligarchy provides a structural viewpoint, answering the question of *who* dominates. Mafia-style domination provides for a process model of *how* domination is exerted in the Philippines. The nexus that binds the two is familism that is a core characteristic of both the structural model of oligarchy and the process model of Mafia-style domination.

The development of this model of Mafia-style domination follows Henner Hess, one of the foremost researchers on the Sicilian Cosa Nostra. Hess argues that Mafia, understood as a concept, can "in principle [...] be applied to any power phenomena functioning analogously in other cultures" (Hess 1998: 175). Mafia-style thus refers to a specific

method of exerting and upholding power. It does not presuppose a Mafia organisation, nor does it assume any specific historical path of development.

This analysis of Philippine politics is based on in depth-studies of three regions, two of which are provinces (Pampanga and Negros Occidental), and a third that encompasses the Autonomous Region Muslim Mindanao (ARMM), composed of several provinces on the island of Mindanao and the adjacent Sulu Archipelago).<sup>1</sup>

### Comparative provincial data<sup>2</sup>

	ARMM					Negros Occidental	Pampanga
	Lanao del Sur	Maguin danao	Basilan	Sulu	Tawi- Tawi		
population (1000s; in 2007)	1,139	1,274	409	850	450	2,870	1,912
population density (per sqkm, 2007)	84	131	127	247	124	304	955
urban population (%; 2000))	17.5	19.6	22	24.6	27	35.1	67.4
elderly population (60+; % of total pop; 2000)	2.24	2.67	3.40	2.66	2.81	5.92	6.41
literacy (simple; in %; 2000)	80.10	66.27	72.20	58.29	73.50	91.21	93.94
total no. of banks (2009)	7	2	6	6	3	166	242
poverty (%; 2009)	36.8	44.6	23	39.3	31.5	24.4	6.7
poverty (%; 2006)	25.6	44.9	21.4	36.7	49.1	33.8	3.8
poverty (%; 2003)	13.7	41.9	20.7	20.3	18.2	21.5	4.9
HDI 1 (2000)	0.46	0.46	0.43	0.35	0.39	0.57	0.67
HDI 2 (2006)	0.60	0.54	0.59	0.56	0.50	0.70	0.75

Taken together, they largely span the bandwidth of Philippine society, from fairly developed and urbanised (Pampanga) to mid-developed areas (Negros Occidental), and pe-

- 1 In the report, many of the details on individual cases had to be omitted. For the case studies see: Kreuzer 2011a, 2011b, 2012. For a study on Mafia-style politics in the Philippines that largely focuses on other regions see Kreuzer 2009. The present study is based on extensive literature surveys in European and Philippine libraries and extended fieldwork in the years 2004, 2005, 2010 and 2011. The interviewees comprise a broad array of political actors, from local level politicians to state administrators (e.g. members of the police or the Human Rights Commission), NGO workers, church representatives and members of the media).
- 2 See: National Statistics Office (NSO) 2012; National Statistical Coordination Board (NSCB) 2005, 53-57, 113; National Statistical Coordination Board no year. The HDI 2 differs from HDI 1 insofar as it incorporates the different purchasing powers of the various provinces in the calculation.

The NSCB data on poverty for 2003 fundamentally contradict earlier data published by the same institution. Even though the data do not refer to the same years, the differences cannot be accounted for by this difference alone. In addition, measurement changed, leading to significantly lower poverty estimates. The poverty threshold for 2009, for example, was PP 231 for a family of five. This equals less than one US\$ per family member. The poverty threshold was thereby reduced by at least 10 per cent compared to earlier estimates. There is no explanation for the sharp spikes in the development of Tawi-Tawi or Lanao del Sur, for example. These ups and downs are not reflected in the general coverage of these areas. Despite these misgivings, the data must suffice, as there are no better ones available.

ipheral and multi-dimensionally marginalised territories that comprise the least developed in the country (ARMM).

The report seeks to provide answers to the following guiding questions: What is the relationship between wealth and political domination? How do patronage and (partly illegal) self-enrichment relate to domination? What is the role of violence within intra-elite competition and related to the control of the population?

Before turning to the Philippines, the concept informing the study – Mafia-style domination – will be introduced (Chap. 2). The structure of the empirical sections of this report follows the core dimensions mentioned above: oligarchy, patronage, crime and violence.

Section 3 centres on the oligarchic nature of Philippine politics in Pampanga, Negros Occidental and the ARMM in its two dimensions: familistic organisation and the fusion of economic and political power. It also traces the rise of various individuals who reached the ranks of the elite, thereby exemplifying several core paths for acquiring elite membership. Section 4 focuses on self-enrichment and patronalistic distribution as the two complementary patterns of non-coercive domination. While the focus of this study is differentiation among types of patronage, the section also describes the regular forms of law infringements that go with it, from simple corruption to the protection of illegal businesses. Section 5 shows that violence is still a means in both intra-elite competition and control of critical voices within the wider population, being carried out with differing levels. The final section sums up the similarities and differences among the varying modes of Mafia-style domination, as it is exerted in the three regions. Secondly, it aims at establishing several strategies that may, over time, lead to a lessening of Mafia-characteristics of domination. A succinct glance at various efforts in Italy shows that options for change are rather limited and, at best, lead to more rule-bound and non-violent oligarchic set-ups.

## **2. Mafia: a concept for the analysis of domination beyond southern Italy**

‘Tradition-derived’ forms of organised crime may provide us with important models for understanding polities dominated by persons or groups that aim at maximising wealth and regularly overstep the limits set by state-law. While being criminal from the perspective of the state, these persons and groups may represent locally valid social orders that relate to the state in differing ways depending on the latter’s independence from the local social base on which the ‘criminal’ actors are crafted.

With core dimensions of Mafia-domination in southern Italy closely resembling those in the Philippines, a Mafia-model of domination seems to be a sensible option for understanding how domination is exerted in the Philippines. However, there clearly exists no organised Mafia in the Philippines that can be compared to the Italian example. The model that most closely corresponds to the Philippine situation is that of the ‘classical’ Mafia-domination that existed from the beginnings in the 1850s to the 1960s. Whereas in the 1960s the ‘agrarian’ Mafia had already given way to the ‘urban-entrepreneurial’ Mafia,

its internationalisation and involvement in organised international crime was still in its infancy (Santino 2003). The Mafia was still ‘local’, and, even though there was a significant level of organisation, the Mafia could not yet be likened to organized crime, but rather a dominant multi-dimensional power that marked local society. Mafia-style domination, to repeat, does not focus on a Mafia-organisation, but on a certain way of exerting and upholding power.

The order constituted by the Italian Mafia is segmentary; the constituent segments (families/clans) are similarly structured and ‘complete’. They coexist side by side, with each of the segments claiming the same status and the whole panoply of ‘rights’ in principle, amongst them the right to prevent or penalise deviance. As such, individual families not only enjoy similar comprehensive rights and duties but are likewise holistic entities encompassing the social, cultural and political spheres (Paoli 2001: 159).

In such a setting, political and social order are constructed from below (the family), coalescing into a system that may practically be characterised ‘regulated anarchy’ (Sigrist 1979). Similar to the state, the individual units derive their legitimacy from the recognition of all structurally homologous groups, dependent on their proven control over a certain territory (Paoli 2003: 52). Local Mafia groups/families recognise one another, as do states.

Mafia families, as a general rule, aim to minimise the actual use of physical violence. Even though the ability to apply violence is a core feature and “generalized ingredient of Mafioso behavior” (Gambetta 2000: 168-169), everyday control is normally upheld through the bonds of natural and artificial kinship. Within and beyond this circle, control is upheld by way of dispensing favours, thereby earning debts of loyalty. As the Mafiosi grants benefits without demanding specific returns, the very “vagueness of the repayment is translated into a perpetual debt of proofs of moral obligation that is, of symbols and pledges of loyalty” (Catanzaro 1985: 46, see also Gambetta 2000: 170).

In order to uphold his local legitimacy, the Mafia boss has to pose as a ‘profitable altruist’, someone who, by helping others in the community, is also able to help himself (Sabetti 2002: 96ff). This limits the options for repression and exploitation open to the local Mafia (Sabetti 2002: 127) and cognitively transforms the Mafia-boss into a sort of benevolent patron, while at the same time legitimating the Mafiosi’s right to use violence in the service of the local order in principle. For all practical purposes, traditional Mafia groups governed their territories by providing crucial public goods which otherwise characterise government: security, law and public order. Furthermore, these activities, while technically illegal, were not necessarily deemed illicit on the part of the local population most of the time. Concurrently, the Mafia, while siphoning off profits from the local economy, reinvested part of this income and funnelled resources to their locality, benefitting themselves, but also sharing, to a certain extent, thereby substantiating local dependency and respect.

As this report does not address the Mafia as an organisation rather as a way of domination, it should be borne in mind that the

Mafia phenomenon is much wider and more complex than Cosa Nostra and the Mafia criminal organizations because it has aspects which are other than merely criminal. [...] the actual criminal association is part of a network of relationships which is much vaster: a social block with an interclass composition that ranges from the lowest social levels to the highest. [...] its peculiarity is territorial control (‘signoria territoriale’), from the economy to politics, to private life. For the

Mafia rights don't exist, there are only favours. The Mafia operates inside political institutions, as far as its economic and political aspects are concerned [...] which all add to the Mafia phenomenon, distinguishing it from the usual forms of criminal organization (Santino 2003).

Mafia becomes a concept that is able to describe core dimensions of power-configurations shared by different societies in some detail only if it is understood, as Henner Hess puts it, as: "a special method for the consolidation of ruling positions" (Hess 1998: 6). While this 'method' is largely non-violent in everyday practice, the element of violence lies at the core of this type of domination, providing the iron fist in the velvet glove of patronage. Chubb similarly points out that, when referring to the Mafia-business connection,

the use of the word 'mafia' [...] does not refer to a hierarchically organized criminal society, but rather to the sum of the activities of individuals whose specific mode of behavior rather than their membership in a secret criminal organization is what defines them as Mafiosi (Chubb 1982: 138).

The moral foundation of this practice of domination and business serves as a negation of any normative difference between legal and illegal behaviour. The primacy of the state-focused rule of law principle is substituted by an alternative principle according to which informal, allegedly tradition-bound cultural codes – as transmitted in and through the Mafia – reign supreme and demand unconditional loyalty.

While patronage provides the everyday means of domination, which may be accompanied, but not completely replaced by, violent repression, the patronal capacity of the leadership has to be nourished through economic activities. Historically, mafia organisations thrived from siphoning off various types of economic rents they extracted by virtue of debts of loyalty, their control over local political positions, and/or connection to party officials, their capacity at employing violence and their illegal *and* legal business ventures. It would be incorrect to connect the Mafia only with illegal activities, as many of their activities were (and still are) perfectly legal. Mafia economic activities bridge the legal-illegal divide.

As legal business may be part of the Mafia as a system of comprehensive domination, so too are (and fairly often) town and city councils and even provincial governments. While it may be true that the Mafia regularly attempts to influence government from without, it also directly 'takes over' local government, as the huge number of town and city councils attests to that have been dissolved for Mafia infiltration. The first prominent case occurred in Palermo in 1900, when the Italian king dissolved the municipal council, on account of the fact that the council was beholden to the local Mafia boss and member of parliament, Raffaele Palizzolo. From 1990 to 1995, i.e., within only a few years, a full "83 city councils were dissolved for connection with Mafia" (Santino 2003). In 2012 alone, six town councils, including the council of the provincial capital of Calabria, were closed down due to criminal infiltration (Ansa 2012). These cases, which, with all probability, only represent the tip of the iceberg of Mafia-infiltration, illustrate that the Mafia is not external to, but an essential part of politics in a number of Italian regions.

This short sketch conceptualising the Mafia as an instrument of order and domination in several Italian regions may be translated into a model that defines a specific style of domination. This Mafia-style domination is characterised by the following core patterns:

- family/kinship as the core unit of domination; a fusion of economic, political and social leadership roles (familism + holism);

- a territory-bound concept of power that grows outwards from the local sphere. High level leaders have to be grounded in a specific territory which is dominated by them. This leads individual families to indirectly or directly gain access to formal local political decision-making positions (localisation);
- reliance on clientelistic relationships with the role model of the profitable altruist, who dispenses a multitude of favours for the members of 'his/her' community. This results in leadership strategies that necessitate self-enrichment and personal control over non-material resources, which are then dispensed for the purpose of creating bonds of loyalty (self-enrichment + patronage);
- local, familialistic control of the most important strands of business, either directly, through participation, or indirectly, through the allocation of franchises and contracts as well as through the use of protection money levied on various types of illegal businesses (criminal activity);
- personal control of significant means of violence, which, even though generally sparingly utilised, are taken to be a final resource in horizontal competition and vertical control (private coercion).

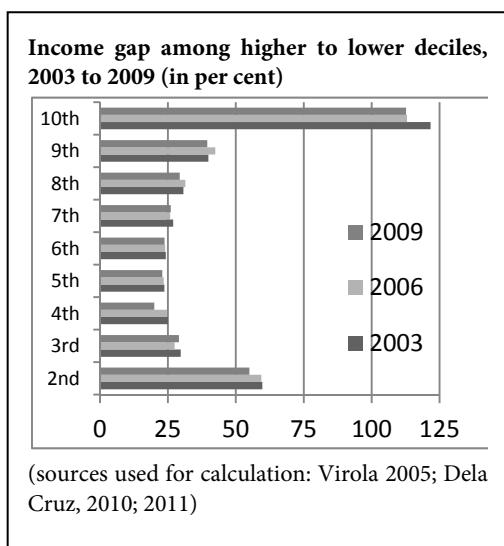
Clearly, organised crime may be a part of the phenomenon; however, it need not be so as Mafia is, first and foremost, a form of domination.

### **3. The oligarchic basis of Mafia-style domination in the Philippines**

This section focuses on the structural foundation of domination in the Philippines, on the question of *who* dominates. It provides a glimpse at the concentration of wealth in the Philippines and introduces the reader to the familialistic basis of political as well as economic organisation in the three regions of Pampanga, Negros Occidental and the ARMM. While oligarchy is the most crucial structural dimension defining domination in the Philippines, it does not fall into the model of Mafia domination, as the latter is not bound to oligarchic actors. The core structural ingredient connecting oligarchy and Mafia-style behaviour is familism, which is crucial in both.

#### **3.1 Concentration of wealth in the Philippines**

As a first approximation for measuring wealth concentration at the top of society, the relative wealth of the top 10 per cent of the population may be analysed. In the case of the Philippines, the income of the top ten per cent roughly equals the combined income of the bottom 70 per cent of the population (Dela Cruz 2010, 2011). Even more interesting is the gap that exists between the rich and the 'richer', a gap that can be measured by comparing the relative gap in income that separates the ninth and the tenth deciles of the population.



In the case of the Philippines, the gap separating the top 10 per cent of the population from the rest is extraordinarily high. The graph at the left shows that the largest income gap in the Philippines is between the 9th and the 10th deciles – with the mean income of the latter more than 100 per cent higher than the income of the next decile. This points to the existence of an oligarchic elite that is clearly set apart from the rest of the population.<sup>3</sup>

All three regions discussed in this report display high correlations of wealth and political power. While it is impossible to draw a comprehensive picture in such a brief report,

officially declared wealth of Congress representatives from the three regions may provide a first approximation, clearly supporting the assumption of a fusion between wealth and political office.

In the Philippines, wealth is a vital ingredient for political power, and advancement into the ranks of the dominating forces is fairly rare. Ascendancy requires either prior wealth or control of the means of coercion, both of which can be translated into political power. Since political leadership must be won during elections, there also exist other options for gaining entrance to dominant political positions. One is via public popularity, a path taken by a number of TV or cinema stars (most prominent amongst them the former president Estrada). A further alternative is promotion by national leaders, who may help certain local forces in exchange for their unconditional allegiance. This variant, however, does not introduce new forces into the local power equation but only alters the balance, undercutting those forces that take an anti-administration stand.

<sup>3</sup> With regard to concentration of wealth, the Philippines closely resembles its neighbour Malaysia. In both countries, the share of income by the top 10 per cent is about 35 per cent, with a fairly similar gap of more than 100 per cent between the top 10% and the next percentile (see Worldbank Data sets on <http://data.worldbank.org/indicator/>) [14.10.2012].

### Declared net worth of Congress representatives in the research areas (2011)<sup>4</sup>

Province	Representative	District	Net worth Philippine Pesos (PP) <sup>5</sup>	
Pampanga	Lazatin Carmelo	1st	21,784,842	
	Gloria Macapagal Arroyo	2nd	131,642,291	
	Gonzalez Aurelio	3rd	159,051,220	
	Bondoc Anna York	4th	91,795,237	
Negros Occidental	Ledesma Julio IV	1st	555,069,000	
	Maranon, Alfredo D. III	2nd	7,860,355	
	Benitez, Alfredo Abelardo	3rd	686,152,015	
	Ferrer Jeffrey P.	4th	63,564,000	
	Mirasol Alejandro M.	5th	?	
	Alvarez, Mercedez	6th	3,993,300	
ARMM	Maguindanao	1st	34,860,775	
	Datumanong, Simeon A.	2nd	13,689,089	
	Lanao del Sur	Pangandaman Mohamed Hussein P.	1st	40,387,029
		Balindong, Pangalian M.	2nd	23,835,190
	Sulu	Loong, Tupay T.	1st	61,022,308
		Sahidulla, Nur-Ana	2nd	7,860,000
	Tawi-Tawi	Jafaar, Nur G.	lone	50,263,561
	Basilan	Hataman-Saliman, Hadjiman	lone	11,610,244

(Congress of the Philippines 2011)

### 3.2 Politics as family affair: selfsameness and change

Even though the three areas under discussion in this report – Pampanga, Negros Occidental and the Autonomous Region in Muslim Mindanao (ARMM) – differ significantly with respect to a host of variables, political domination by families is a core pattern shared by all of them. Except for a very small number, all congressmen and women belong and have always belonged to extended political families. Most current members of Congress and provincial governors have several relatives who also hold office. Furthermore, they can boast of a legacy of politicians in earlier generations and are united by extensive economic interests.

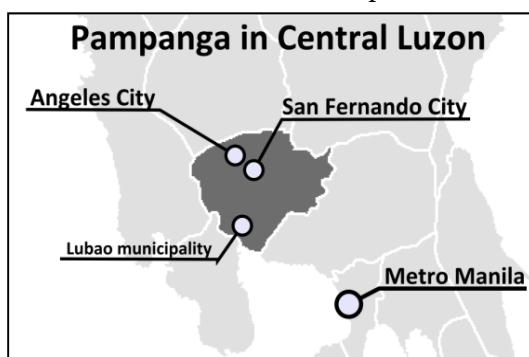
4 The numbers only represent their declared personal wealth. Not included is the wealth of their relatives. In addition, a number of scandals have proven the apparent existence of serious underreporting.

5 In the past years, the Philippine peso has risen consistently against the US\$. In 2005, one US dollar equalled 55 pesos; in 2011, it was down to 43 Pesos. 100 million PP in 2009 would have equalled 2.1 million US\$. However, not only is the per capita GDP of the US more than 10 times that of the Philippines, more importantly, US per capita income is around 41,000 US\$, whereas the average individual Filipino's income stood at 2,000 US\$ in 2010. So, to a certain extent, a peso millionaire in the Philippines can be equated to a dollar millionaire in the USA in terms of purchasing power.

Nevertheless, familialistic control is not wholly devoid of options for social mobility. Newcomers can be found in every region, all of whom, however, consistently move to establish their own political families by placing close relatives in office, thereby supporting change as well as self-sameness at the same time. Whereas families may rise and fall, familism remains the overarching constant of provincial politics (and economy). The avenues that lead to oligarchic status – i.e. the fusion of wealth and political power – seem to differ among regions. While established political families reinforce each other, there are various forms of capital that may be utilised to substitute wealth, political power, or both. All venues for attaining elite status described below may theoretically be applicable in all research areas, empirically, however, observable patterns differ.

*Rising by means of prior wealth or fame:* This avenue is more common in regions that are not dominated by traditional economic structures and a highly cohesive elite class that rallies around a common symbol of status. In Negros Occidental, elite-members define themselves inevitably as sugar-planters and millers, even though their economic mainstay may be other forms of business. In the Muslim regions, leading families trace their pedigrees back over centuries, claiming hereditary rights to rulership even though the linkages to the past in a number of cases may be more fictitious than real. In neither of the two cases is an outsider likely to amass sufficient wealth and ‘buy’ his/her entry into the local oligarchy or become elected via prior celebrity status.

This is different in Pampanga, a comparatively modernised region, where one family, the Piñedas, made it to the top on account of prior wealth, and another, the Lapidis, suc-

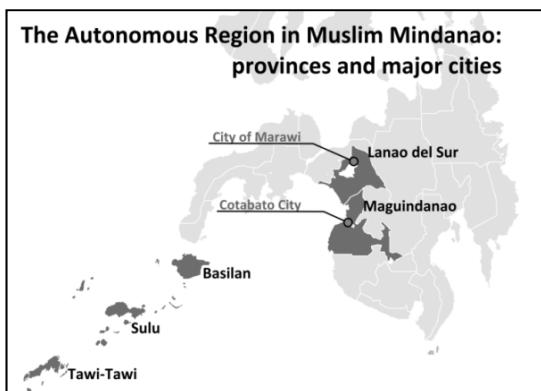


sceeded by banking on the patriarch's fame as a movie star, translating fame first into the position of provincial vice-governor (1992-1995) and then governor of Pampanga (1995-2004). From this position, he managed to become elected as one of 24 Senators of the Philippines. The initial rise of the Piñeda family seems to have been directly connected to Rodolfo Piñeda's increasing control of a popular illegal numbers game in the province of Pampanga and adjacent regions since the 1980s. The profits earned in the business were partly distributed to politicians, policemen and administrators, securing him a dense network of allies among the localities, and could be used to support other politicians' bids for power financially. In return, these contacts helped establish his wife Lilia as mayor of the Piñedas' home municipality of Lubao. Over the past quarter century, Lilia rose from town councillor to mayor (1992-2001) to provincial councillor (2001-2007) and finally to the apex of provincial power as governor of Pampanga (since 2010). The Piñedas successfully installed their children Dennis and Maylyn in political positions. Dennis took over as mayor of Lubao in 2001 and passed this position on to his sister in 2010. The son's wife Yolanda has been mayor of the adjacent municipality of Santa Rita since 2007.

*Rising by means of controlling the means of violence:* This is only possible in those regions of the Philippines that are plagued by guerrilla movements; mostly, but not exclu-

sively, the Muslim regions. In these areas, control of armed forces can become a crucial form of capital in the context of peace deals with the government that more often than not result in the co-optation of former guerrilla leaders. However, in neither Pampanga nor Negros Occidental have the Communist splinter groups that made peace with the government in the past two decades been strong enough to secure leading local positions for their top cadres.

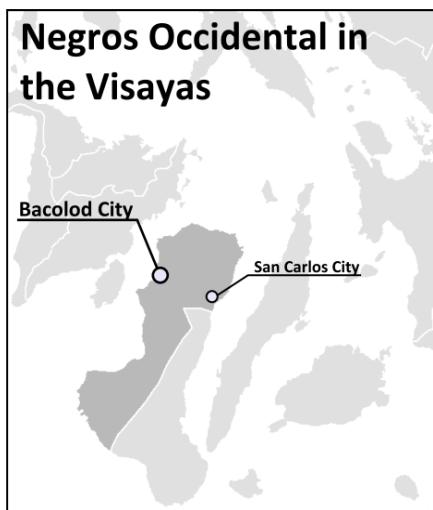
This is visibly different in Muslim Mindanao: there, Muslimin Sema, a founding and leading member of the Moro National Liberation Front (MNLF), managed to transform himself into an influential local politician in the wake of the peace agreement signed in



1996. When the MNLF struck this peace deal with the Philippine government after a quarter century of civil war, the guerrilla movement secured political control of the Autonomous Region in Muslim Mindanao (ARMM). Sema became the ARMM's executive secretary, likewise assuming the important position of Executive Director of the Southern Philippine Council for Peace and Development in 1998. In this position, he was able to

develop large networks of 'friends' amongst the traditional Muslim politicians. He also gained control of the largest faction in the MNLF and a significant number of its (non-demobilised) forces, thereby backing up his personal power in the currency most crucial in this region, where all contenders for political power control private armed groups (PAGs). Realising that power grows from the bottom up, he became mayor of Cotabato City, the regional economic and political hub, in 1998. It certainly helped that his wife Bai Sandra Sinsuat Ampatuan Sema, is related to two of the most powerful traditional Muslim political clans in the province of Maguindanao, the Sinsuats and Ampatuans. She built the local business empire of the family, encompassing large tracts of development land, and a local franchise for Coca Cola (interview Cotabato City 2010) as well as a number of other business ventures. His wife joined Sema in politics, first by becoming the Chairwoman of Cotabato City's Tourism Council and then, in 2010, Congresswoman for the first district of Maguindanao and Cotabato City. Sema is yet to transfer the power amassed by himself and his wife to his various children. One of his nephews is councillor of the Cotabato City council while his brother Romeo is the general secretary of the MNLF-faction headed by Muslimin Sema and appointed member of the Regional Legislative Assembly of the ARMM.

*Rising by means of national sponsorship:* With this method, no new oligarchs are established but the balance of power amongst the oligarchs in a region or province can significantly be altered. During the Marcos dictatorship (1972-1986), this pattern could be found in all three research areas. In the Muslim areas, Marcos loyalist Ali Dimaporo rose to undisputed leader in his home province Lanao del Sur, where he held the governorship, and also gained influence in adjacent provinces. Similarly, in Negros Occidental, President Marcos clipped the wings of the highly influential sugar barons who were not loyal



to him, installing two sugar barons of minor stature as his ‘representatives’ on the island: Roberto Benedicto and Armando Gustilo. In Pampanga, Marcos attempted to tighten his grip by having loyal Estrelito Mendoza elected provincial governor in 1980. This was a highly disputed election in that his election rival, Jose Bulaon Lingad, was assassinated shortly before the elections by a member of the Philippine constabulary (who died in an accident before he could be prosecuted).

The most recent case of a phenomenal rise in power through official patronage from the presidential palace is the Ampatuan clan of Maguindanao (ARMM). Up until 2001, this clan was no

more than one amongst a number of clans vying for power in Maguindanao and the wider ARMM area. As they enjoyed the support of President Gloria Macapagal-Arroyo they managed to become regional overlords in later years, holding the governorship of Maguindanao and the ARMM, among others. In return, they delivered election victories in which opponents received not even a single vote in certain electoral districts.

### 3.3 The economic bases of politics

A look at the sectoral employment in the three areas displays huge variance, with Pampanga being by far the most modernised of the regions. As early as 2000, employment was mostly in the service sector (58 per cent), industry coming second with 30 per cent, and only a small remainder of 13 per cent of the province’s labour force employed in agriculture. Even though Negros also exhibits a significant amount of diversification, the economic mainstay of the province is still the mono-crop sugar industry. In 2002, agriculture employed 47.7 per cent of the population.<sup>6</sup> The ARMM is the most backward region of the Philippines, reporting a share of 70 per cent in agricultural employment in 2010 (Bureau of Agricultural Statistics 2012: 5).

These differences have significant ramifications for the economic basis of oligarchic wealth in the three regions. In the ARMM, despite the fact that landownership seems highly concentrated, it is of less crucial importance economically as agricultural production is low in market terms. Instead, the local oligarchy’s wealth depends to a large extent on the defence of government positions and the direct exploitation of the state. In the

<sup>6</sup> More recent data at the provincial level is unavailable (for Pampanga see: Delgado/Narrod/Tiongco 2003; for Negros Occidental see: Negros Occidental Provincial Planning and Development Office 2011). Regional data for 2011 is 22 per cent of agricultural employment in Region III, to which Pampanga belongs, and 40 per cent in Region VI, which harbours Negros Occidental (Bureau of Agriculture 2012: 21).

other two cases, the oligarchs have significant economic interests beyond the state. The need for direct exploitation of state coffers is thus significantly lessened.

Economically, the Negros as well as the Pampanga elite can draw on their control of agriculturally productive land and a multitude of economic interests like transport, real estate, shares in local monopolist suppliers (e.g. electricity and water), banking institutions, the media, bioenergy and illicit profits derived from corruption, skimming of government contracts and operating or profiting from illegal business ventures like gambling.

Typically, oligarchic families develop a locally dominant economic position through multi-sector business activities. This is illustrated by the Nepomuceno family from Angeles City, a chartered city surrounded by the province of Pampanga: While there are other powerful local political families, most notably the Lazatin-family, the Nepomuceno's are the economically dominant force. They own the major local service providers for electricity and water as well as the local university. Several decades ago, they managed to transform a large tract of agricultural land into development and commercial land, which became an important residential and business district in Angeles City, supplemented by the construction of a large shopping mall. The family owns several real estate companies and a holding as well. Even though they still have some agricultural interests, these seem to be of minor economic importance.

Wealth can also be generated and upheld via control of political positions that enable the individual oligarchs to redirect or illegally profit from government contracts. This seems to have been done in a fairly systematic manner a few years ago in the case of the national road improvement programme. As many witnesses put on record, the programme was controlled to a significant extent by the President's husband, who garnered huge profits. According to the testimony of the vice-president of a Japanese construction company, the First Gentleman took about five per cent of the contract price, the same amount went to various senators and three per cent went to local government officials. Noelito Policarpio, Chairman of a Pampanga-based construction company, made clear that these were quasi-institutionalised practices. According to him:

the decision regarding who will win the contract is made not by contractors but by politicians through the results of the “influence action” system.

Losing bidders are paid off by the winning bidder. Politicians would then receive their S.O.P. [standard operating procedure; P.K.] monies from the contractor's advance payment, in accordance with the percentage that they have previously negotiated on. Two politicians are usually involved: the politician whose area is hosting or affected by the contract and the politician who controls the implementing agency (Philippine Center for Investigative Journalism PCIJ 2009).

In the ARMM, war-torn and one of the poorest regions of the Philippines, business activities cannot account for oligarchic wealth to a similar degree as in the other two provinces. With a local poverty rate that for most of the past two decades remained above 50 per cent of the population (2006: 61.8 per cent), there exists no relevant local market, neither is there much profitable agricultural production, nor a high demand for services. Here, the main source of oligarchic wealth is clearly the state itself as well as resources provided by international donors. The extent of outright plundering of state coffers in the ARMM is documented in the next section.

Despite these differences between the ARMM, where ‘raw predation’ predominates, and Pampanga and Negros Occidental, where local oligarchs have transformed themselves into modern businessmen to significant and varying extents, all the local orders approximate what Hutchcroft has characterised as “booty capitalism” (Hutchcroft 1998). He argues that in the Philippines

one finds far more oligarchy building than state building; the oligarchic families have had ample opportunities, historically to consolidate their power [...] while the state has remained woefully underdeveloped. As a result, the state apparatus continues to be easy prey to a powerful oligarchic class that enjoys an independent economic base outside the state, yet depends upon particularistic access to the political machinery as the major avenue to private accumulation (*ibid.* 12).

Let us now turn to the ‘benevolent’ side of Mafia-style domination, in which services are provided to clients and the local community at large, termed patronage.

#### **4. Self-enrichment and patronal distribution as the core pattern of non-coercive domination**

Patronage is a phenomenon that requires an indispensable good: resources that have to be controlled by the patron so that they can then be dispensed as gifts and favours. While not all of these resources are material, many are. Most of the ones that are not, however, will hold monetary value. What is more, all of these goods are scarce. Acquiring personal control over their distribution may include breaches of law – as when a contract is purposely not awarded to the lowest bidder in competitive bidding. However, the respective practices are fairly often in a grey zone and may be interpreted as lawful activities, as in the case of overstaffing in public administration and public corporations. The result is blurred boundaries between legal and illegal activities. This section will focus on various practices of both the acquisition and distribution of goods as the two core patterns of non-coercive domination.

The most crucial aspect of patronage in all three cases is the personalisation of services provided by the state; i.e., all services, even though they may be based on statutory rights, must originate with and be attributed to the person of the patron. In the Philippines, this is most visible in public vehicles like ambulances that very often carry the name of the official who ‘donated’ the respective item; in reality, however, he/she merely managed to secure funding by a government agency. As an example, the name of the current mayor of Pampanga, Lilia Piñeda, is fixed to all patrol motorcycles for *Barangay tanods*,<sup>7</sup> which the provincial government has distributed to various municipalities since her election in 2010. Equally popular is the personal hand-out of goods and other benefits to which the respondents are entitled. In September 2012, Negros Occidental Governor, Alfredo

<sup>7</sup> The Barangay is the lowest administrative unit of the Philippines, similar to an urban ward or a rural village. Barangay tanods are volunteer police auxiliary for local security in the Barangay.

Marañon, “distributed checks worth a total of P700,000.00 representing the insurance benefits of barangay tanods and officials” who had died of natural death. As the official homepage points out, “these checks were personally received by the widows and children in a simple ceremony held at the Governor’s office” (Negros Occidental Government 2012b). As officials have significant leeway in spending public funds, they can regularly resort to highly publicised ‘gift giving’; for example, Governor Piñeda of Pampanga is seen as extolling the virtues of a patron when, she gives donations in the form of ‘gift packs’ to 30,000 beneficiaries in the provincial capital of City of San Fernando, and to more than 10,000 others in various other municipalities on the occasion of Christmas. She explains that she “wanted our poor province-mates to feel the spirit of sharing this Christmas” (Piñeda cited in: Philippine Daily Inquirer 2011). There are no limits to the imagination when it comes to practices through which public resources are brought under private control and then doled out to various clients and ‘friends’. Some of the most prevalent will be presented on the following pages.

#### **4.1 Ghost projects, ghost employees, ghost equipment**

One core mechanism for self-enrichment is simple embezzlement that can come in many forms and provide the resources for propagating patronage.

The Commission of Audit regularly criticises the failure of relevant units “to reconcile, identify, and properly classify balances of assets [...] which renders doubtful the validity of [...]% of the total assets recorded in the books of accounts of the LGU” (Commission on Audit 2011a) with respect to practically all Local Government Units (LGUs) in Negros Occidental, Pampanga and the ARMM. Another formulation repeated in almost all auditing reports points out that “the validity and existence of the balance of the PPE [Property, Plant and Equipment; P.K.] balance [...] could not be ascertained due to the failure of management to complete the physical inventory taking of its property, plant, and equipment” (Commission on Audit 2011d: 24). As these deficiencies are normally not rectified for a long time, after a few years’ time, it becomes impossible to know when, by whom and to what degree assets or property were pilfered or in how much actually existed in the first place. Despite the well-known problems, regular audits do not include on-site inspections by the commission’s representatives; repeated failure to rectify local practices also does not result in administrative or legal consequences.

While this problem exists in all provinces, it is most dramatic in the ARMM region. There, the Commission on Audit actually conducted in-depth on-site inspections in some parts of the ARMM in 2010, formerly controlled by the Ampatuan clan.

The results, reported in four volumes, were devastating: Projects within the purview of the ARMM Department of Public works and Highways costing 422.8 million Pesos manifested deficiencies of 364.6 Pesos (86 per cent), meaning that no more than 14 per cent of the respective funds were utilised for their intended purposes; the remaining 86 per cent simply vanished. Additionally, the Commission on Audit pointed out that “the validity and legitimacy of payments amounting to P1.23 billion to 112 suppliers/contractors may be considered questionable” (Commission on Audit 2011e: 4). With respect to the province of Maguindanao, the Auditors reported that “transactions amounting to P865.887

million may be considered fictitious as these were either denied by the suppliers or supported with spurious documents. Likewise, 99 projects costing P873.448 million were found deficient by P841.925 million,” which makes for a deficiency of 96 (!) per cent (Commission on Audit 2011f: 4, 7; see also US Embassy 2006).

Furthermore, there seems to have existed a deliberate political strategy for enlarging the share of the budget going to the ARMM by reporting an inflated population growth, thereby raising the Internal Revenue Allotment apportioned to the municipalities ('ghost population'). At the same time, a large number of new municipalities were created by subdividing old ones. This gave the local elite control over additional funds and political as well as administrative positions that could either be directly occupied or doled out to members of the wider family or allies. Neither of these practices can be observed in the other two provinces.

Such practices, however, would not have been possible if national level politics had not turned a blind eye to it. Actual practice seems to have been even worse: A local politician from the ARMM argues that the ARMM and local government units in the region

were used to launder money, government money in this case the money-laundering means government funds going through the black hole of the ARMM and the local government units and they share. 50 % for the ones on top and 50% for themselves. That's pure greed, because the projects are never built. ... We were a very convenient blackhole for those in Manila, who want to make money out of government (Interview 2010, kept anonymous).

Other, less spectacular, forms of patronage that are utilised fairly frequently include over-staffing (which is hard to prove) and the provision of monetary extras that are not in accord with the law to employees. Whereas the problems probably exist to a certain extent in all three regions, the ARMM stands out with respect to its severity as the regional and municipal governments employ thousands of 'ghost teachers' and various other 'ghost' employees. According to official data, at least 10 per cent of the 22,000 teachers that are on the state-payroll in the ARMM are non-existent (Philstar 2012; Dept. of Education ARMM 2012). Mutual mudslinging in the 2013 pre-election phase brought to light that the mayor in Angeles City (Pampanga) had put up a large number of ghost job-order employees on the city payroll, amongst them many relatives of Barangay officials. What is more, none of those supposed temporary government employees were ever informed about their government position. With the high costs of electioneering, it is likely that the embezzled amount was meant to be utilised for purposes of patronage in the upcoming elections (Headline Gitnang Luzon 2012a; 2012b).

Ghost employees are only one form of the more general phenomenon of overstaffing, which is prevalent in the Philippines. Even though there is a lack of information on specific local government units (LGU), it is clear that the problem is widespread. With all probability, none of the analysed regions is an exception to the rule that not only part of the regular staff, especially temporary employees, are hired for reasons of patronage, broadening the support-base of the office-holder by generating debts of gratitude (see Manasan/Castel 2010: 56). In addition, Local officials argue that they hire "large numbers of employees/casuals in the lowest salary grades as response to lack of employment opportunities in their jurisdictions" (Manasan/Castel 2010: 57). This results in a shortage of skills, as money used to employ casual staff in the lowest salary grades takes from the em-

ployment of higher skilled regular employees. A full 25 per cent of municipality staff falls into the category of casual workers. While far from all casual workers are employed for political reasons, “local appointive officials [...] admitted that some casuals in the employment rolls of some LGUs are hired to pay political debts” (Manasan/Castel 2010: 61).

#### 4.2 Patronizing public employees

Quite a significant amount of patronage seems to flow to public employees. In most of its reports, the Commission on Audit puts forth the criticism that cash advances are freely given to employees without ever enforcing the subsequent liquidation, making it impossible to control how the advanced money was spent. In this respect, the provincial government of Negros Occidental provides a typical example: Despite stringent (and well-known) regulations, the 2010 audit revealed unliquidated cash advances to officers and employees amounting to more than PP 43 million, of which 50 per cent had been granted in 2009 and earlier years, meaning those advances had not been liquidated for more than one year, at the least. (Commission on Audit 2011g).

Wide latitude is given to local government executives in distributing various types of boni, thereby enhancing their patronage power. Beyond this, patrons may also contribute money of unknown origin, leading the population to believe that it is their personal money. Pampanga Governor Lilia Piñeda contributed PP150,000 cash for a Christmas lottery for the provincial employees and made good on a promise to provide the provincial personnel with cash gifts for Christmas: “Each job order personnel received P 30,000 plus two whole chickens as Christmas gifts, a much welcome personal gesture from the provincial governor.” The regular and casual employees received “P 40,000 productivity enhancement cash incentives [and; P.K.] two whole chickens as additional gifts.” These sums clearly are no trifle: The gifts handed out to the employees amounted to between one and more than two monthly incomes while the contribution by the governor to the lottery equalled about two month’s salary of the governor of Pampanga. Small wonder that as a first token of their gratitude

the employees rendered a Kapampangan song thanking the Governor for making their Christmas happy and colorful even as they wished her good health, happiness and continuous blessings from the Lord Almighty (all quotes from: Province of Pampanga 2010).

This type of personalised bonus system that grants enormous distributive power to the local executive is replicated all over the Philippines. The attendant rhetoric is one of gratitude, as, for example, when Governor Marañon of Negros Occidental releases mid-year boni amounting to half a monthly salary “plus P2,500 cash gift” (Negros Occidental Government 2012a). It should not come as a surprise that mayors and congressmen were pleased that the Department of Interior and Local Government (DILG) allowed them to utilise the unused municipal calamity funds in 2011 as “cash gifts for their employees” (Inquirer.net 2012b).

### 4.3 Patronage in public corporations

Public or quasi-public corporations, most prominently in the provision of basic services like electricity and water, provide excellent opportunities for patronage, not only through various sorts of irregularities in procurement but also by overstaffing and thereby providing benefits to clients. Examples in this field are electricity providers like the Maguindanao Electric Cooperative (MAGELCO) in the ARMM, the Central Negros Electric Cooperative (CENEKO) in Negros Occidental, and the Pampanga Electricity Cooperative II (PELCO II).

Whereas respective numbers are not available for MAGELCO, both CENEKO and PELCO are characterised by severe over-staffing. As both providers service mainly urban areas, they should have a consumer/employee ratio of around 500/1. However, CENEKO has a rate of 381/1 and PELCO even has a rate of 187/1 consumers/employees, indicating high levels of patronage (Hasnain/Matsuda 2011: 17). Both cooperatives are characterised by “significant pilferage, collusion between consumers and employees, patronage driven overstaffing, high management turnover, and considerable procurement irregularities” (Hasnain/Matsuda 2011: 20). MAGELCO even grappled with an order by the Anti-Money Laundering Council that froze the assets of a former member of MAGELCOs management who was part of the Ampatuan family (Datu Andal Salibo Ampatuan), due to “probable cause that [...] MAGELCO funds, are related to unlawful activity” (Manilatimes.net 2012; see also: Newslinktv.blogspot 2011b). An audit by the National Electrification Authority (NEA) also revealed that MAGELCO drew on NEA funds available for depressed localities in 2005, without returning the excess funds of about 1 million pesos after completion of the projects; subsequent requests by NEA were simply ignored (Commission on Audit 2009: 32). The ARMM electricity providers (Tawelco, Baselco, Caselco, Magelco, and Suleco) collectively occupy the last positions in the national ranking of system losses, with Magelco and Suleco reporting more than 40 per cent (NEA 2012: 47). This points to a further form of self-enrichment and patronage: tolerating illegal tapping of electricity on a large-scale basis.

The boards of such corporations are also regularly staffed with members of the locally dominant family. The Maguindanao Electric Cooperative (MAGELCO) has been largely owned and controlled by the Ampatuan family (Datu Andal Salibo Ampatuan), whereas its general manager belongs to the Lidasan family, which in turn is connected to the Candao family, both of which are of significant political importance in Maguindanao. The current president of the MAGELCO board, Datu Tuagantang Zainal, is a member of the royal house of Buayan, the stronghold of the Mangudadatu Clan, whose leader Esmael ‘Toto’ Mangudadatu is the provincial governor of Maguindanao (Commission on Audit 2009, Newslinktv.blogspot 2011b, Inquirer.net 2011, Manilatimes.net 2012). Similarly, the board of the Central Negros Electric Cooperative (CENEKO) hosts Roberto Locsin Montelibano, Zenaida Diamante Lacson, Luis Jalandoni Cuenca, Paul Trebol Lizares and Cesar Ramos Leonardia, each of whom represents one locally dominant family which has other members that are active in business and politics.

This holds true all over the Philippines and for various types of electricity providers (private, cooperative, public). In 2009, a confidential cable from the US Embassy pointed out that “(t)he heads of leading companies in the energy sector hail from elite families who use

the sector as a stage to enhance their dynastic clout" (US Embassy 2008).<sup>8</sup> In this respect, as in most of the others mentioned above, differences seem to be in degree and not in principle. Once again, the most apparent, widespread and serious cases are in the ARMM, whereas the other two provinces show similar patterns of a significantly lesser magnitude.

#### 4.4 Pre-election patronage

A specific type of pre-election patronage offensive focuses on garnering additional high-profile projects for the politician's constituency, which are then prominently advertised in the media so that the public comes to believe that it pays to re-elect a certain politician. During the last election, one prominent case was that of then President Gloria Macapagal-Arroyo, who contested the position of Congress representative of the 2<sup>nd</sup> legislative district of Pampanga. The year 2009 saw PP 434 million worth of projects going to her prospective district, a number that fell to PP 218 million in 2011 with the completion of many of the projects granted during her last year in office, and then to a meagre PP 20 million in 2012 (Punto 23-24 July 2012, 4). In the 2010 elections, Arroyo got 77 per cent of the votes cast in the second district of Pampanga, with her closest rival taking less than 10 per cent. In summer 2012, Carmelo Lazatin, the incumbent congressman of the 1<sup>st</sup> congressional district of Pampanga, presented a PP 342.9 million infrastructure programme for the year 2013 (Punto 2012), the year in which he wants to become mayor of Angeles City, a position he already held from 2001 to 2007. As he has to compete with a fairly popular and successful incumbent, this impressive announcement serves as a reminder of his capacity to channel funds to the local level.

Politicians also try to secure the votes of their employees and the latter's relatives by generous 'gifts' in advance of elections. While it is not possible to directly prove that certain benefits are doled out for reasons of patronage, there is some evidence – such as in several politically highly contested municipalities in Pampanga – which shows that the municipal government ordered back payments of cost-of-living allowances to their employees for fifteen years (1989-2004) in September 2009, shortly before the start of the election campaign for the 2010 elections (see: Commission on Audit 2010a: 20; Commission on Audit 2010b: 14). This happened despite the fact that such allowances are illegal as they are integrated within standardised salaries. It also is certainly no coincidence that, in late October 2012, the governor of Negros Occidental announced that all provincial employees would receive a pay hike of 25 per cent from January 2013 onwards. This announcement came only a short time after it had become clear that he would not run without serious opposition in the 2013 elections but face his own vice-governor as a contender for the top position (watchmendaily.com 2012).

8 This practice was taken to the extreme by the former President and present Pampangan Congress representative Gloria Macapagal-Arroyo. Shortly before her demise as president, she resorted to so-called 'midnight appointments', securing positions for close to 1000 (!) persons, mostly in the realm of public corporations or supervisory agencies. Most of the positions carry a decent income but hardly any responsibilities (for a list see: Valderama 2010).

#### **4.5 Establishment civil society, philanthropy and patronage**

A further venue for patronage utilised by the dominant powers is the establishment of non-governmental organisations (NGO), most often in the form of foundations that claim to further projects in the interest of the poor and needy. This is one option for dispersing at least part of the pork barrel money with which every congressman and senator is endowed. Congressmen can use of up to PP 70 million per year, senators up to 200 million, for development projects they deem important. Whereas the representatives normally use this money for supporting projects in their constituency, senators (who have a national constituency) spread their Priority Development Assistance Funds (PDAF) nationwide. Even though a number of checks and balances theoretically exist on the choice of project, implementing agency and the application of funds, in practice, it is the individual congressman's decision and checks are largely non-existent. Many patronised NGOs "disappear as soon as their PDAF patrons have finished their term in Congress, and with them, the millions they had received from the pork barrel" (De los Reyes 2012). There is serious evidence that a significant number of these 'NGO's' never even existed at all, but functioned only as a conduit to channel the PDAF into the pockets of individual politicians. Even if not misappropriated, allocating PDAF funds to the representative's own family foundations obviously helps in strengthening the politician's patronage capabilities.

Members of the Macapagal-Arroyo family, with its two branches in Pampanga and Negros Occidental, function as incorporators in at least nine foundations and are connected to a number of others, most of which are not accredited with the relevant regulatory body (Paraan 2009). In addition, none of these foundations is certified by the Philippine Council for NGO Certification (PCNC) even though only a PCNC certification would enable donors to deduct donations from their income tax. They share this characteristic with most of the other major NGOs entrusted by congressmen with PDAF funds. These NGOs opt against transparency and control even though this proves financially costly for them. It comes as no surprise that hardly any of these foundations discloses its sources of funding or reports on their expenditures, programmes or projects. Many of them do not even have a working telephone number.

A most fascinating account of the specifics of patronage with respect to NGOs is provided through the 2010 audit of NGOs and POs (people's organisations) active in Negros Occidental and funded by the provincial government. The audit checked on the liquidation of provincial grants that were granted from the years 2000 (!) to 2009. During these 10 years, various organisations received a total amount of nearly PP 50 million in trust fund grants of which 60 per cent were still unliquidated by the end of 2010. Of the more than PP 130 million granted as general funds, a staggering 90 per cent were unliquidated (Commission on Audit 2011c).

Even when such foundations actually do cater to the needs of disadvantaged groups, as most notably the Julio and Florentina Ledesma, the Genesys and the ARDEP foundations (Asian Rural-Urban Development and Peace Institute) in San Carlos, Negros Occidental, they tend to work to the advantage of the politicians to whom the organisations are

linked; in this case, for congressman Julio Ledesma IV and his allies in his home-district in Negros Occidental, the Zabaleta family.

The Ledesma Foundation, which was founded in 1974 as a research facility for the sugar industry, later turned towards community development in San Carlos and a number of adjacent municipalities. It hosts Archbishop Antonio Ledesma and four further members of the family amongst its board of trustees, two of whom also act as the foundation's president and vice-president.

The Zabaleta's Genesys Foundation specialises in sustainable development in San Carlos. The ARDEP Foundation is engaged in rural poverty reduction. Furthermore, all three are directly connected at the leadership level. ARDEP's chairman, Nestor Abdon, is also programme coordinator of the Ledesma Foundation (and holds a professorship at Recoleto University in Bacolod City). In addition, and politically more relevant, Jose Maria Zabaleta, who is a board member of the Genesys as well as Ledesma foundations, holds the position of vice chairman of ARDEP, thereby linking all three, ostensibly independent, foundations. Further linkages are provided by other personnel, as for example by Dr. Billy Tusalem, who acts as board member of the Genesys and Ledesma foundations, as treasurer of the Genesys and director of the Ledesma foundation, and as president of the San Carlos Development board. This board is not, as the name might suggest, a municipal agency but an 'NGO' which developed and implements the city's master development plan. Judging from its leadership, it seems to be a coordinating agency for the locally leading families, with two Zabaleta family members on the board. Dr. Tusalem also links the local foundations to the provincial level, as he is also president of the Bacolod-based 'Multi-Sectoral Alliance for Development Negros' (MUAD-Negros) (Bureau of Micro, Small and Medium Enterprise Development (2011: 192-193). The two local foundations and the San Carlos Development Board even share the same secretary, Atty. Marie Therese T. Bermejo, who is concurrently a member of the board of the JF Ledesma Foundation.

While these foundations are ostensibly engaged in different forms of development work, they also support and back up the business interests of the leading families.

The Ledesmas, as the Zabaletas and the Valmayor family, who hold the position of municipal mayor of San Carlos City, are engaged in a vast array of fields, from agriculture to agribusiness, real estate and various types of services. The dividing-line between these business interests and philanthropy is blurred in several respects. The Ledesma foundation has cooperated with San Julio Realty, a subsidiary of San Carlos Land, Inc., for a long time, both of which are owned by the Ledesma and Zabaleta families.<sup>9</sup> San Julio Realty, specialises in the development and sale of a large number of subdivisions owned by the Ledesma and, by now, likely also the Zabaleta families.

9 Until a few years ago, this was a purely Ledesma-owned corporation. By now, the Zabaletas seem to have taken over control with Venture Factors, the business development arm of the family-controlled Zabaleta & Company, completing a leveraged buy-out of San Julio Realty.

Most importantly, the Ledesmas, Zabaletas and Valmayors cooperate in ‘San Carlos Bioenergy’, a huge biofuel and electricity project. Jose Maria T. Zabaleta occupies the position of president in this joint venture.<sup>10</sup> In addition, the Zabaleta family controls Bio-mass Resources Inc., a company that provides the services in the field of sugarcane and energy crop planting. One family member, Juan Xavier Zabaleta, heads San Julio Realty Industrial Construction (SJRI), an offshoot of San Julio Realty. It comes as no surprise that SJRI garnered a P160 million contract for the “design and construction of the Site Development of San Carlos Bioenergy’s new ethanol plant in San Carlos City. Subsequently, SJRI secured additional subcontracts for civil works from the ethanol plant’s other contractors [...] valued at approximately P40 Million” in 2006 (SanCarlosInteractive.com no year). In addition, the Zabaleta family owns the North Eastern Port & Storage Corporation, which operates the pier facilities for storing and transporting the biofuel produced by San Carlos Bioenergy (San Carlos City 2007).

#### **Visible interlocking relationships among institutions in San Carlos Negros Occidental<sup>11</sup>**

	Genesys Foundation	San Julio Realty	JF Ledesma Foundation	ARDEP Foundation	San Carlos Development Board
<b>Dr. Billy Tusalem</b>	Board Member + Treasurer		Board Member + Director		President
<b>Juan Xavier P. Zabaleta</b>	Board Member + President	Administrative Manager	Treasurer		Board Member
<b>Jose Maria T. Zabaleta</b>	Board Member		Board Member	Vice Chairman	Board Member
<b>Dr. Nestor Abdon</b>			Program Coordinator	Chairman	
<b>Marie Therese Bermejo</b>	Secretary		Board Member + Secretary		Secretary

This rough analysis shows that the Integrated Rural-Urban Area Development Program advanced by the coalition of foundations, the (non-state) San Carlos Development Board, and the municipal government enables the politico-economic elite to control activities (and budgets) in all spheres, to profit from them and to portray themselves as benefactors of the local community of San Carlos, as the projects bring large numbers of jobs and a secure outlet for local producers of sugarcane. At the same time, the old pattern of a monopolist buyer (monopsony) for sugar cane is left intact, with the old sugar centres that

10 The Valmayors are engaged via their family holding Valmayor Ventures Inc. A further Partner is Bronzeoak Limited via its subsidiary Bronzeoak Philippines, which was established in 2003 by Zabaleta & Company with the London based Bronzeoak Limited. One family member, Jose Maria Zabaleta Jr. holds the position of Bronzeoak Philippines Inc. president.

11 These, most probably, are not the only interlocking relationships, owing to the fact that San Julio Realty gives no information about its leadership beyond the name of its administrative manager. For the personnel data of the other organisations, refer to their homepages: Sources: [www.genesysph.org/](http://www.genesysph.org/); [www.jfledesma.org/](http://www.jfledesma.org/), [www.sanjuliorealty.com/](http://www.sanjuliorealty.com/); [www.bronzeoakph.com/](http://www.bronzeoakph.com/); <http://scbiph.com/> (22.1.2013).

catered to thousands of hectare of sugar cane plantations simply being exchanged by the large biofuel plant.

The Ledesmas and their allies clearly fit the model of the ‘profitable altruist’, engaging in various foundations and manning an NGO, all of which aim at sustainable development for the region. At the same time, they operate numerous economic enterprises that profit handsomely from any type of local development, be it by selling and/or developing commercial or residential land, or by constructing a biofuel plant, which operates an integrated ethanol distillery and power generation plant in San Carlos Agro-Industrial Economic Zone.

#### **4.6 Illegal business and the elite: *Jueteng* and beyond**

The previous sections laid out a number of widespread illegal practices exerted by the dominant powers in order to defend their wealth and their positions of power in the context of patronage. With illegal gambling, the following pages focus on a type of outright illegal business that nevertheless can be said to be integrated in Philippine politics in a way that makes it less an aberration but more a system-maintaining practice.

*Jueteng* is a widely popular and illegal numbers game. Despite its illegality, a large amount of the profits are pocketed by politicians, police-officers and administrators, who, in turn, use them (at least in part) to supplement the meagre amount of political and public finance, also putting it to use in a broader way, aiming at their local constituency at large. *Jueteng*-operators serve as substitutes for the

departments of social welfare and of public works in many towns and provinces, considering the amount of money they pour into community projects such as artesian wells, basketball courts, and roads, as well as the doleouts they give to almost anyone who approaches them for financial help. This then gives *jueteng* bosses a deep well of goodwill into which the politicians they deem worthy of their time and attention (among other things) can also dip and use to help propel themselves into public office (Orejas 2007).

*Jueteng* can also provide personnel for politicians in election time; i.e., the vast networks of betting agents. With the agents making their rounds several times a day, they function as the eyes and ears of the operators and can be utilised for ‘propaganda’ as well. During election times, the betting agents (and their families) can be tasked with promoting the politician whom their boss wants to win and, additionally, are likely to vote for him/her, since they know that their economic future is connected to a functioning link to local politics (PCIJ/IPD 1995).

Being that the system is pervasive, it creates vast (and clandestine) networks whose members protect each other, ensuring complete impunity. Despite massive evidence against a large number of persons, there has never been a conviction of the dominant

operators. *Jueteng* seems to be the most crucial criminal denominator of politics and governance from the local to the national levels.<sup>12</sup>

In Pampanga, *Jueteng* and politics appear to be securely ‘in the family’ (Defensor Santiago 2010). In this province, they comprise of a husband-and-wife team, strengthened by the children and alliance-building: Whereas Roberto Piñeda is generally assumed to be the top *Jueteng* operator for Pampanga and a host of other provinces, his wife and children secure the homebase in Lubao and the wider province through mayoral appointments and the position of provincial governor (since 2010).

The Piñedas built strategic relations with the neighbouring Macapagal family, with Gloria Macapagal-Arroyo standing as godmother to the Piñedas’ son. There has been repeated evidence that the Macapagal-Arroyos are likewise involved in *Jueteng* (and smuggling). Similar to the Piñedas, the wife secures the political front and the husband, Jose Miguel Arroyo, is involved in illegal business, supported by the son, who serves to bridge the two fields of politics and crime. In a confidential cable to Washington, the American Embassy in Manila quoted a number of sources who accused the former president’s husband and son of involvement in *Jueteng* as well as connections to major smuggling syndicates. (US Embassy 2005a, 2005b, 2005c; see also: Inquirer.net 2010a).

With respect to Negros Occidental, information on illegal numbers games is scarce, most relying on rumours that link a certain Julio J. ‘Boy’ Jalandoni, who is said to dominate the *Jueteng* business in the provincial capital Bacolod. He is said to have reached this position through good contacts to the family of former President Macapagal-Arroyo. During the Macapagal-Arroyo administration, he was appointed member of the board of Philcomsat Holdings Corp. and Philippine National Oil Co. Jalandoni is said to have good connections to the Negros-based part of the family of the former president (Mejorada 2010, Enrile 2008: 317).. In late 2012, Negros Occidental representative Alberto Benitez pointed out that the current governments more stringent rules on public works reduces local politicians’ options for self-enrichment, forcing them to encourage *Jueteng* to keep their lifestyle (Benitez in Inquirer.net 2012c).

However, according to interview partners on Negros, *Jueteng* is less important than two other forms of illegal gambling – *Jai-alai* and *Masiao* (interviews Bacolod 2011; see also: Cadagat 2012) – and it is widely assumed (but officially denied) that the transfer of Bacolod police chief and his deputy in 2011 was related to his involvement in illegal games. All the author’s interview partners (from representatives of state institutions to journalists and NGO representatives) unanimously assumed that politicians and the police were protecting illegal gambling. However, there exists no final evidence in any of the cases (interviews 2010, 2011).

For the ARMM, there is no incriminating information on illegal gambling, even though a number of the elite are well known as reckless gamblers. While it is presumed to

12 For more on the systemic practice of *Jueteng* in Philippine politics see: Defensor Santiago 2010; Estrada 2010. For corresponding data for the late 1990s see Coronel 2000; see also: PCIJ/IPD 1995, Tan 2003. For further details on *Jueteng* see also Kreuzer 2012 and 2009.

exist, *Jueteng* does not seem to play the same role as a source of illegal financing. In the ARMM, illegal activities seem to revolve more around money laundering, smuggling, kidnap for ransom, and the illegal drug business (Ugarte 2008). In view of the very real danger, interview partners are especially careful with their comments. Nonetheless, they generally confirm respective reports but refuse to go into any detail. Information garnered in interviews concerning the drug business closely correspond to the description given by American Embassy members who report that the local drug lord in Cotabato City “is a member of a powerful clan with a long history of smuggling” and more generally that “drug lords” include local politicians and clan leaders with private armies [who are; P.K.] supported by the police” (US Embassy 2006). According to a high ranking Philippine officer, drug lords in 2006 held “mayorships in at least nine municipalities in Lanao Del Sur Province, mayors of fourteen municipalities in Maguindanao Province, and nearly all of the mayors, including the Vice-Governor of Sulu province”. Two ARMM provincial governors were likewise suspected to be involved in the business (US Embassy 2006). Contrary to this, there are no serious reports on politician involvement in drug production, trade or sale in the other two case studies.

#### **4.7 Preliminary conclusion**

This selective overview of some of the practices of self-enrichment and patronage that may be outright criminal, barely legal or perfectly legal illustrates that:

1. The legal-illegal divide is not a particularly meaningful category for actors in Philippine politics. If patronage requirements collide with formal law or regulations, the latter are regularly waived in favour of the former, as these are essential for establishing and upholding legitimacy.
2. Impunity is comprehensive. The cost of going illegal are low, the benefits high. It comes as no surprise that a large number of politicians and government employees within security services seem to be deeply entangled in both ‘normal corruption’ and outright illegal business as well.
3. There is a widespread demand for patronage, not only because of state weakness and the failure of bureaucratic governance, but also due to the fact that patronage is viewed as the appropriate model of exchange between unequals.
4. Illegal practices fulfil a dual function: on the one hand, they provide extra income to elites on all levels of governance, on the other hand, they substitute for a lean and slim state, as they provide for a steady and reliable source of income that can be used to defray the costs of a multitude of responsibilities that have to be shouldered by the patron-politician.
5. The complex construct of self-enrichment and patronage need not be destructive. While it most certainly is not conducive to fast growth or social, political or economic equality, the San Carlos Bioenergy example demonstrates that this construct can produce positive results with respect to local development. However, this type of successful adaptation and modernisation will not change the fundamental structure of domination.

## 5. The role of coercion in domination

As violence is a core ingredient of Mafia-style domination, this final empirical section analyses the role of this element in gaining and upholding power. This analysis will be subdivided into two parts: the utilisation of violence in conflict with contenders for power (horizontal violence) and in the repression of dissent and penalisation of dissatisfied local elements (vertical violence).

### 5.1 Violence in inter-oligarchic competition

Horizontal violence utilised in the context of inter-family conflict for political positioning and local domination has, at all times, been prominent in the Philippines. Since the American colonial government established an electoral democracy in the early years of the 20<sup>th</sup> century, elections have been highly critical periods, accompanied by mutual threats and allegations of vote buying and ballot rigging. For as long as the American colonial power controlled the police, violence seems to not have played a significant role. With the granting of independence, however, violence became a regular feature of elections. While reliable quantitative data are lacking for the early elections in the late 1940s, it is clear that the number of deaths must have been significant. Later elections regularly cost between about 50 and 200 lives each.

For elections since the late 1990s, the proportion of killed candidates to total victims has been about 20 per cent. The 1998 elections cost the lives of at least 14 politicians, whereas the 2004 polls already cost at least 29 candidate lives. (Philippine Daily Inquirer 11 May 2004: A1, A8). In the 2007 elections, at least 34 of the 129 killed persons were candidates. Earlier police reports gave a total number of 114 killed, of which 59 were said to be candidates. In the 2010 elections, the ratio stood at 19/104 (Anfrel 2010: 93; Bantay Eleksyon '07 2007a: 4; Bantay Eleksyon '07 2007b: 8-9), which would be an improvement, if it were sustained. What stands out in Philippine election violence is its intentionality and precision; the typical form of deadly election violence is assassination. Election violence does not arise from emotionally laden situations as would otherwise be the case if supporters of competing candidates violently clashed. Instead, it is generally “conducted in an organised manner with clear target and an intention to kill” (Bantay Eleksyon 2010 2010: 24). In early 2010, PNP chief Jesus Verzosa reported that even jail inmates are “used as ‘hired goons’ by politicians to kill their rivals” (Inquirer.net 2010c).

Such violence is unevenly spread about the Philippines and it is evident that two of the three research areas, Pampanga and Negros Occidental, do not easily follow this pattern, as horizontal violence is relatively rare. In both areas, the provincial elites have managed to establish a fairly stable kind of oligopoly that puts severe restraints on the means used in the competition for political position. Despite this overall success in reducing violence that arises from intra-elite competition, there are still isolated cases, illustrating the strategic, non-principled character of this renunciation of violence. The 2010 elections, for example, cost the lives of one campaign supporter in Pampanga and one mayoral candidate in Negros Occidental.

By contrast, intra-elite violence is prevalent in the ARMM. During election year 2010, at least 9 village officials, 4 politician employees, 3 of their supporters, 1 close relative and 5 public officials were killed in Maguindanao (part of ARMM) and adjacent territories (including Cotabato City) (calculation based on confidential sources). Most of the killings were done by lone assassins or ones riding in tandem on motorcycles. A few months earlier in late 2009, the then dominant Ampatuan clan massacred at least 57 people after a former ally had decided to run for provincial governor of Maguindanao, thereby contesting the clan's leadership position.

Furthermore, there are numerous blood feuds<sup>13</sup> among contending families that result in outright fire-fights. In 2010, various violent instances cost at least 20 lives and internally displaced more than 4,000 families in Maguindanao and adjacent regions in North Cotabato (confidential sources). One should also mention the killing of several core witnesses and their relatives in the spectacular murder trial against members of the Ampatuan clan (Inquirer.net 2012b).

Despite these fundamental differences in actual levels of violence, the working-principle of violence-control is, to a certain extent, similar in all three regions: an arrangement must exist between the contending families that delimits competition. In the ARMM area, such arrangements evolved during the past decade through domination of inferior by superior oligarchs and broke down as soon as the superior oligarch's grip on power weakened. In Negros Occidental and Pampanga, the more fitting model would be a 'mafia-commission' – a loose network of family leaders with a strong godfather in the background that collectively "mitigates the problem of lateral predation and conquest" (Winters 2011: 68). In Negros, this type of self-control is even institutionalised to a certain extent in the form of a regional party – the United Negros Alliance – that is controlled by Danding Cojuangco, one of the wealthiest men in the Philippines and most probably the largest landowner on Negros. He has the final say on who runs for election yet he does not run himself.<sup>14</sup> Pampanga seems to display similarities to the Negros model; however, it is slightly differently structured, as domination focuses on a small number of cooperating families without a godfather in the background. With the advent of the new governor Lilia Piñeda, a new local party, Kambilan, materialised, launched in September 2012. Barely a month later, it already seems to have attained a hegemonic position, as 19 out of 20 mayors have become members and, consequently, in a show of force, pledged support to her re-election bid for 2013 (SunStar 2012). In both cases, com-

13 Even though there are occasional feuds in other regions in the Philippines, the prevalence of a neo-traditional concept of blood-feuding – complete with the accompanying patterns of management and resolution via mediation and the paying of blood-money – is a regional peculiarity. The feud is still a prevalent practice that pits whole families against one another. Some feuds last for several generations, repeatedly bringing about revenge-killings that target members of the opponent clan. Even though the destructive features of feuding are widely acknowledged, the individual clan's right to this form of conflict behaviour is not challenged.

14 This cartel of power is currently under fire as the present governor and vice-governor are competing with each other for the position of governor in the upcoming 2013 elections. As both try to establish their extended networks, there will be significantly more real competition in the forthcoming elections. Whether or not this will result in higher levels of violence remains to be seen.

petition is (at least partly) controlled by self-organisation in parties revolving around a pre-eminent person.

## 5.2 Violence in the control of the population

Repressive violence has been a recurrent and stable feature of Philippine politics for the past century. Extrajudicial executions have been practiced for decades and have been especially rampant during the past decade. Depending on the sources, the Philippines have witnessed between several hundred to over a thousand extrajudicial executions since 2001. They targeted a broad array of critics, from journalists to farmers (who hoped to benefit from land-reform), public officers and judges to members of various activist groups, journalists and elected politicians (Parreño 2010). The crime-resolution rate lay at a meagre 1 per cent, accounting for an impunity rate of up to 99 per cent (Parreño 2010: 13).

In the ARMM, the past four decades saw the transformation of fairly traditional leaders, who could command a certain amount of armed followers, into modern warlords who control large numbers of armed retainers and externalise the costs to the state budget by employing their loyal followers as either municipal policemen or *Barangay tanods* – i.e., police auxiliaries that legitimately carry arms in this region (Interviews Manila, Cotta-bato City 2004, 2005, 2010). While these forces play a role in deterring contenders for power, they are also used to intimidate the local population and enforce the will of their superiors (Kreuzer 2011b).

In Pampanga and Negros Occidental, violence is employed as a control strategy in two different contexts. In the conflict between the communist New People's Army (NPA) and the Philippine state, violence is characterised by its semi-military nature (ambushes, fire-fights, raids, etc.). In this respect, oligarchs in both Negros Occidental as well as Pampanga seem to play only a minor role. The oligarchs' role is much more direct with respect to threats faced on two accounts: losing control of land and people in the context of the land-reform and being exposed in profitable but illegal deals as either politicians or businessmen.<sup>15</sup>

An example of the latter category was the assassination of a local judge in Negros Occidental in April 2012. According to the NBI, the assassins belonged to a splinter faction of the communist New People's Army, the RPA-ABB, which has signed a peace-deal with the government and has been connected to a large number of killings and disappearances of activists since then. Many of its members are said to be employed as thugs and hired-killers by local *hacenderos*. According to the NBI, the assassination was commissioned by Illog mayor John Paul Alvarez, the son of Negros Occidental Vice Governor Genaro and brother of 6<sup>th</sup> district representative Mercedes Alvarez (Manilabulletin.com 2012). Later witness statements even implicated the vice-governor himself as one of the contractors in the killing (Inquirer.net 2012a). The judge was supposedly handling a graft-case involving Alvarez.

15 For more information on the history of violent control in the three regions see Kreuzer 2011a, 2011b, 2012.

Quantitatively, both Pampanga and Negros Occidental are characterised by high levels of politically motivated violence that targets various types of activists with forms of violence differing according to the target. Whereas land-reform related violence that targets prospective beneficiaries seems to be scarce in Pampanga, in Negros Occidental, there have been multiple reports of intimidation perpetrated by private agents of violence, who are either employed by landlords (so-called blue guards) or are workers loyal to them (interviews Bacolod 2010, 2011). This type of intimidation and low-level violence does not stop short of targeting officers of state agencies; Most prominent is the Department of Agrarian Reform (DAR), whose representatives are forced to work under police or military protection since they are threatened by various forces known to be close to dominant local oligarchs. The past years saw various stand-offs between DAR-representatives, backed by police or military support, who tried to install agrarian reform beneficiaries on their land, and various private armed forces loyal to the local planters. In such cases 'the state' will normally not enforce the law but rather enter into negotiations that eventually result in vastly diminished benefits for the CARP (Comprehensive Agrarian Reform Program) beneficiaries, signalling time and again that intimidation and the use of violence pay (interviews DAR-Bacolod 2011). As much of the violence is outsourced to formally independent security organisations, RPA-ABB members (Bulatlat 2012), or workers loyal to the patrons, impunity of the principal is complete and the local oligarchs can easily deny any connivance.

Violence against leading activists can be found in both provinces and this violence regularly results in extrajudicial killings. With respect to the killing of agrarian and other activists, Negros Occidental had the second highest number (39) of victims of extrajudicial executions from 2001 to mid-2010 country-wide (Parreño 2010: 17). An entire 10 per cent of the extrajudicial executions took place in Negros Occidental, which houses a mere 3.4 per cent of the population. While this may accord with the general tenor that connects political killings of activists to a rural hacienda-based economy, the Pampangan case clearly contradicts this interpretation. Despite being one of the most developed provinces of the country, Pampanga, with 41 deaths, registered even more killings than Negros Occidental (Parreño 2010: 17). Killings of activists turned to zero only after the new governor Lilia Piñeda took office in 2010.

This should not be misunderstood as the approach of more humane political leadership. The image of the new governor is actually that of a traditional politician, combining patterns of patronage with an aura of assertiveness and violence. Similar to the Mafia-godfather, Lilia Piñeda is both feared and adored. Adoration becomes visible in her local nickname, "Nanay Baby" (Mother Baby) and relates to the highly personal and caring style of her governance. The less benign side of the provincial first lady shows up in various allegations relating to her husband and son. Some of these have focused on the election of 2007, when Lilia Piñeda ran, but lost to a reform-oriented priest, Eddie Panlilio, who had decided to run for governor at the last minute. Shortly after the elections, two Barangay captains were killed by gunmen, supposedly from the RHB (Rebolusyonaryong Hukbong Bayan), a splinter group of the communist New People's Army. A third Barangay captain survived an ambush. Several other Barangay captains went into hiding for the time being, as everybody assumed that the Barangay captains, who had been campaigning

for Panlilio, had been killed on orders by the defeated candidate. Various interviews, such as with policemen, gave the following, unconfirmed<sup>16</sup> but locally broadly shared, interpretation: The killed Barangay captains had taken money from Lilia Piñeda's husband to make sure she won in their Barangays by a large margin. When, however, Panlilio announced his candidacy, they and a small number of other Barangay heads changed their minds. At least one of them is said to have given back the money to the Piñedas in order to be able to campaign for Panlilio (interviews May 2011), while the others refrained from actively campaigning for Piñeda. This was interpreted as a breach of loyalty and sanctioned accordingly by the Piñedas. Locally, the Piñedas are perceived as all-powerful, allowing them to easily penalise anybody who dares to go against them. This holds true for all types of potential threats. Policemen, for example, factor the political clout of the Piñedas in their calculations; several policemen independently related the same story to the author as testament to the Piñedas' power. According to their testimony, in early 2010, a car was stopped by local policemen and several high-powered weapons were found inside – a clear violation of the pre-election gun-ban. The driver of the car, however, was Dennis Piñeda, who still held the position of mayor of Lubao. Shortly thereafter, all policemen who participated in this activity were transferred to other locales; some as far as Mindanao (interviews Pampanga 2011).

This accords with information given to the author by a local businessman from San Fernando about Melchor 'Ngongo' Caluag. He supposedly controlled the *Jueteng* business in the city and did not comply when Bong Piñeda told him that he wanted to take it over. In 2002, Caluag was shot in broad daylight in front of a number of witnesses, none of whom was willing to testify. Since he survived, he was able to retrieve his money from the *Jueteng* business, become Barangay captain of Dolores, Angeles City's prime commercial district, and invest his money in various legal businesses, amongst them a hotel, which he converted into a casino. The casino proved to be very profitable and turned into a further offer from Bong Piñeda, likely one that he could not refuse (Interviews Pampanga 2011; on the assassination attempt see: Cervantes 2002). This example is corroborated by a local source, who, discussing violence in *Jueteng*, said that

16 The only confirmed news are reports that after the election, Rodolfo "Piñeda had been calling several Barangay captains to meetings to make them explain where they spent the money he had given them and why they failed to make Lilia win" (Philippine Daily Inquirer 29 May 2007: A1+A8).

A police investigation concluded that the gunmen were rebels of the RHB (Rebolusyonaryong Hukbong Bayan), a splinter group of the NPA (New People's Army), a claim that was denied by the group's spokesperson, who argued that the RHB had no reason to kill the *barangay* captains. The RHB's spokesman claimed that "(t)here are many village chiefs now who are threatened by retaliation as a result of defeat by candidates. Others are in hiding" (cited in: Philippine Daily Inquirer 31 May 2007: A17).

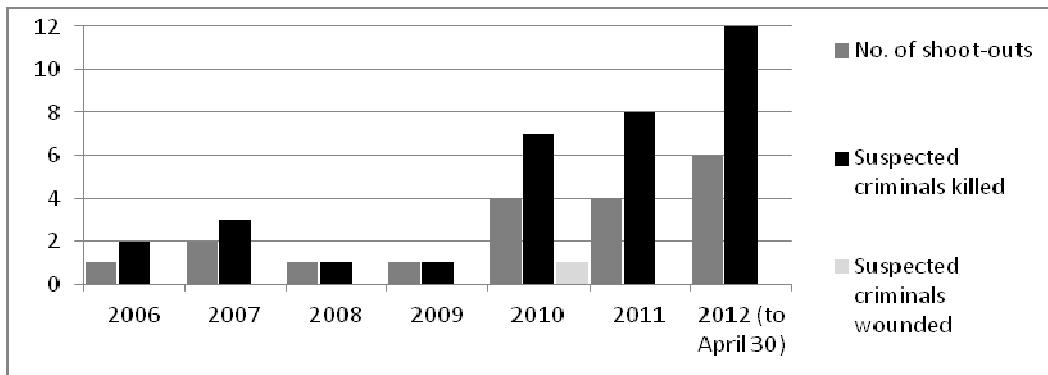
Despite this denial, the assassins may well have been members of the RHB. It is important to note that rogue elements of left-wing guerrilla groups sometimes also work for established politicians, intimidating or eliminating their rivals. One rare case of a rebel group admitting such practices was during an intra-rebel split in Negros Occidental, when the leader of one group accused other group members of having "allowed themselves to be used as goons for politicians before and during the elections". The accused retorted by arguing that their accuser "and his men had worked as assassins for various missions in Luzon that included the plot to kill Batangas Governor Sanchez" (Philippine Daily Inquirer 25 May 2007: A20).

anyone who competes or gets in the way of the *Jueteng* lord, will possibly face death. How do you get in the way of the *Jueteng* lord? One, you put up your own *Jueteng* mechanism, you put out your own collectors etc. But you will have a hard time to looking for collectors, because they are exposing themselves to danger, right? Second, if you cheated the system. How? ... You pose yourself as a collector. ... Someone realizes later that you are not remitting the money, you are dead. Or you have been operating as a bookie. A bookie is one who operates and gives the impression that he is really official. ... That is why they die violent deaths (Interview Pampanga 2011).

A dimension of violent domination that does not show up in official datasets, despite being predominant in Pampanga (but neither in the ARMM nor Negros Occidental), is the shoot-outs between police and criminal elements. While shoot-outs are a regular occurrence all over the Philippines, the Pampangan shoot-outs of the past few years are special in that the police did not suffer any casualties, but the criminal elements were eliminated. This type of violence is not aimed at political but social deviance, targeting members of carjacker-syndicates and small-scale drug pushers in most cases.

Whereas the number of suspicious police shoot-outs was fairly low before the advent of the new governor Lilia Piñeda in 2010, it rose dramatically after her assumption of office.

**Pampanga Police shoot-outs January 2006-April 2012<sup>17</sup>**



With respect to the 2010 data, it is important to point out that all four shoot-outs happened after her election in May. What is especially outstanding is the year 2012, which witnessed six shoot-outs with a total of 12 victims in the first four months.<sup>18</sup> This author argues that most of these shoot-outs resemble extrajudicial killings. Despite a total number of 34 killed suspects, the newspapers did not report even a single killed or wounded policeman. In one case, an investigation was ordered by the national chief of the PNP who

<sup>17</sup> Data are based on an internet search using the search terms 'Pampanga' and 'shoot-out'. Data for earlier years is less complete since the archives of most newspapers only extend back a few years and others from earlier years are no longer available. Data include Angeles City, which does not formally belong to the Province of Pampanga. The majority of the news is from Sunstar Pampanga, Inquirer and Punto. The 2007 data include suspected NPA members who died in a fire-fight with the police.

<sup>18</sup> Since then, no further shoot-outs have been reported (Oct. 2012). This somehow resembles similar patterns in other regions (e.g. Davao City, Cebu City, General Santos City), where local officials seem to have resorted to violent anti-crime strategies. In many cases, the actual numbers of crime went down and after some time, the number of killings also receded; with all probability, many criminals had left the locality.

reacted after ABS-CBN reported that a video that was taken after the gun-fight “showed one policeman casually walking over to the suspects lying motionless on the ground and firing at one of them.” (Pazzibugan 2011). This data is supported by a Pampanga court official who argued that, in certain cases,

the police have a way of doing it [‘solving’ certain cases; P.K.]. Sometimes they would send you feelers: ‘You are a much wanted suspect. We will give you a chance. I am sending you somebody. Will you surrender, or will we just find you dead one day.’ If you surrender, good for you. But if you stay in hiding or operating, one day they will gun you down (interview Pampanga 2011).

### 5.3 Preliminary conclusion on the role of violence in domination

In not one of the three areas under discussion has the elite renounced their ‘right’ to employ violence as a means of either competition or control. Patterns, however, vary significantly among regions and time. Intra-elite, horizontal violence is strongest in the ARMM. In the other two regions, political competition has, to a large extent, been limited in a way that excludes violence in practice, without, however, reneging on it in principle.

With respect to vertical violence targeting socially or politically deviant persons, the analysis likewise shows that the elite has not reneged on the use of violence. Similar to intra-elite violence, condemning evidence of elite involvement in the killings of activists, judges, journalists or criminals is impossible due to complete impunity. Even though not all allegations may be true, the fact of unresolved killings, which everybody attributes to the elite, combined with impunity, works to the advantage of the powerful, as the people tend to behave as though the allegations were true in order to minimize the threat to their personal security.

## 6. Conclusion

This report first developed a model of Mafia-style domination, then exemplified the model on the basis of three Philippine regions that stand *paris pro toto* for the national polity as a whole. The analysis clarified the fundamental similarities between otherwise fairly different regions that allow us to subsume the various modes of domination under one common heading. At the same time, variations became visible that illustrate why similar characteristics can come in a somewhat different shape depending on the environment in which domination is situated. The first part of the conclusion will focus on this ‘diversity in unity’, whereas the second part will turn back to the Italian ‘role-model’ in order to discuss options for change and their limits.

### 6.1 Mafia-style domination: Variations of a common theme

The previous comparison of Pampanga, Negros Occidental and the ARMM, illustrated that, in all three regions, the core determinants of Mafia-style domination are firmly in place.

We encounter an elite that dominates the political and economic realms, qualifying its members as oligarchs. The core unit, giving meaning to both the economic as well as the political sphere, is the family, which may be broadened by artificial family ties and linked to other families through alliances. The core pattern of domination in everyday politics is personal control over material and non-material resources, as these are necessary elements for self-enrichment and the development and upholding of clientelistic networks. The persistence of widespread corruption and illegal activities suggests that the elite is not really interested in surmounting the problem. Up to the present, impunity has been nearly total. Finally, in none of the cases has physical violence been tabooed as a means of either horizontal competition or vertical control.

Beyond these core similarities, however, the comparison revealed partly different forms with respect to all the above mentioned characteristics. These, however, may be likened to variations of a common theme.

With respect to self-enrichment, the ARMM certainly stands out when compared to the other two provinces. Whereas various types of corruption may be said to persist in all three regions, outright plundering of state resources is clearly more pronounced in the ARMM. The core reason is most probably the dependence of the local elite on public coffers, which is much more prevalent in this economically backward region.

A similar argument can be made for the role of violence in domination. Here, too, the ARMM stands out with respect to severity. In this case, however, the preponderance of traditional patterns of blood-feuding seems to be of crucial importance for explaining differences. In addition, the local elites in the ARMM have not yet arrived at the fairly stable practice of oligopolist or cartel-like domination that significantly diminishes the potential for violent competition in the other two regions, where violence is largely reduced to a means of vertical control.

Despite these differences, all three research areas harbour familistically organised elites that fuse political and economic domination. This prevents the functional differentiation that separates the core spheres of modern society and thereby subjects all subsystems to an integrated working logic, which primarily aims at defending the continued dominant position of the elite families. The system is not closed to newcomers in any of the three cases, and individual upward social mobility is possible. Nevertheless, the successful examples all tend to replicate the core patterns characterising the system as such: patronage, familism and a fusion of legal and illegal activities. The partial opening of the system functions as a safety valve, ensuring enough micro-level change to leave the macro-structures as they are.

Oligarchy likewise levers out the separation of powers that is formally inscribed in democratic systems insofar as the state (administration), including the judiciary, is made subservient to the will of the dominant political powers. While there is a certain amount of separation upheld between executive and legislative, this is undermined by the class-character of domination and the ‘depolitisation’ of politics which is transformed into a system of deal-making for mutual gain; a system in which the legal-illegal divide is of no importance beyond individual utility calculation.

## 6.2 Thinking about change

In order to discuss options for change in the Philippines, it seems sensible to first turn to the home country that serves as the ‘role model’ of Mafia-style domination: Italy.

In Italy, the classical Mafia has largely been a regional phenomenon only. Nevertheless, the Italian state generally failed to address the problem in a way that could decisively resolve it or at least significantly reduce its salience. Two points in time stand out with respect to efforts at countering the Mafia in its various guises: The Fascist era under Mussolini (1922-1943) and the years before the breakdown of the political system dominated by the Democrazia Cristiana in 1994, including the early years following.

The first era provided an authoritarian ‘solution’ to the problem of centres of power independent of and at least partially hostile to the (fascist) state. The core strategy for dealing with the Mafia was law-based: “numerous trials, dropped in the past for lack of evidence or as a result of influential intervention, were resumed and thousands of persons were arrested and sentenced in show trials” (Hess 1998: 179). In addition, various ordinances were passed that aimed at strictly delimiting the number of weapons and controlling the private guards (*campiere*, guardian) that provided the iron fist of the Mafia. Equally important was the abolition of elected parliamentary and municipal councils, a step that “deprived the *mafiosi* of their vital *partito* relationship” (Hess 1998: 181). The political institutions manned or at least controlled by the Mafiosi were destroyed and replaced by others to which they had no access.

The second effort at combating the Mafia started with a huge Mafia-trial in the mid-1980s and continued until the mid-1990s, encompassing the breakdown of the party-cartel system led by the Democrazia Cristiana (DC). This breakdown provided a unique window of opportunity. Yet, whereas the work of the judiciary led to the imprisonment of hundreds of Mafia-members, it at no point in time was able to seriously threaten the Mafia as a social practice and mode of domination. It could never target the political system or the socio-cultural soil (either on the local or the national level) from which the Mafia grew. With the overnight replacement of the DC-led party cartel (the *Pentapartito*) by Silvio Berlusconi’s *Forza Italia*, what could have become a revolution turned into a restoration of threatened patterns of doing business and politics on the national level and in southern Italy.

Seen in retrospect, the second short-lived success story had severe limitations: it lost its potency as soon as the political system was restored in a somewhat different structure that was still based on the same working-principles. The only effort that might have had long-term success was Fascism, being that it was able to decisively attack the political foundation of the Mafia-system. This accomplishment, however, came at the price of dictatorship. The demons were thereby driven out by Beelzebub.

Taken together, the two efforts illustrate one fundamental message that closely accords to the analysis of Philippine provinces presented in this report: In both Italy and the Philippines, the problem is not that of a hegemonic criminal organisation, but a political class, whose members unscrupulously betray the fundamental principles of democratic government. In both the Italian and the Philippine context, the institutional safeguards that are designed to counter such individual strivings always have been, and still are, completely inadequate – impunity prevails.

It is trivial to argue that successful law enforcement and an end to impunity are a *sine qua non* for success in Italy and the Philippines alike. The crucial point is that this may not be realised over an extended period of time on a national scale so long as the present political elite that relies on impunity is in power. Nevertheless, this is the only promising strategy that may, in the long run, put the foundation of the core antidote to Mafia-style domination into place: rule of law. Only on the basis of a strengthened police and judiciary, which are able to successfully prosecute lawbreakers, will democracy have a chance to bring representatives of the people into office who abide by the formal rules of the democratic game.

In the Philippines, this would require a significant strengthening of both law enforcement and prosecution. This seems a gargantuan task, however, there are currently several programs in place in this field that ought to be extended and strengthened. This strategy has been taken up by international donors, as, for example, the European Union, which finances two programmes focussing on police and judicial reform: EPJust (European Union – Philippines Justice Support Programme) and the follow-up, Justice for All programme. Whereas the first programme was heavily restricted on account of a mandate that effectively focused only on extrajudicial killings and enforced disappearances, the second has been much broader, now including accessibility to the civil and criminal justice systems for the poor and disadvantaged. Both programmes are highly laudable. On the other hand, they partly evade the critical issue of bringing legal action against crimes committed by the powerful. Even when they do – as the EPJust programme with its core mandate of extrajudicial killings and disappearances –, progress has come at a snail's pace, if at all. These programmes may have a chance to succeed in the long run since they do not overtly question the political framework. Despite their limitation, they can probably help put into place and support law enforcement agencies that have the professional knowledge necessary to successfully deal with the problems, even though they will have to compromise in many cases for political reasons. Hopefully, the stronger these institutions are, the lower the number of compromises will have to be.

Furthermore, the Commission on Audit, as well as the Office of the Ombudsman and *Sandiganbayan*, the specialised anti-graft court, should be strengthened. The latter is responsible for criminal cases filed against high ranking public officers, whereas cases against lower level officials are dealt with at the Regional, Metropolitan or Municipal Trial Court, depending on the case. It may be sensible to extend the jurisdiction of the court, which would require the formation of regional and probably even provincial branch offices as well as a significant upgrade with respect to manpower.

Administrative reform is only a first step that must be complemented by changes in voting behaviour. A fundamental turn-around will not come forth as long as the proponents of the status quo manage to get (re-) elected by an electorate that expects governance through clientelist exchange relationships. In this respect, the Philippines closely resembles the Italian case insofar as suspected or proven involvement of individual politicians in extrajudicial activities – from corruption or vote-buying to acts of horizontal or vertical violence destined to keep the individual in positions of power – hardly ever delegitimise them as political leaders. Electing corrupt politicians may actually be a sensible reaction to the individual participating in corruption on the receiving end, considering his/her structural predicament.

In the context of Philippine politics, it is perfectly rational for the individual to support the clientelistic system, even though the spoils for the majority may be significantly lower than their share would be under a bureaucratic system of domination. As experience proves that it pays to choose the best (i.e., most potent) patron, it is exactly the ritual of elections that perpetuates and lends legitimacy to Mafia-style domination.

As long as a majority of voters cannot afford to forgo the small perks they expect from voting for the potent patron and as long as there are hardly any electable alternatives to the traditional politicians that go beyond highly respected individuals locally, the system will remain intact, even though individual politicians or families may fall from power. The Philippines harbours a broad civil society, from which alternatives might arise; however, civil society in the Philippines is highly fragmented. As long as it is unable to overcome this fragmentation and unite into a small number of champions for reform, civil society based political parties and their representatives pose no viable alternative for those who are dissatisfied with the system and would be willing to take the risk of electing non-traditional politicians. With around three per cent of votes in the party-list system<sup>19</sup>, the largest programmatic political parties *Akbayan* and *Bayan Muna* have been reduced to near insignificance. The same applies to the labour unions that once were able to organise three million workers in the early years after Marcos and which are now down to about 320,000 out of a total labour force of nearly 40 million. The Philippines clearly does not need more civil society but an end to the fragmentation and corresponding loss in political clout. Sadly enough, potential allies regularly utilise much of their institutional and intellectual resources in mutually damaging ways.

While it would be an exaggeration to argue that democracy and Mafia-style domination feed on one another, electoral democracy clearly is not, in itself, an antidote to this style of domination. The crucial dimensions are, firstly, rule of law – meaning an efficient judicial system that sanctions infringements of the law – and, secondly, a mass based democratic culture that denies legitimacy to actors who do not adhere to the formal rules of the democratic game, as well as a reformist elite that takes on its vast responsibility.

<sup>19</sup> Whereas 80 per cent of seats in the House of Representatives in the Philippines are elected on a first-past-the-post system in electoral districts, the remaining 20 per cent are open for underrepresented groups, which organize into parties and are elected on a national basis. Parties winning more than two per cent of the vote are given one seat, additional seats are allocated to those with higher percentage. However, no party can have more than three seats. Clearly, while these regulations allow for broad representation, they also guarantee fragmentation. Yet, they are not be an obstacle to cooperation, which, however, turns out to be the exception to the rule, leaving the party-list representatives at the margins of parliamentarian politics.

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