

"If they resist, kill them all": police vigilantism in the Philippines

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„If they resist, kill them all“: Police Vigilantism in the Philippines

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Summary

In May of 2016, Rodrigo Duterte was elected President of the Philippines and inaugurated into office on June 30. During the election campaign he was already focusing on ridding the country of drug-related crime and indicated his willingness to tolerate, if not support, the killing of suspects by the police. After entering office, he officially launched a comprehensive campaign against drug-related crime that has since cost the lives of several thousand suspects.

While anonymous vigilantes are responsible for a significant share, if not the majority of these extralegal killings, in four months the police killed more than 1,000 suspects in so-called “legitimate encounters” that were justified as actions carried out in self-defense.

This report then looks at a vastly under-researched phenomenon: extrajudicial police vigilantism involving killings by on-duty police officers that are masked as “legitimate encounters” with criminals. It argues that, while the Philippines have a strong tradition of death-squad killings, this has been complemented for a long time by a practice of “social cleansing” that did not make it necessary for agents of the state to deny complicity: official police vigilantism. On the contrary, such vigilante killings could be utilized as evidence of a strong state. However, in the past such police vigilantism was a local phenomenon. This changed under the new president, who nationalized the local practice and thereby changed its dynamics.

This report provides an overview of the pattern of killings of suspects by members of the Philippine National Police while on duty currently taking place. The main section of the report analyzes past patterns of “legitimate encounters” in a number of selected regions and provinces of the Philippines. The integration of these two datasets allows for a comparison not only among regions and provinces but also over time. Consideration of this quantitative data is complemented by sketches of the dynamics driving current reactions to the new policy in a number of provinces and cities. Going beyond the Philippines, this study also provides a comparative dataset on similar forms of deadly police violence for a small set of countries, regions and cities that permits a comparison of past and present Philippines practice. The detailed analysis shows that:

- in most, but not all of the various case studies, there has been a long tradition of police-vigilantism,
- regions, provinces and cities that have exhibited higher levels of police vigilantism in the past tend to react more strongly to the presidential campaign that legitimized extralegal killings under the pretext of a “legitimate encounter,”
- those cases with the highest levels of police vigilantism both now and in the past tend to be the most “developed” ones, fulfilling a metropolitan function at either a national or regional level,
- there is no link between threats to the police and their willingness to kill suspects in “legitimate encounters,”

- prior to the present wave of extrajudicial killings, the magnitude of violent “legitimate encounters” was moderate, although they were carried out by clearly vigilante police forces targeting suspects,
- while the patterns of “legitimate encounters” have not changed in the current campaign, the number of extra-legal killings has risen dramatically since the election of President Duterte,
- Philippines police officers did not have to learn a new practice; they did not have to unlearn firmly established convictions about due process. They transformed an established but sparingly used practice into a key instrument for reducing crime and for strengthening institutions,
- local leaders’ reactions to the presidential campaign depend to a significant extent on the local leaders’ past perceptions of utilizing the police as a force for “social cleansing” and the leaders’ current power base in the face of rising pressure to conform to the central leadership’s expectations.

Going beyond empirical analysis of the data on past and present police vigilantism in the Philippines, I maintain that the present administration uses police vigilantism on the national level to simulate a strong state and thereby achieve widespread public acclaim and acquiescence. By establishing the Philippine National Police as his power base, the new president has within a few months successfully hollowed out democratic checks and balances and installed himself as the foremost “boss” at the national level. While forceful personalities are a regular feature of Philippines politics, their power is normally limited by other bosses who contend for power and wealth. Like Ferdinand Marcos before him, Rodrigo Duterte is well on his way to neutralizing this division of powers – the only one that works well in the Philippines during “normal” times. Currently, it seems that the Philippines are on a direct path toward a regime that may be likened to an electoral dictatorship, where a president, through the shrewd manipulation of public discourse and the resulting outstanding public support, and with the help of the national police, is succeeding in subjugating the various political families that make up the Philippines political elite.

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1. Introduction: State initiated and sponsored vigilantism in the Philippines

“I’d go around in Davao with a motorcycle, with a big bike around, and I would just patrol the streets, looking for trouble also. I was really looking for a confrontation so I could kill. [...] In Davao, I used to do it personally. Just to show to the guys (police) that if I can do it why can’t you.” (Rodrigo Duterte December 12, 2016, quoted in: The Standard December 14, 2016)

On May 9, 2016 Rodrigo Duterte was elected president of the Philippines. In the run-up to the elections he was already laying out a program for ridding the country of crime, by extralegal means if necessary. During one of his pre-election parties he urged the masses: “The drug pushers, kidnappers, robbers, find them all and arrest them. If they resist, kill them all. [...] Go ahead and charge me with murder, so I could also kill you” (Duterte quoted in the South China Morning Post May 19, 2016). Shortly afterwards, Duterte explained that he would be willing to pay bounties to members of the police and armed forces who either capture or kill suspected leading members of drug syndicates (SunStar June 1, 2016). In his first State of the Nation Address, he promised that the anti-drug-crime campaign would continue “until the last drug lord, the last financier, and the last pusher have surrendered or put behind bars [applause] or below the ground, if they so wish [applause]” (Duterte July 26, 2016).

The results of this invitation by the highest political authority of the Philippines to kill, if necessary, any person suspected of being involved in one way or another in the drug business have been stunning. The Philippine National Police have become willing executioners for the president.

Suspected criminals are not only being killed in police operations, but also at the hands of unknown vigilantes throughout the country. The detailed body count provided by ABS-CBN tallies 2,236 killings from May 10 to October 28, 2016. Of these, 1,287 were killed by on-duty police officers in legitimate encounters during police operations, which means that 949 died at the hands of unknown killers who took the law into their own hands (ABS-CBN News 2016).

The current move by the newly elected president Rodrigo Duterte may simply be a nationalization of a policy that was employed by the former mayor during the past decades in “his” city of Davao. According to a recent report, the so-called Davao Death Squad killed at least 1,424 people from 1998 to 2015 (Picardal 2016). For a simple mayor, resorting to a death squad for “social cleansing” was essential to being able to deny complicity. As president, Rodrigo Duterte could propagate a new strategy. In the context of the Philippines, he is now, at least until his term in office as president, beyond the reach of any prosecution. He made clear that during his term vigilante justice need no longer be hidden from the light of public scrutiny. Now the vigilantes in uniform can resort to disguising the killings as perfectly legal acts of self-defense in the context of legitimate encounters with suspects, as there are no longer any questions being asked or officers prosecuted. This was also forcefully expressed by the new Solicitor General, Jose Calida, who ex-

claimed that “I am here to encourage the PNP not to be afraid of any congressional or Senate investigations. We will defend them” (quoted in *Inquirer.net* July 11, 2016).

I argue that, in order to understand the specific patterns of the current wave of extrajudicial killings, it is necessary to take a closer look at the modern history of the Philippines that is replete with cycles of vigilante violence – sometimes at the national but normally at the local level. Up to now, the literature has focused on politically motivated killings on the one hand and death squad killings of suspected criminals on the other. On-duty police violence in the context of “legitimate encounters” has almost never been perceived as a problem, even though the past decade saw such killings occurring quite frequently in various regions of the country. Yet, this earlier practice provides the psychological and practical foundation for the PNP’s willingness to become the executioner of the president’s plan to “kill them all.” While in the past extra-legal executions in the context of “legitimate encounters” were used as a marginal way of dealing with criminals in what may be labeled “low-intensity extrajudicial killing,” it has advanced to become a central strategy since the election of Duterte as president. I refer below to this category of indefensible killings of suspects by on-duty policemen during “legitimate encounters” as (official) police vigilantism.

In order to show the relationship between past and present practices, this paper provides a first effort at mapping the use of deadly force by on-duty police for a number of regions and provinces not only in the past few months but throughout the past decade. This, in turn, allows for the establishment of the degree of path dependency of such violence and the more or less enduring differences between regions.

In chapter 2, I will establish the concept of police vigilantism within the broad category of establishment violence, a highly perceptive term coined by Jon Rosenberg and Peter Sederberg (1974) as a first specification of vigilantism. Then I will introduce a small number of indicators that allow us to differentiate legitimate on-duty police violence from excessive and systemic violence (chap. 3). These admittedly rough indicators are presented in order to address one core problem of any such research: the problem of differentiation among types of killings in a context where each single killing is legitimated as self-defense, independent investigations are absent, and consequently the vigilante nature of the individual instances cannot be proven.

The core of the report is devoted to the mapping of the present wave of violence on the one hand (chap. 4) and an analysis of on-duty police violence for a number of provinces and regions that, in most cases, extends back to 2006 or 2007 (chap. 5). It will be seen that in the Philippines the strengthening of state capacity in the more metropolitan areas has not been accompanied by a significant reduction in extralegal violence. In fact, in those areas, instead of working as an institution enforcing the rule of law, the police have taken over as agents of extralegal coercion. They did so in the service of the local leadership up to the 2016 elections and they have been doing so in the service of the national leadership since then. Following this, by comparing the Philippines with a number of other countries the severity of the current and past practices of killing suspects is assessed (chap. 6).

Finally, chapter 7 goes beyond the detailed arguments on patterns of police vigilantism. It argues that the present situation bears a disturbing resemblance to the early 1970s, when a democratically elected president utilized threats to domestic security and fanned emotions related to these threats to establish personal control over the state security apparatus, which in turn allowed him to declare martial law in 1972 and overcome the "anarchy of families," the complex multi-layered networks of "bosses" (McCoy 1993; Sidel 1999) that characterizes the Philippines in "normal times."

2. On-duty police violence as establishment violence

This study follows the classic study of Rosenbaum and Sederberg, who define vigilantism as "establishment violence" consisting of "acts or threats of coercion in violation of the formal boundaries of an established sociopolitical order which, however, are intended by the violators to defend that order from some form of subversion" (Rosenbaum/Sederberg 1974: 542). Such violence has two primary intentions: the punishment of offenders against the "established" (legal or normative) order and the enforcement of "correct" behavior by those belonging to the same group as the offender.

With the state's means of legitimate force under their control, why should regimes resort to or tolerate vigilantism, instead of employing the state security apparatus? One obvious answer is a weakness of the police and the judiciary branch that undermines their capacity to enforce the rule of law. Resorting to or at least tolerating vigilante violence may then be deemed an appropriate solution to the problem of dealing with crime. However, reliance on death squads and other forms of vigilantism clearly signals the very state weakness which it is supposed to remedy. The government is forced to deny authorship, complicity or connivance and is therefore unable to claim the vigilantes' "success" for the state (Campbell 2002: 5). I argue that the Philippines has found an alternative solution to the problem of denying complicity in vigilantism by designating vigilante action as the legal application of force by state security agents. In the past such (official) police vigilantism was a local phenomenon. Consequently, the absolute numbers remained moderate. This changed under the new president, who nationalized the local practice and thereby changed its dynamics.

He realized that utilizing the legitimate application of force in shoot-outs as a cover for extralegal killing of suspects was preferable to the use of death squads for several reasons. First, it strengthens executive power and control. Second, the pretext of referring to "legitimate encounters" enables the Philippines government to assume responsibility for the killings as successful acts of law enforcement, while shifting the responsibility for the consequences to the victims. These are portrayed as aggressors against which the state security forces resorted to violence in legitimate application of force. The government's claim of having successfully applied "legitimate" force can then be utilized to support the image of a strong state that deals effectively with criminal deviance. While the toleration of death squad killings indicates state weakness, the utilization of legitimate application of force by on-duty police enables the state to actually present the killings as successful crime control.

One core problem, and most probably one of the reasons for the dearth of research on such violence, is that a relevant scale that distinguishes between real and fake shootings is hard to establish. In the case of the various forms of illegal vigilante action, the problem lies with attributing the individual acts to the respective agents and thereby differentiating vigilante activities from criminal violence such as, for example, gang wars. Research on on-duty police violence hardly encounters such problems, because the police do not conceal such activities. In the case of on-duty police killings, the challenge is to distinguish between real self-defense, individual acts of excessive violence, and signs of a systemic application of such violence.

How, then, is it possible to establish whether the police are covering up targeted killings by saying they are instances where force was used legitimately? Furthermore, how can we decide whether such killings are systemic in nature and not the consequence of an individual officer's failure? This cannot be accomplished on a case-by-case basis, but must rely on plausibility arguments that are derived from a combination of abstract reasoning and international comparison, the first providing the relevant categories and the second the measurement scale.

Here we are venturing into largely uncharted territory. An initial measurement indicating willingness by the police to resort to violence is the number of on-duty police killings per million population. This scale parallels the common international measurement of crime that is used to establish the severity of a phenomenon over time and between societies. A more specific metric of the willingness of police officers to kill suspects focuses on the distance by which police practice deviates from legal requirements for the use of force. In the Philippines, as in all other countries, police officers are generally required to shoot not to kill but to incapacitate the suspect if possible. If policemen were limiting themselves to "necessary and reasonable force,"¹ the number of wounded suspects should be significantly higher than the number of suspects killed. The ratio between suspects killed and wounded can also be used as an additional tool for establishing whether use of force by police is appropriate and proportional. Yet, it may be objected that police officers operate in different environments. While in Germany they can reasonably assume that suspects are generally unarmed, this is not the case in the United States. Consequently, greater willingness to resort to (deadly) force in the United States could be expected, as police officers justifiably feel more threatened than their German counterparts. To take this factor into account, two indicators are advanced. The more general one relates the

1 The current Philippine National Police Operational Procedures state:

"During an armed confrontation, only such necessary and reasonable force should be applied as would be sufficient to overcome resistance put up by the offender; subdue the clear and imminent danger posed by him; or to justify the force/act under the principles of self-defense, defense of relative, or defense of stranger. [...]The excessive use of force is prohibited. The use of weapon is justified if the suspect poses imminent danger of causing death or injury to the police officer or other persons. The use of weapon is also justified under the Doctrines of Self-Defense, Defense of Relative, and Defense of Stranger. However, one who resorts to self-defense must face a real threat on his life, and the peril sought to be avoided must be actual, imminent and real." (Philippine National Police 2010: 3)

number of police killings per million population to the corresponding number of criminal killings. In this way, it can be established, in how far a higher general threat level is reflected in harsher police action that seeks to minimize the risk of becoming a casualty. A more specific indicator relates the actual number of police officers killed in armed encounters to the number of suspects killed by the police.² This is also an indicator for the plausibility of police accounts of the encounters. If both sides are armed, it would be assumed that casualties would not occur only on one side.

Table 1: Indicators employed for establishing the severity of police violence

Magnitude of police killings	$\frac{\text{suspects killed}}{\text{million population}}$
Deadliness of application of force	$\frac{\text{suspects killed}}{\text{suspects wounded}}$
Perceived abstract threat	$\frac{\text{suspects killed}}{\text{murder} + \text{homicide}}$
Perceived specific threat	$\frac{\text{suspects killed}}{\text{policemen killed}}$

Although a number of sensible dimensions for assessing whether a police force resorts to targeted killings under the guise of legitimate self-defense have been established, the benchmarks for an international comparison of the Philippines will only be available after the analysis of the Philippines case (chap. 6). The following three chapters provide the details that allow for comparisons over time and between regions for the Philippines case.

3. Vigilantism in the modern Philippines

The history of the modern Philippines is replete with examples of vigilantism by various groups from within and beyond the state, encompassing at various times on- and off-duty activities of militias, members of the armed forces and the police, private armed groups organized and financed by members of the dominant classes, semi-criminal groups tolerated by the government, and sectarian cultist groups, to mention only the most important categories. Their membership has been as varied as their organizational structure, which ranges from officials from the state and para-state security services to criminals operating on a small scale, all the way to ex-members of the various communist rebel groups. An outstanding feature of Philippine establishment violence is its dual focus on political and criminal deviance. In contrast to other countries in the region, however, there is no tradi-

2 These various efforts at “measuring” the level and plausibility of determining the “legitimate application of force” as on-duty police vigilantism have been taken from Pinheiro (1991) and Chevigny (1991).

tion of vigilantism that targets social deviance – other than political deviance – such as, for example, anti-gay or anti-Muslim vigilante violence.

While vigilante violence has a venerable tradition in the Philippines, it saw its heyday in the immediate post-Marcos era (1986 to early 1990s), when all of the Philippines was engulfed by a surge of vigilante violence in a ruthless upsurge of violent acts aimed at driving the Communists out of the cities and regaining elite dominance over the countryside.³ During this period, the Philippine islands were replete with vigilante organizations set up, supported by or tolerated by state actors and local elites that actually carried out reigns of terror in many regions of the country. Establishment violence, however, did not stop with the demise of those vigilantes. Instead, throughout the past decades establishment violence has constituted an important undercurrent of everyday domination, most prominently in the form of extrajudicial killings. Yet, the fact that these targeted not only political activists but also criminals has gone largely unnoticed, except for some studies of exceptional cases such as Davao, Cebu and Tagum City.

The focus of past and present studies of vigilantism in the Philippines has been on violence against “political” deviance targeting various types of political activists, foremost representatives of groups that claim economic rights for the poor in the context of land reform. Karapatan, a left-wing Philippine NGO, for example, reports that from July 2010 to September 2015 a total of 294 activists for various causes were killed. These acts have mostly been attributed to the Armed Forces of the Philippines and a number of paramilitary and vigilante groups. Of the victims, 215 were peasants (Karapatan 2015). In a detailed analysis, Ed Parreño (2011), provides details of 390 extralegal killings for the period from 2001 to 2010. His research shows that more than 30 percent of those killed were members of left-wing activist groups, followed by elected government officials and journalists, with 15 percent each. Only 10 percent of his sample were farmers. While data on people suspected of these killings are lacking for the majority of cases, the military and police comprise the vast majority of the suspects in those cases where suspects have been identified. The Center for Media Freedom and Responsibility documented the work-related killing of 152 journalists from April 1986 to May 2016 (Center for Media Freedom and Responsibility 2016). From 1999 to December 2014, 114 lawyers, prosecutors and judges were killed (International Association of People’s Lawyers 2015), which prompted the Supreme Court to establish a task force to address the problem.

Whereas crime-control vigilantism has been present in the Philippines for decades, there is a serious lack of research on this phenomenon. Up to the present, this type of vigilantism has only been taken note of in several Human Rights Watch reports (2009) and a damning 2008 Report by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions in the Philippines that focused, *inter alia*, on the work of death

3 See for example: Lawyers Committee for Human Rights 1985, 1988, 1990; Malajacan Jr. 1988; Asia Watch 1990; Ross 1990; Asia Watch 1992; May 1992; Hedman 2000.

squads in Davao and other Philippine cities (Alston 2008). Yet even Alston’s study did not take note of on-duty police killings in “legitimate encounters.”

This report, while triggered by current developments, is a first step towards remedying this serious research gap and providing, for the first time, detailed quantitative data on, and an initial mapping of, on-duty police killings in a number of Philippine regions during the past decade.

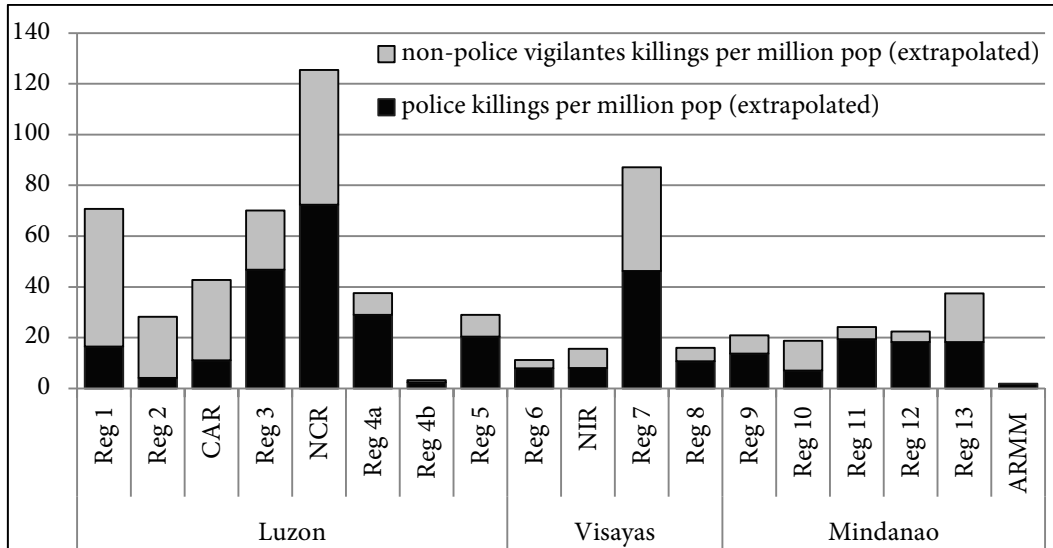
4. Police Vigilantism under Duterte

While there is still a lack of official police data on the frequency of on-duty policemen killing suspected criminals in shootings prior to the Duterte administration, the Philippine National Police have provided fairly regular updates of the situation since Rodrigo Duterte took office as President of the Philippines. By far the most detailed dataset for the killings since the election of Rodrigo Duterte as president is provided by the Philippine broadcaster ABS-CBN News, which created an interactive map of “drug-related fatalities” beginning on May 10, the day after the election of Rodrigo Duterte as president (ABS-CBN 2016). In general, the data support what Duterte’s new national head of the Philippine National Police (PNP), Superintendent Ronald Dela Rosa, had already promised in May - a war against drug lords and pushers, with a host of shootings and many suspects ending up dead. As Dela Rosa put it:

“You shoot to kill if the criminal fights back or is armed. Would you want to die? Shoot to kill instead of you ending up killed. Make them fight back. You become a drug lord and you won’t fight back? Don’t be a drug lord if you don’t want to fight.” (Inquirer.net May 20, 2016)

Yet, before turning to the on-duty police killings, an overview that also includes other types of anti-crime vigilantism seems to be called for. This would allow us to place on-duty police-killings within the broader phenomenon of establishment violence, which also includes killings by agents other than on-duty policemen in “legitimate encounters.”

Figure 1: Overall Killings and Police Killings per Million Population by Region
(May 10 to October 10, 2016; extrapolated to one year)



CAR: Cordillera Administrative Region, NCR: National Capital Region, NIR: Negros Island Region, ARMM: Autonomous Region Muslim Mindanao; calculation based on the ABS-CBN dataset (ABS-CBN 2016).

In absolute numbers, most killings took place in only four to five regions: the National Capital Region (NCR), Region 3 directly north of NCR, Region 4a south of NCR, Region 7 in the Visayas and Region 1 in the northwest of Luzon. If the data are adjusted according to population and extrapolated to one year,⁴ the overall picture remains stable. However, on a per capita basis, establishment violence in Regions 3 and especially in Region 4a is reduced, whereas violence in Regions 7 and 1, but also in Region 13 and the Cordillera Administrative Region, becomes more prominent.

Overall, on-duty police killings accounted for nearly 60 percent of all reported killings. Yet, this average masks significant differences. In some regions, non-police vigilantes contribute up to 80 percent to the overall killings (Regions 1, 2, CAR), whereas in other regions non-police vigilantism is almost absent (Regions 4b, 6, 11, 12, ARMM), indicating either a significant difference in the willingness of societal actors to participate in the killings or a huge disparity in political and police control of (un-)civil society actors.

The four regions with extraordinarily high levels of police killings (Regions 3, NCR, 4a, 7) share several interrelated characteristics. They are the ones with the highest population density in the Philippines. They also belong to the five richest regions with respect to regional government equity in absolute numbers (Bonquin 2015), with Cebu City being

⁴ In order to make these data comparable to corresponding data for other years, the data on the 16 weeks were extrapolated to one year, so the graphs show what the killing rates would be if the violence being discussed continued at the same level for one year.

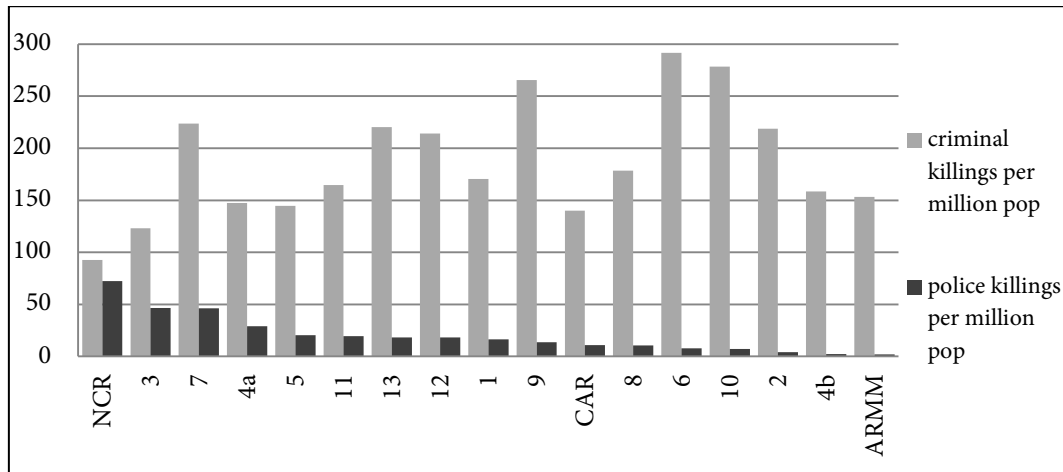
by far the richest city in the Visayas (Regions 6, 7, 8, NIR) and Cebu province being the highest in terms of financial capability. Put simply, they may be said to be metropolitan areas either on a national scale as in the case of the NCR and adjacent Regions 3 and 4a, or on a regional scale as in the case of Region 7, which includes the province and City of Cebu, which can be said to have a metropolitan function in the Visayas. Based on rudimentary data provided by the Dangerous Drugs Board (DDB) of the Philippines, there is no relationship between the prevalence of drugs and the number of killings. Overall 1.75 million or 2.3 percent of Filipinos are reported to be using drugs more or less regularly.⁵ Whereas the 2.6 percent users for the NCR is somewhat higher than the average, it is the Visayas with 4.7 percent that clearly tops the list of drug use in the Philippines.⁶ Numbers on drug pushers and users who have surrendered to the authorities may be used as another indicator for the regional seriousness of the drug problem. Yet, they too do not correspond to the ranking of the killings. By far the highest number of users surrendered in Region 1. With only 5 million inhabitants, this region reports 69,000 persons who had turned themselves in by the end of July, compared with only 23,000 for the NCR. Region 7 ranks second with 63,000, followed by Regions 3 and 10 with 50,000 (Dangerous Drugs Board 2016).

One option for assessing the threat level experienced by policemen is by comparing on-duty police killings with overall murder and homicide rates on a regional level. Police officers in regions with high levels of criminal violence should experience higher levels of threat and correspondingly be more willing to shoot to kill in self-defense. However, in the Philippines this is clearly not the case.

5 Dangerous Drugs Board (DDB) Media Briefing 09-19-16. Youtube: <http://bit.ly/2gep4kK>.

6 Based on the official data provided by the DDB, the Philippines has no serious drug problem. According to the data, in early 2016 there were 1.75 million users, compared with 6.7 million reported for 2004 (Dangerous Drugs Board no year, 8). Of current drug users, 72 percent used marijuana and 49 percent Shabu (synthetic drugs). Only 1 percent used heroin and 3.2 percent cocaine. Coded as users were not only those who regularly used drugs, but also those who used them once a month only, with regular users (more than once a week) being a minority. Corresponding German data would signal a drug-use rate that is at least twice that of the Philippines, with 4.9 percent of Germans having used illegal drugs at least once during the past 30 days (Drogenbeauftragte der Bundesregierung 2015).

Figure 2: Comparing murder and homicide (2013) with on-duty police killings (May 10 to October 10, 2016; extrapolated to one year)



A comparison of the extrapolated data for current on-duty police killings with regional data on murder and homicide⁷ shows that two regions (NCR and 3) actually have the lowest per-capita rate of murders and homicides nationwide, while currently exhibiting the highest rate of on-duty police killings. Extrapolated on an annual basis, the current number of killings in the NCR closely approximates 80 percent of all murder and homicide cases recorded in 2013. Put differently, currently the police are killing nearly as many people as were killed by criminals or in private disputes in 2013. A similar, if less distinct pattern can be discerned in the other high violence cases of Regions 3, 4a and 7. On the other hand, the regions with the highest per-capita rate of murder and homicide (Regions 6, 10) belong to those with the lowest number of police-killings, even though it might be assumed that policemen there would perceive a higher threat on account of a more violent environment.

Detailed data on the relationship between suspects killed and police officers killed are not available. However, according to police reports, 1,790 suspects were killed in police operations from July 1 to November 3, 2016, whereas only 16 police personnel died in approximately the same time period. Of these, only eight died during drug-related operations, which yields a ratio of 223 suspects killed for each policeman killed (Bueza 2016, *Inquirer.net* November 8, 2016). To put these numbers into perspective, I am including the international comparison discussed in chapter 6.⁸ The overall Philippine rate of 223 is more than twelvefold the ratio for Rio de Janeiro (1,519 suspects/85 policemen = 17.9). The corresponding ratios for the United States are 8.7 and for South Africa 4.6. Clearly, the threat of becoming a victim is far less for any Philippines policemen than for his or

⁷ The most recent data available are from 2013 only. However, there is no reason to assume a fundamental change in recent years.

⁸ For the database of the international data, see footnote 15.

her colleagues in any of the other countries. This is especially telling, as in the current atmosphere it may be assumed that any suspects who are armed will fight back, if only because they must assume that they will be killed anyway.

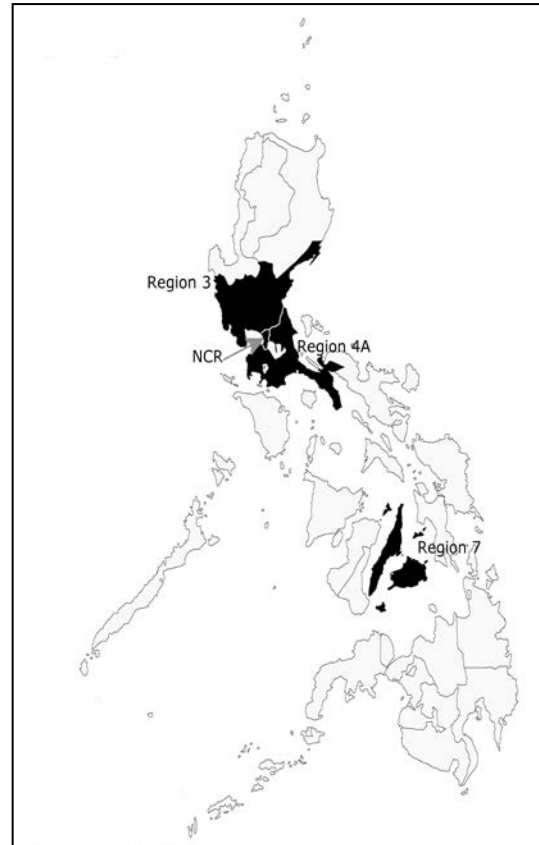
In summary, the current vigilante killings and killings by on-duty police are very unevenly distributed across the Philippines, with several regions standing out as hotspots of police vigilantism. These are not only those with the highest population density in the Philippines, but may also be said to fulfill metropolitan functions either on a national or a regional scale, or to be directly adjacent to those regions.

The extraordinarily low levels of vigilante killings by civilians in provinces with an extraordinarily high level of on-duty police violence (Regions 3 and 4a) illustrate that non-state vigilantism can be controlled – even by a police force that actively utilizes the *carte blanche* provided by the president.

On the other hand, Regions 1 and 2, where the vast majority of killings were attributable not to on-duty policemen but to other vigilantes, illustrate that local elites may be tolerating or even supportive of vigilantism by the civilian population. Together with the other differences between regions, this points to the role of regional and sub-regional political and police elites who may either willingly take on the role of a conduit from the national to the local level or may alternatively throw a wrench in the works, thereby diluting the effects of the new national policy on the ground in the areas under their control.

Finally, the available indicators show that the current “legitimate encounters” are overwhelmingly pretexts for extrajudicial executions of suspects on a large scale. The rate of police killings is neither connected to the “abstract threat” experienced by police officers, nor is there a high “specific threat” to the police forces. Quite the contrary, the specific threat level to Philippine police officers engaging drug suspects is comparatively low.

Map 1: Regions with highest level of police-killings



5. Earlier patterns of police vigilantism and their links to the present

Currently, no nationwide datasets exist that would allow some kind of overview of relevant earlier practices. Neither are there any data from the various regional police offices or other state institutions. However, the author, in the context of another project on the use of physical violence as a means of political, economic and social domination in the Philippines that was generously funded by the Deutsche Forschungsgemeinschaft, established a dataset which detailed the numbers of suspects and policemen killed and wounded in “legitimate encounters” in all provinces of Region 3 and several provinces of the former Regions 6 and 7. This dataset, which in most cases covered the years 2006 to 2012, has been extended to the year 2015 for the purposes of the present analysis. A new dataset has been established for the NCR, that includes the years 2008 to 2015.⁹ This integrated dataset allows us to look at the past patterns of “legitimate encounters” in several of the regions and their component provinces and cities that currently top the list of police killings under Duterte (NCR, 3, 7) and further regions that currently exhibit low levels of deadly “legitimate encounters” (Negros Occidental and Negros Oriental which, since 2015, have formed the Negros Island Region (NIR), as well as Iloilo). All analyses in this document that refer to the past decade are based on this dataset.¹⁰

Our dataset has one crucial advantage compared with those on current killings: it includes not only the numbers of suspects killed, but also the number of suspects wounded as well as the number of policemen killed and wounded. This allows for a fairly precise analysis of those crucial relationships that make it possible to decide whether the killings in general are in self-defense or instances of extrajudicial executions. The data were obtained from national, regional and provincial online media. As it is assumed that in “normal” times, police shootings or an exchanges of gunfire between suspects and the police are a best-selling product to news media, the number of unreported shooting inci-

9 My special thanks go to my intern and student assistant Alyssa Maghuyop for her untiring work and determination.

10 To establish the dataset, we conducted Google searches using the names of the various provinces, the component cities of the NCR, and a number of independent cities. The search extended to all major dailies available online, regional and local newspapers in both the English and the Filipino languages. In addition, the archives of various national and local newspapers were also checked in order to identify news that was not provided by google searches. Wherever possible we also checked the news sections of the provincial and regional police offices, which, however, provided only scant information.

The core search term was “police shoot-out” (various forms: shootout, shoot out), which is the one generally used in the Philippine press for “legitimate encounters.” The search was not confined to those cases that resulted in killings. However, we assume that, given the lower newsworthiness of shoot-outs without victims, we may have missed some. As we nevertheless could code a small number of encounters without victims, we assume that the under-reporting of such incidents has not been overly serious. We coded four items: suspects killed, suspects wounded, policemen killed and policemen wounded. Wherever possible we crosschecked the information from several sources.

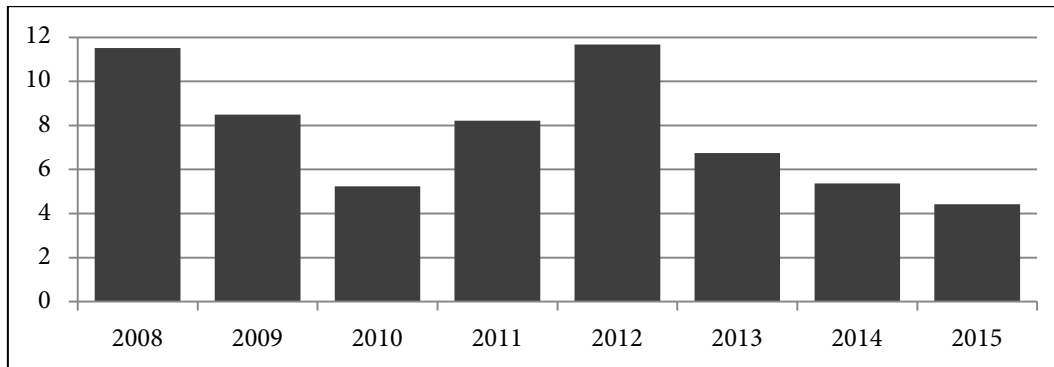
dents should be small. While theoretically there may be some under-reporting of earlier cases as online media were less broad-based in the mid-2000s compared with the present, this should be a minor issue, as all of the national and regional media examined were already providing fairly extensive coverage in the mid-2000s. Given the selling value of "violence" and "crime," it can be assumed that they would not have failed to report high-profile cases such as shooting incidents involving the police. High profile cases such as these lead to the assumption that the media would at least also report any policemen being killed in such encounters, whereas minor injuries to police or suspects may easily be given minimal coverage.

5.1 Killings by the Police in the National Capital Region

The following analysis of police killings in the National Capital Region that spans the period from the election of Rodrigo Duterte to president on May 10 to October 28, 2016 will show that the vast majority of these encounters ought to be categorized as extralegal killings, as the police force suffered comparatively low fatality rates.¹¹ Data on the earlier years (2008–2015) signal that this is not a new phenomenon, but established practice, even though the overall numbers of killings rose dramatically under Duterte. Since May 2016, the NCR has become a "killing field," with levels of police violence that most probably top the rest of the world's dangerous capitals. Yet, violence is not evenly distributed. While structural characteristics provide some explanation, there seems to be a direct link between levels of violence and local elites' predisposition towards the campaign, their relative power, and the capacity of the central government to apply pressure on them.

With close to 13 million inhabitants, the National Capital Region accounts for close to 13 percent of the Philippine population. Yet, during the 5.5 months from the election of Rodrigo Duterte to the end of October 2016 they accounted for 33 percent of all police killings in "legitimate encounters." This prominence of the NCR in the current killings could not have been predicted easily on the basis of the past few years. Actually, there has been a more or less linear decrease in police killings of suspects since 2012.

11 The ABS-CBN dataset used does not allow establishing the ratio of killed to wounded suspects, because the latter category is not included.

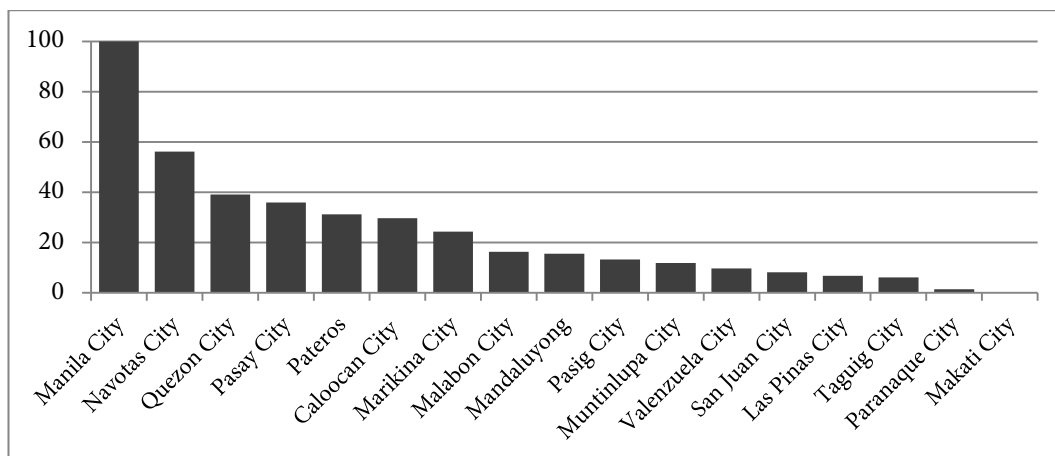
Figure 3: Suspects killed per million population per year in the NCR, 2008–2015

Numbers remained low in the first four months of 2016, with only eight suspects killed from January 1 to May 9, 2016, according to our dataset. However, the Duterte campaign brought about a complete turnaround, with 427 suspects killed in the 172 days following Duterte’s election on May 10 (ABS-CBN News 2016). On an annual basis, the pre-Duterte 2016 rate would have been 22 killings, or a rate of 1.74 killings per million population. The rate after Duterte’s election corresponds to an annual rate of 906 killings or 70.4 killings per million population. In order to put these numbers into comparison, I already refer here to the international comparison from chapter 6 of this report: The current level of police killings per million population is 45 percent above the level for Rio de Janeiro (48), and more than 450 percent higher than the national level of Brazil (15), and is close to 1,500 percent higher than South Africa (4.7).

Despite the earlier rather positive trend of falling numbers during the past few years, several critical indicators quite unambiguously show that a significant number, if not most of the pre-Duterte shooting incidents involving police should be categorized as extrajudicial executions. Here again, the numbers of suspects killed and wounded can be compared with the numbers of policemen killed and wounded in “legitimate encounters.” In the eight years from 2008 to 2015, 15 policemen were killed and 41 wounded in shooting incidents with suspects in the NCR. These data point to a certain level of threat faced by the police. However, the ratio of suspects killed to policemen killed nevertheless reveals a huge asymmetry, with 744 suspects killed to 15 policemen killed. Furthermore, the ratio of suspects killed to suspects wounded is overwhelmingly in favor of the former (2008–2015: 744/36), clearly indicating a policy of not taking prisoners. For any single wounded suspect there were 21 dead ones, and for each dead policeman, 50 suspects were killed. This has become even more pronounced under Duterte, when, according to a Reuters report, police killed 33 suspects for every suspect wounded (Baldwin/Marshall/Sagoli 2016).

Similar to the differences between regions, drastic differences between the various component cities of Manila can be seen with respect to the number of killings in relation to the population. A generally even distribution would suggest a similarity between the various cities’ number of killings per million population. Yet, the following figures shows drastic differences between the various cities during the Duterte campaign.

Figure 4: Police killings in NCR component cities per million population (May 10 to October 28, 2016)



Within the NCR, Manila City alone was responsible for more than 40 percent of the police killings from May 10 to August 30, up from 17.5 percent during the preceding three years. This is approximately 200 percent more than could be expected on the basis of Manila City’s share of the population. Navotas City’s share of killings is 70 percent higher and Quezon City’s share nearly 20 percent higher than could be expected. On the other hand, Makati City did not report a single incident of a killing by the police for the whole period up to the end of October 2016. Contrary to expectations, neither poverty level nor extent of informal settlers living in the various component cities of the NCR are correlated with the observable differences in Duterte and pre-Duterte violence.

Contrasting Manila and Quezon City, on the one hand, with Makati City may provide an initial indication of one possible explanation for the specific patterns: the perceptions and relative power of local political elites. As will be seen below in the analyses of the other cases, this is an important indicator for explaining differences in levels of police vigilantism.

The disproportionate share of killings by the police in Manila City after the election of President Duterte may have a direct relationship to the specifics of local politics. In this case, the incumbent Joseph Estrada had to compete with Alfredo Lim, a former PNP and NBI chief and Manila mayor (1992–1998, 2007–2013) with a reputation for a tough anti-crime stance. Under Estrada, police killings in Manila City went down significantly, whereas from 2008 to 2012 Manila City police killed 39 suspects per year, the 2013 number (when Lim was still mayor for the first half year) had already gone down to 19, followed by 8 and 5 police killings in 2014 and 2015 respectively. Yet, in the 2016 elections, Lim, nicknamed “Dirty Harry,” only lost to Estrada in a close race. Whereas Lim has been a strong supporter of Duterte and vice versa, the winner, Estrada, had backed Duterte’s rivals in the presidential elections. No wonder he immediately changed course after the election and tried to establish a rapprochement, for example by asking the president to swear him into office (Philippine Star June 3, 2016). In order to ingratiate himself with the president, he also immediately communicated his resolve to support President Duterte

and eradicate the drug business in Manila City (Inquirer.net August 8, 2016). He explained that

“What our president (Rodrigo Duterte) is doing is right. Our country is already in danger. Let us all unite, and finish off these druggies [...] The police cannot (do this) on their own. The barangay chairs are needed. The barangay tanods [watchmen]. They know who the drug pushers and users are in each barangay [...]. Rub them all out. Let’s finish them.” (quoted in Inquirer.net August 4, 2016)

Quezon City had by far the highest numbers of killings per million population in 2008 and 2009 (annual average: 19.8). This changed with the election of the new mayor Herbert Bautista in 2010. From 2010 onwards, Quezon’s overall numbers were reduced by nearly 50 percent. Under Duterte, however, the mayor of Quezon was placed under severe pressure to deliver when two of its highest police officers were mentioned by Duterte as “drug protectors,” and a brother of the mayor as a drug user. Also, administrative and criminal charges were filed against the mayor for inaction in the drug campaign (Inquirer.net August 27, 2016; Politics.com.ph August 28, 2016). It is thus unsurprising that the number of suspects killed in Quezon City police operations only rose in August, whereas the Manila City violence had an prolonged early increase from mid-May to early June.

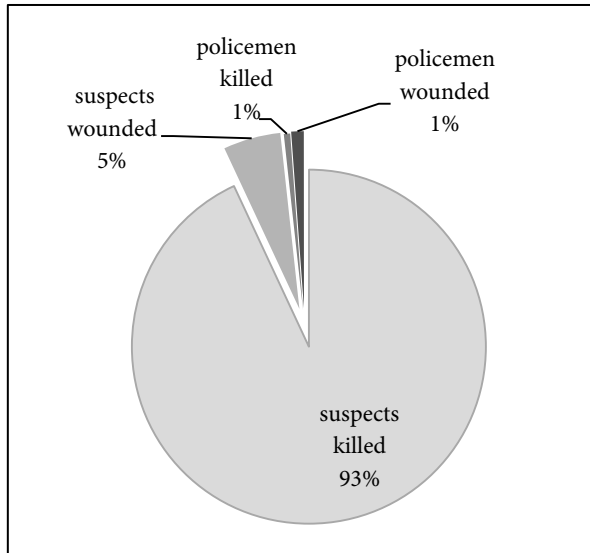
By contrast, in Makati City, which contains the core financial and business district of the Philippines, the number of on-duty police killings from May 10 to October 10 was zero. Here police powers are tightly circumscribed in the various gated communities, to which the police have no access.¹² Makati City is governed by Mayor Abigail Binay, the daughter of former Vice-President Jejomar Binay. A number of local villages also “did not submit a list of drug suspects, as mandated by the Philippine National Police’s Oplan Tokhang” (Inquirer.net July 22, 2016). This despite the fact that Makati City is reported by the police to have a 100 percent drug-addiction rate. Pressure on the Binays is mounting, with Abigail Binay to be indicted by an NGO in mid-November 2016 for allegedly tolerating illegal gambling, and her father, an outspoken critic of Duterte’s policy that relies on extrajudicial killings (Inquirer.net April 7, 2016), singled out by the president as very probably being involved in the illegal drug trade, along with dozens of local executives, judges as well as active and retired police officers (for the complete list see: News 360 November 17, 2016).¹³

12 These are, for example, the Barangays Bel Air, Forbes Park, Urdaneta, San Lorenzo and Dasmarinas. These are some of the most expensive subdivisions of Metro Manila. In Forbes Park, the number one, the median house price is said to be around 380 million Pesos (approx. 7.6 Million US\$; Lamudi 2014).

13 For the whole speech, see Youtube at: <http://bit.ly/2fqPhhb>.

5.2 Killings by police in Region 3

Figure 5: Victims of legitimate encounters in Region 3 (2006-2015)



Region 3 has been one of the regions exhibiting extraordinarily high levels of police violence under the new leadership of Rodrigo Duterte (see above). Behind this overall picture there are significant differences between the various provinces. The data presented below show that police vigilantism had already been an established pattern in this region for the past decade. While the numbers of killings were “moderate,” the fatality rate in these encounters was extraordinarily high for suspects, while the actual threat to law enforcement officers was low. Then as now, the regional average masks huge differences between the provinces of Region 3.

Short exemplary analyses of provincial reactions to Duterte’s campaign suggest that differences in levels of police vigilantism relate to the attitudes of the local executives as well as their relative autonomy and power, which differ between provinces. Under Duterte, local leaders’ autonomy comes under severe pressure by the national center which is aiming at enforcing allegiance by either directly targeting local political elites or by strengthening the local police leadership’s loyalty to the PNP-centered leadership.

5.2.1 The regional picture

Figure 6: Suspects and policemen killed and wounded in legitimate encounters in Region 3, 2006-2015



The first message evident in Figure 6 above is straightforward and simple: While the current administration is actively propagating a policy that tolerates the killing of suspects by on-duty police officers and absolves them from any possible negative consequences, this practice has already been well-established in Region 3 for the past decade. The extraordinarily low number of wounded suspects is a first clear signal that, in almost all instances, the law enforcement officers shoot to kill. As the data on policemen killed and wounded show, they were not exposed to any serious threat. For the 10 years from January 2006 to December 2015, the ratio of suspects killed to policemen stood at 160. In 2016 we documented in our dataset 128 suspects killed in 77 encounters (up to August 4) with only one policeman being wounded. Clearly, in Region 3 policemen have not been under any severe threat from violent criminals, which would have legitimized frequent recourse to deadly violence either during the past decade or during the present campaign. While the levels of deadly violence changed significantly, police vigilantism in the form of extra-legal killings has been firmly established in Region 3 for a long time.

5.2.2 The provincial pictures

Map 2: Region 3 on Luzon Island



As in the case of the NCR, levels of police violence have been far from uniform in Region 3. In the past decade, average annual killings per 1 million inhabitants varied between 0.5 in Aurora and 5 in Bulacan. Several factors may account for variation across this region. Distance to Metro Manila (the NCR) matters, as the provinces located on the outskirts of Region 3 such as Aurora,

Bataan and Zambales had the lowest levels of violence. Bulacan, which is alongside the NCR, not only accounted for 45 percent of all killings even though it only comprises 29 percent of the population, but it also had by far the highest number of killings per million inhabitants of all provinces (see table 2 below).

Reaction to the presidential campaign was strongest in Bulacan, which had already had by far the highest level of police vigilantism in the previous ten years. Here continuity seems to prevail. The provincial governor most probably cooperated easily with the new regional police director, Aaron Aquino, installed under Duterte. Aquino worked under Duterte in Davao as Deputy Chief for Operations of the Police Regional Office until 2015. Upon assuming office as Chief of Region 3, he aligned himself with the incoming President by saying: "I'll kill them all whether they are policemen or mayors if they are engaged in illegal drugs or protectors of this illicit trade" (Manila Bulletin June 21, 2016).

Table 2: Police killings per million population 2006–2015

	Pop. 2010 in million	2006–2015 annual suspects killed per year per mill. pop.	Pop. 2015 in millions	2016 suspects killed per mill. pop. (extrapolated)
Aurora	0.20	0.50	0.214	0
Bataan	0.69	0.87	0.761	35.5
Zambales**	0.76	1.32	0.824	23.4
Pampanga*	2.34	2.48	2.610	18.2
Nueva Ecija	1.96	2.76	2.151	10.8
Tarlac	1.27	3.61	1.366	8.5
Bulacan	2.92	4.99	3.292	50.8
Total	10.14	3.17	11.218	26.4

*: data on Pampanga include Angeles City

**: data on Zambales include Olongapo City

Bulacan governor Sy-Alvarado promised all-out support for the new policy. His acting provincial police director produced a video clip admonishing drug addicts and pushers: “Please cooperate with us peacefully and do not fight us or else you may end up buried, six feet below the ground” (Inquirer.net August 16, 2016). In Bataan, which in the past had displayed low levels of confrontation, the switch to high levels of killings coincides with the installation of a new police director, who “vowed to rid the province of illegal drugs” (Manila Times July 6, 2016). In Zambales there was a new governor and new police director, with significant effects on the number of police killings.

But how are we to explain the rather lackluster “performance” of Tarlac? This province is controlled to a significant extent by the powerful Yap (governor + district 2)¹⁴ and Cojuangco (district 1) families who have long been established there and enjoy excellent relations with the Clan leader in Manila, Eduardo “Danding” Cojuangco, the 20th richest Filipino. The new governor, Susan Yap, hardly mentioned the president’s campaign in her State of the Province Address and dwelled instead on food security, job creation, health education and environmental protection (Tarlactoday.com September 21, 2016). This

14 The Yap-Dynasty of Tarlac began with Jose Villa Agustin Yap Sr. becoming mayor of Victoria City in Tarlac in 1951. He then became a congressman, and finally served as provincial governor from 1998 to 2007. From the late 1980s the children turned to politics with Yap Sr’s son Victor Jr. becoming mayor of the provincial capital and succeeding his father in 2007 as provincial governor. His other child Susan Yap-Sulit, a business-woman, took over as congresswoman in 2010, a position she held until the 2016 elections, when she switched position with her brother, taking over as provincial governor. A further brother is Mayor of San Jose, a municipality of Tarlac. Like the mayor of the provincial capital, they all belong to the Nationalist People’s Coalition, a political vehicle for businessman Eduardo Cojuangco Jr., thereby linking their deep provincial entrenchment to national financial power and political influence. The son of Eduardo Cojuangco, Carlos Charlie Cojuangco, despite being from Negros Occidental, was a successful candidate for congressman of the 1st District (with 95 percent of the vote) in May 2016, and now represents the Cojuangcos’ political interests in the province and the national legislature.

most probably allowed the newly installed provincial police director Westrimundo Obinque to drag his feet with respect to the new policy, as presently, the Yap-Cojuangco alliance is too strong a politico-economic power to be easily pressured into following central directives.

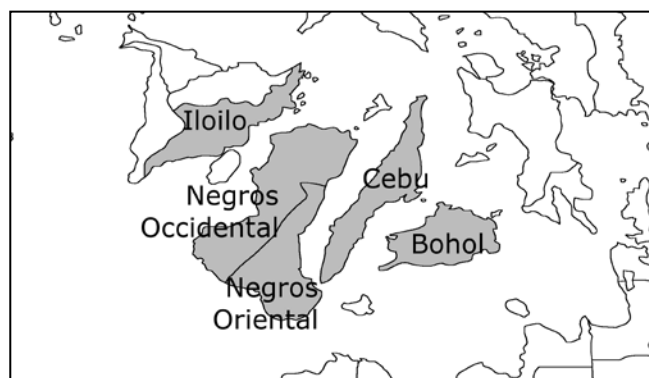
The low level of violence in Aurora is the only case that defies easy explanation. It stuck to its course even though the provincial police chief was suspended in late August 2016. Central Luzon police director Aaron Aquino criticized Danilo Florentino, provincial police chief, of having “virtually no accomplishment to speak of [...]. He is the weakest link among the provincial directors. His sins have piled up so I have to relieve him” (Philippine Star August 27, 2016). Despite the change of personnel, Aurora’s policy of non-violence remained. One reason may simply be Aurora’s small population (215,000) and isolation on the East coast of Luzon. Furthermore, shortly after the change in leadership a typhoon hit Aurora, making significant reconstruction efforts necessary. Finally, long-standing Aurora congressman and current Senator Edgardo Angara clearly opted for a treatment-based effort in dealing with drug addicts and a rule-of-law based strategy for dealing with pushers. He tasked local government units with playing a “crucial role in the enforcement of our drug laws, maintenance of peace and order, rehabilitation of drug dependents, and initiation of preventive and educational programs against drug abuse up to the barangay level” (Angara quoted in: Bagong Aurora, September 21, 2016). A similar line is being followed by the police chief of Baler, Aurora’s capital. While officially supporting the presidential campaign, he pointed out that drug pushers who do not surrender should be put behind bars. He even offered them a meeting with him “to discuss issues and concerns in this town” and reminded the local police personnel “to always observe paramount respect to civil and political rights, be polite, friendly and do proper courtesy at all times” (Bagong Aurora, September 16, 2016).

These various sketches of local dynamics explain continuity and change in the various provinces. They add further plausibility to the initial analyses advanced above that pointed to the relevance of local political leadership for explaining past and present levels of police vigilantism in the NCR. Strong local elites, such as the Yaps and Cojuangcos, may chose not to follow the presidential lead, whereas weaker elite families most probably succumb to pressure. Yet, currently, the new political and police leaderships’ capacities are clearly stretched. Consequently, they tend to ignore peripheral regions like Aurora, giving local elites in remote places a chance for an autonomous policy line.

A game changer in the long run may be Duterte’s policy of appointing trusted representatives of his tough anti-crime policy to key positions at regional and provincial levels of the police administration. Whereas in the past, local police directors were for various reasons rather dependent on local government officials, the new policy strengthens the incentives to follow the lead of their superiors at the national police headquarters at Camp Crame. Over time, this may result in less political influence at the local level and a more disciplined police force. In principle this is a welcome change. Yet, the current national police director is one of the strong proponents of Duterte’s strategy of killing suspects. Currently, promotions go to officers who do the president’s and police directors’ bidding.

5.3 Beyond Luzon: Killings by on-duty police in the Visayas

Map 3: Visayan Case studies



The analyses above focused on the two core metropolitan areas of the Philippines on Luzon. The following case studies take note of more peripheral areas situated in the Visayas: the regional center of Cebu, and the more peripheral provinces of Negros Island. They serve as examples of provinces that in the past exhibited no marked practice of police vigilantism and were by

and large able to resist to a certain extent the current drive. Cebu City on the other hand experienced a wave of death-squad killings from 2004 to 2006, which, however, did not translate into police vigilantism in legitimate encounters after the initial upsurge died down. Yet, with the mayor, who was responsible for the initial wave of death-squad killings a decade ago, after winning the 2016 elections the earlier pattern of violence re-emerged. This time, however, not in the form of death-squad activity but of highly deadly “legitimate encounters.” Similar to the above cases, exemplary sketches of local dynamics illustrate the role of local government executives in instigating or inhibiting establishment violence. They also show that the autonomy of local governments is being curtailed by the present administration’s efforts to impose adherence to its policies.

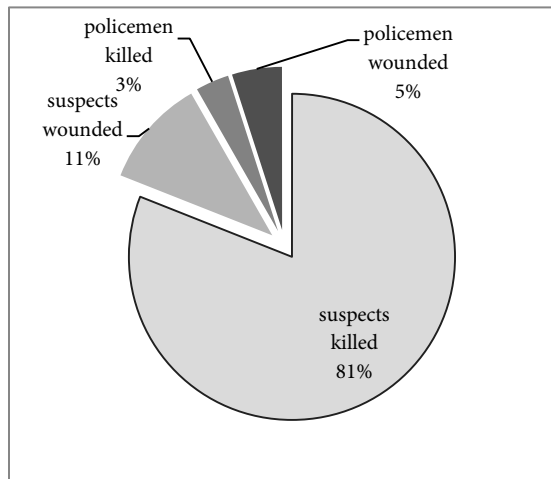
5.3.1 *Patterns in the provinces – the example of Cebu Island and Bohol within Region 7*

The 2016 Cebu City elections were won by Tomas Osmeña, scion of a powerful business family that has dominated city politics for decades. Even before taking over office from his predecessor, Osmeña publicly offered bounties for dead criminals to police officers: 50,000 pesos for a dead criminal and 5,000 pesos for a wounded criminal. Osmeña declared: “If you kill a criminal in the line of duty, [you’ll be rewarded], no questions asked. [...] I’m there to assist the police, not to prosecute them [...] that is my purpose: To instill fear in the criminals” (ABS-CBN News May 20, 2016).

Yet this stance, even though it seems to mimic the rhetoric of the incoming president Rodrigo Duterte, is “homegrown.” Cebu City has its own history of vigilantism, most notably in the form of death squads that were connected to the present mayor Tomas Osmeña, who had already occupied this position in the mid 2000s. In late 2004, then Cebu City Mayor Tomas Osmeña made public his support of vigilante killings as a method for dealing with the local crime problem: “I will say I inspired it. I don’t deny that. [...] As a matter of fact, I’m happy some of those killed are robbers. I’m not ashamed to admit that.” He not only promised a bonus to policemen who were willing to shoot at and kill suspects, he also established a special police unit for identifying and eradicating criminals

(Kreuzer 2007: 25–26). The results of this campaign, which lasted from late 2004 to late 2006, were drastic: the homicide rate doubled from 90 homicides in 2004 to 171 in 2005 and 179 in 2006 (Kreuzer 2007: 26). All in all, 168 victims are said to have been executed by vigilantes in Cebu City in this period (Mayol, et al 2016).

**Figure 7: Victims of legitimate encounters
2006–2015**

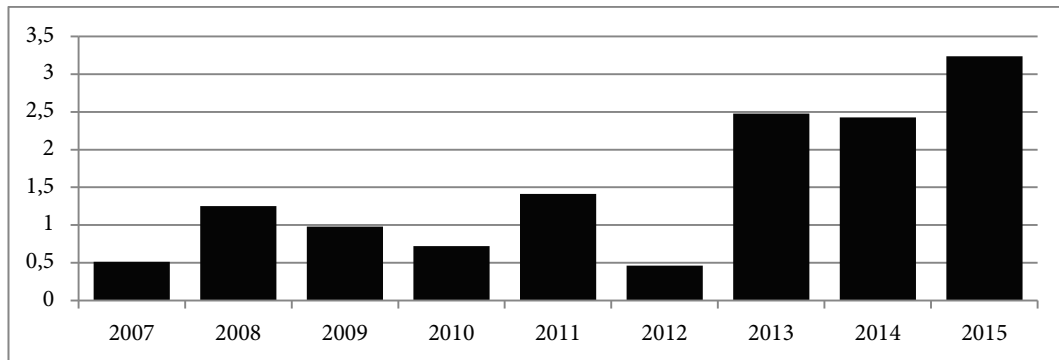


Police Director Clifford Gairanod proclaimed that “We won’t hesitate to shoot people, even men in uniform, if they are protecting or coddling drug pushers” and had actually already awarded policemen engaged in successful anti-drug campaigns high cash payments before Duterte took office (Gairanod quoted in Cebu Daily News June 10, 2016). On June 10, 2016, Cebu Province Governor Davide III handed a staggering 1.5 million pesos (approx. US\$33,000) cash awards to 34 police officers for their successes (Sunstar Cebu, June 11, 2016).

Any analysis of Cebu Island has to take into account not only the data for Cebu City but also for Cebu Province and the cities of Mandaue and Lapu-Lapu. Actual numbers of suspects killed in police action on Cebu Island in recent years up to early 2016 never reached the number of suspects killed by way of death squad-like action in the mid-2000s in Cebu City alone. At that point in time, the ratio of vigilante killings per million population in Cebu City stood at approximately 100. Yet, this did not translate into high numbers of killings in legitimate encounters. Quite the contrary: Cebu Island saw comparatively low levels of on-duty employment of deadly physical force with an average of 1.5 killings per million population from 2007 to 2015. This average, however, masks a visible rise that began in 2013.

Osmeña’s 2016 policy stance, however, differs from his earlier empowerment of vigilantes. In 2016, Osmeña and others explicitly empowered the police to shoot to kill and expect rewards for doing so. When a private group donated 300,000 pesos to the police, the director of Police Regional Office of Region 7, “decided to offer the amount to police units that can kill suspected drug peddlers” (Mayol 2016). Cebu City Mayor Tomas Osmeña reportedly gave 100,000 Pesos cash award to police officers who killed a locally prominent drug lord (Cebu Daily News June 19, 2016). Cebu Province

Figure 8: Suspects killed per million population on Cebu Island 2007–2015



Whereas in the first four months of 2016 only six suspects were killed in “legitimate encounters,” a further 93 killings by on-duty policemen were recorded from May 10 to October 10, 2016. This would equal 47 deaths per million population on an annual basis. This is approximately 35 percent higher than the corresponding number for Rio de Janeiro. The actual threat to policemen has been higher than in Region 3 but still moderate with a ratio of 15 to 1 from 2007 to 2015 (59 suspects killed; 4 policemen killed). The current campaign is completely one-sided, as there have been no reports of policemen killed in 2016. Not only Cebu City Mayor Osmeña, but also Cebu Province Governor Hilario Davide supports the current strategy of killing suspects, even though the latter qualifies his support by clearly opting against vigilante-type killings (Philippine Star July 28, 2016).

In Region 7 as in other regions, local governments’ cooperation was supported by extensive shake-ups within police leadership. First, the regional police director was replaced by the former chief of the Philippine Police Special Forces, Noli Taliño. Further, even though Cebu City Mayor Osmeña had already decided in favor of a hard-line policy against drug criminals, the central police directorate tried to bring this autonomous action under its control by appointing a new police director who owed allegiance not to the mayor but to the national executive. In order to make Osmeña to toe the line and cooperate with the police leadership, he was even stripped of his supervisory power over the city police. This was done after he indicated that he did not intend to accept the change in Cebu City police leadership and withdrew the city’s financial support for the police. At the same time Osmeña had to defend himself against rumors that linked him to drug cartels active on Cebu. This came after the governor of neighboring Bohol Island had been accused of being a drug protector and in turn promised to provide the police with the names of narco-politicians in his province (Cebu Daily News August 9, 2016). Furthermore, a number of other officials, among them ex-Cebu City Mayor Michael Rama, were named by the president as protecting drug dealers (MyCebu.ph August 7, 2016).

5.3.2 *Patterns in the provinces – the examples of Negros Occidental, Negros Oriental and Iloilo*

Although in the provinces of Negros Occidental, Negros Oriental and Iloilo violence against political activists, mostly members of a farmers' group who demanded their rights to land in the context of land reform, occurred on a fairly regular basis, in the first decade of the new millennium, police vigilantism hardly existed until last year.

In Negros Occidental no incidents were recorded in the years 2006 to 2008 and in 2010. In 2009, 2011, 2012, 2013 and 2015, 22 incidents were recorded. These resulted in eighteen dead and four wounded suspects, as well as five dead and eight wounded policemen. The high victim rate on the side of the police indicates that legitimate encounters were not generally used to disguise extrajudicial killing of suspected criminals. For 2007 to 2015 the overall ratio of suspects to policemen killed was a low 3.6. Even more striking than the relatively high number of policemen killed is the number of wounded (13). This yields a ratio of 1.7 to 1 when comparing the number of suspects killed and wounded with policemen killed and wounded. In addition, the 0.69 ratio of suspects killed per million inhabitants was low for the period from 2007 to 2015.

Contrasting strongly with the majority of the preceding cases, the 2016 data do not reveal a major departure from this practice. Until early May we recorded only one suspect killed in this province. From May 10 to October 10, 2016 the fatality rate was 11. Negros Occidental's Governor Alfredo Maraño implicitly declined to follow the Presidential lead. Shortly after the onset of Duterte's campaign, Maraño publicly opted to include drug rehabilitation programs in the portfolio of the Philippine Health Insurance Corporation. He argued that drug users ought "to go through a rehabilitation program, otherwise, there is a high possibility that they will return to the old ways if no effected and sustainable intervention is taken" (Maraño quoted in Sunstar Bacolod July 16, 2016). Describing the campaign in Negros Occidental, Maraño assumed a stance decidedly different from the dominant one. To him the campaign had to be a collective effort: "It is the work of the province, the local officials, the police force, the civil societies, non-government organizations, even the media – all part of that, not only me. It only happens that I'm the leader of the province" (Sunstar Bacolod August 23, 2016).

A broadly similar pattern was found in Negros Oriental. From 2012 to 2015, there were only six shooting incidents, with eleven suspects killed and one wounded. In Negros Oriental, too, 2015 already marked a shift in provincial policy, as nine of the 11 deaths occurred in this year. While only one policeman was killed, six were wounded. Again, it seems reasonable to assume that the majority of legitimate encounters were "real," even though the use of force by the police may have been excessive. There were 2.1 persons killed by on-duty policemen per million population. Similar to Negros Occidental, the first months of 2016 did not produce any change. Again, like Negros Occidental, the Duterte campaign took its toll with eleven suspects killed between May 10 and October 28, but no reported victims among police. Nonetheless, compared with other provinces the overall violence level remained moderate.

This also holds for the small Visayan province of Iloilo that has even lower absolute levels of on-duty police killings than neighboring Negros Occidental. Per one million population, only 0.65 persons were killed in such shooting incidents up to 2015. In Iloilo, local executives spoke out strongly against the new policy of the President. Iloilo Governor Arthur Defensor Sr., for example, offered the criticism that Duterte “has destroyed the principle of presumption of innocence” (Politics.com.ph July 9, 2016). While the president did not directly retaliate against the governor, he branded Iloilo province “the most shabulized” province of the Philippines – *shabu* is the Filipino term for the most common synthetic drugs in the Philippines. In response, at least the congressional representative from Iloilo fell into line, proclaiming his allegiance to Duterte (GMA-News online August 7, 2016). Before May 10, 2016 only one suspect was killed, yet in the following months to October 28 12 suspects died. It is probably no coincidence that the vast majority of these cases happened after Duterte’s depiction of Iloilo as the most shabulized province of the Philippines.

5.4 A president subjugating the political elite

As shown by the various examples above, it has become highly problematic for local political elites to evade the president’s injunction to participate in the anti-crime killing spree that is engulfing the Philippines. On the one hand, the various reshuffles are placing more hard-line police officers in command positions. Furthermore, these officers are well aware that results measured in dead bodies are expected of them. In addition, police officers and politicians alike have been publicly denounced as supporting and profiting from drug crimes and thus threatened not only with being indicted, but also with becoming victims of extrajudicial executions themselves. Most officials then choose to fall in line with the president. Some of them have even gone to extremes to demonstrate their obedience, as one local mayor and former high-ranking police officer who, after being named as a drug protector by the president, offered 50,000 pesos and a free funeral for any drug pusher killed in his town (Sunstar Cebu July 8, 2016).

A further case is former Human Rights Commissioner and Minister of Justice Theresa de Lima, who, after confronting the president on account of the human rights violations had to contend with a campaign, supported by the president, who had explained that “I will have to destroy her in public” (quoted by Demick 2016). The campaign not only aimed at her sex life, but more importantly tried to portray her as a criminal supporter of drug syndicates. De Lima supposedly collected millions in protection money. She first lost her chairmanship of the Senate Committee on Justice and Human Rights. In the meantime, the most important critic of the president has been charged with drug trafficking, with the House Committee on Justice publishing a report according to which it has been clearly established that De Lima was involved in the drug trade within the state high-security prison of Bilibid. Politically, the prominent senator has effectively been silenced as a critic of the president’s campaign.

While there are very certainly cases of political office holders who may have connections to the drug cartels, the above-mentioned cases indicate a broad-based witch hunt

aimed at establishing presidential control over local government officials and threatening those who dare to resist with serious consequences for their and their family's well-being. To tolerate rumors of politicians' connections to organized crime or to actively spread such allegations is a clear threat to the lives of these officials. As the reactions quoted above show, this strategy is actually fulfilling its purpose. The strategy is combined with a comprehensive re-allocation of police officers which is aimed at detaching them from local officials. While, theoretically, organizational discipline is a positive asset for a functioning organization, in this case the streamlining strengthens an institution that is willing to go beyond the limits of the law.

6. Classifying Philippine practice: An international and inter-regional comparison

The results of the above analysis of Duterte and pre-Duterte on-duty police killings in various regions of the Philippines provide a first mapping of patterns of on-duty police violence in "legitimate encounters" that brings to the fore significant variation over time and space. It also shows how past patterns can be overcome by the current needs of an elite, whose members are left with stark choices of either following the presidential lead or risking being victimized themselves.

This exploratory case study may also function as a starting point for a woefully under-researched phenomenon that deserves much more scientific attention than it receives at present. This is all the more the case as police vigilantism masked as shooting incidents can serve as a viable alternative to death squads for any state in search of effective means of controlling criminals and the populace at large, without submitting itself to the rule of law. In fundamental contrast to death-squad killings, it allows the political elite to take responsibility for the "success" and thereby establish the image of a strong state led by assertive administrative and elected officials.

For the Philippines the following results stand out:

- In most, but not all of the various case studies, there has been a tradition of police vigilantism attested to by high levels of victims killed and low levels of them wounded, and a low number of police officers becoming victims or casualties of such vigilante behavior.
- Those regions, provinces and cities that have exhibited higher levels of police vigilantism in the past tend to react more strongly to the presidential campaign that legitimated extrajudicial killings in the guise of "legitimate encounter."
- Those cases with the highest past and present levels of police vigilantism tend to be the most "developed" ones, fulfilling a metropolitan function either at a national or regional level.
- A qualitative analysis of local leaders' reactions to the presidential campaign suggests that this depends to a significant extent on the local leaders' past perceptions of utilization of the police as a force for "social cleansing" and their power base in the face of

rising pressure to conform to expectations in the form of direct threats to their options for political survival as well as in the form of a streamlining of the PNP designed to reduce the influence of local politics over the local police and putting police under strict central control, thereby making police officers’ careers directly dependent on fulfilling the central leaderships’ objectives.

The following presentation embeds the Philippine cases in an international frame that extends from Rio de Janeiro and Brazil in general, which have a high level of violence, to England, Wales, London Metropolitan Police District, Germany and India, where the level of violence is low. Data for the non-Philippine cases are derived from official national statistics.¹⁵

At present this effort must remain tentative, as data on police fatalities as well as suspects killed by the police in shooting incidents that allow for international comparisons are almost non-existent. Even data on individual countries or regions within countries are scarce. The author relied on a small sample, which, however, comprises three levels that are separated by significant gulfs with respect to the phenomenon under observation. A first group encompasses countries where deadly force used by on-duty police officers is very rare, so that it may be assumed that this use of deadly force is purely defensive and appropriate to the actual threat experienced by the law enforcement officers. Examples are England, Wales, Germany and India. On a per-million population basis, police killings in legitimate encounters are very rare. A second group involves an excessive level of violence, which however, has not become systemic. Police tend to shoot to kill with much higher frequency. However, use of weapons is still overwhelmingly aimed at incapacitating suspects. Public discourse is critical of excessive police force and police have to defend their actions against an active civil society and at least a significant part of the political class. An example for this group is the United States.¹⁶ A third group comprises those

15 Sources for the international comparison may be averages of several years or from the most recent year available. For sources, see for Brazil and Rio de Janeiro: Forum Brasileiro de Seguranca Publica 2015; for India: Ministry of Home Affairs, National Crime Records Bureau 2016: 382ff; for data on South Africa: Independent Police Investigative Directorate 2015; for data on the United States: U.S. Department of Justice, FBI, annual datasets on Crime in the United States and Law enforcement Officers killed and assaulted (<http://bit.ly/2chwe8x>); for Canada: Ministry of Attorney General Ontario, Special Investigation Unit, SIU Occurrences Since Inception (<http://bit.ly/2eGCPak>); for Germany: Lorei 2016, Neuwirth 2006; Bundeskriminalamt 2015; for England and Wales: Independent Police Complaints commission 2016, Police Roll of Honour Trust, <http://bit.ly/2fL4X04>, Office for National Statistics, Crime in England and Wales Statistical bulletins, <http://bit.ly/2el9j8O>; for Australia: Australian Institute of Criminology 2013: 2. When only absolute numbers were available, these were converted on the basis of the respective data on population.

16 Here the author used the FBI dataset. The newly established datasets for police killings in the US compiled by the Washington Post and the Guardian suggest that the FBI dataset suffers from severe under-reporting. Whereas the FBI dataset reports approximately 400–450 deaths per year for the past few years up to 2014, the other datasets which refer only to the years 2015 and 2016 report more than twice these numbers (but see <http://www.killedbypolice.net/>, which goes back to May 2013). If we are not to assume that the absolute numbers more than doubled from 2014 to 2015, we must conclude that the FBI data are far from complete.

cases where police fairly regularly shoot to kill and retroactive inquiries are either absent or superficial at best. Examples for such settings are present-day Rio de Janeiro and Brazil in general. South Africa links the second to the third category.

A first option for classifying Philippine on-duty police violence in international comparison is per capita frequency (per million population). Up to 2015, two of the Philippine provinces analyzed (Negros Occidental and Negros Oriental) exhibited violence levels that were significantly below those of the United States. The other regions are higher than those for the United States. For the NCR, present-day Rio de Janeiro is an especially apt comparison, as it too is a national metropolitan region and the epitome of a metropolis with police using extrajudicial execution to deal with criminality (Amnesty International 2015). Up to the present campaign, even though outstanding in national comparison, deadly police violence in the NCR is dwarfed in comparison with Rio de Janeiro (35). Its annual average rate of 7.7 police killings per million inhabitants (2008–2015) is also slightly below the rate for Gauteng (South Africa, 8.6), which includes Johannesburg. In general, it can be argued that the Philippines cases broadly hover around the mid-level represented by the United States. The extraordinarily low levels of persons killed through police use of firearms in India reminds us that that “moderate” is a relative term, that “developing” countries can do much better and that, in an international comparison, the United States may already qualify as a country characterized by high police violence, all the more striking when we remember its self-proclaimed pedigree with respect to rule of law and democracy.

The moderate level of police killings rose dramatically after the election of Rodrigo Duterte, when the NCR, the adjacent Region 3 and Cebu Island rose to ratios far surpassing Rio de Janeiro’s. In addition, whereas up to the end of 2015 all regions of the Philippines we analyzed, with the exception of the NCR, had been below the 2014 values for South Africa, during the past few months all of them have surpassed the South African average. In most cases the ratio rose by more than 1,000 percent (extrapolated on an annual basis). Yet, the within-country variation remained stable.

For the even more important variable, the relationship between suspects killed and those wounded, international data are all but absent. In Germany, police officers killed approximately 7 civilians annually between 2000 and 2014. The number of suspects wounded in shooting incidents, however, was approximately 23 per annum. The ratio of killed to wounded civilians was thus 1 killed to 3 wounded (Lorei 2016). Furthermore, India provides official data on persons killed and wounded by police use of firearms, which are close to even (40 killed/39 wounded) (Ministry of Home Affairs, National Crime Records Bureau 2016: 383).

For 2015 the Washington Post provides the most conservative estimate of 991 persons shot dead by police in the United States or a rate of 3.1 killings per million population.

Based on the paradigm of “necessary and reasonable force” and the admittedly precarious basis of only two cases, I argue that, given a police force that does not shoot to kill, overall numbers of legitimate encounters should result in higher numbers of suspects wounded than killed.

Figure 9: Killings by on-duty police up to 2015 and under Duterte in an international comparison

Up to 2015		May 10 to Oct. 10, 2016 extrapolated ¹⁷	
India ¹⁸	0.03	India	0.03
England and Wales	0.04	England and Wales	0.04
Germany	0.08	Germany	0.08
Greater London	0.14	Greater London	0.14
Australia	0.25	Australia	0.25
Ontario Canada	0.55	Ontario, Canada	0.55
Iloilo	0.65	USA	1.3
Negros Occ.	0.7	Kenya	2.8
USA	1.3	South Africa	4.7
Cebu Island	1.5	Negros Occ.	8.5
Negros Or.	2.1	Gauteng (SA)	8.6
Kenya ¹⁹	2.8	Iloilo	11.9
Region 3	3.1	Negros Or.	12.2
South Africa (SA)	4.7	Brazil	15
NCR	7.7	Rio de Janeiro	35
Gauteng (SA)	8.6	Region 3	44.6
Brazil	15	Cebu Island	46.9
Rio de Janeiro	35	NCR	70

This was not the case in the Philippines in any of the regions analyzed. In all regions, the number of suspects killed surpassed by far the number wounded. While there are significant differences in overall levels of on-duty police killings (see above), in all cases analyzed police shootings in the past decade have been fatal for most suspects. Clearly, in shootings during the past decade the Philippine police normally have not shot to incapac-

17 The data for the non-Philippines cases are the same as in the left column.

18 As in all other cases, this excludes deaths in custody. It also excludes deaths in the context of anti-terrorist operations and deaths in baton charges.

19 Kenya does not provide official numbers of people killed by the police. The calculation is based on the numbers for 2015 provided by International Medico-Legal Unit 2016.

itate but to kill suspects. There is not a single province or region in the sample on “pre-Duterte police killings” that deviates from this pattern. Yet, similar to the patterns observable with respect to on-duty police killings per million population, the metropolitan regions of Luzon show markedly higher levels of deadly force being used by police compared with the Visayan regions.

Figure 10: Relationship between suspects killed and wounded up to 2015

	Negros Occ.	Cebu Island	Iloilo	Negros Or.	Reg 3	NCR
Ratio during observation periods (n/n)	18/4	59/11	15/2	11/1	321/18	744/36
Normalized ratio	4.5	5.4	7.5	11	17.8	20.7

We also collected the equivalent data for the early period of the Duterte campaign from his election (May 10) to August 4, 2016.²⁰ Four of our six cases show a clean slate with no wounded suspects reported at all, clearly showing that not only did the level of police shootings increase dramatically, but also the deadliness of such incidents for the suspects.

Figure 11: Relation between suspects killed and wounded from May 10 and August 4, 2016

	Negros Occ.	Cebu Island	Iloilo	Negros Or.	Reg 3	NCR
Ratio during observation periods (n/n)	8/2	33/2	3/0	7/0	109/0	95/0
Annual ratio (extrapolated)	34/8 (4.25)	138/8 (17.25)	13/0	29/0	457/0	398/0

This diagnosis of on-duty police having a very high tendency to use deadly force is also supported by the analysis of the ratio between civilians killed by the police and police officers killed by civilians. One report established the corresponding ratio for Rio de Janeiro. There, 85 policemen and 1,519 suspects were killed between 2010 and 2014 (a ratio of 17.9 to 1). For South Africa the ratio for the year 2014/2015 stands at 396/86 (4.6), revealing an extremely high threat level for police officers, even though the ratio is reduced by more than 50 percent if off-duty killings (52) are not included. According to the FBI data, police officers in the United States killed 444 persons in 2014, whereas 51 police officers were killed (a ratio of 8.7 to 1).

Up to 2015, the corresponding ratios in the Philippines stood at 160 for Region 3, 49.6 for the NCR and 15 for Iloilo, 12 for Cebu Island and 3.6 for Negros Occidental. In Ne-

²⁰ Here, we cannot rely on the ABS-CBN dataset, as this does not include either wounded suspects or victims among police forces.

gros Oriental no policeman was killed, although the total number of killings was very low. In the first weeks of the Duterte campaign from May 10 to August 4, despite an overall rate of more than 250 suspects killed in the respective regions not a single policeman died in the encounters.

Taken together, the data suggest that already before the current anti-crime campaign, police officers were resorting to highly excessive use of deadly force in the more metropolitan areas of Luzon that cannot be legitimated by any corresponding threat they face from violent suspects. The fact that there was not a single fatality in the police forces in all case studies from May 10 to August 4, 2016 shows that the one-sidedness of violence in on-duty encounters has become even more pronounced. Even though the absolute levels of past and present violence diverge between regions, in most regions police use of force is clearly excessive and cannot be accounted for by the threat experienced by the policemen.

7. On-duty police killings indicating the return of a strong Marcos-style state

This final section goes beyond the presentation of the data on police vigilantism in the Philippines. It places current practice into a political context. Making use of police vigilantism provides the political leadership with a means of simulating a strong state and thereby securing widespread public approval and acquiescence. This in turn allows the president to render democratic checks and balances meaningless and install himself as the uppermost "boss" at the national level. Bosses and political families are the building blocks of the Philippines polity. Bosses are "predatory power brokers who achieve monopolistic control over both coercive and economic resources within given territorial jurisdictions or bailiwicks" (Sidel 1999: 19). Yet, in normal times their power is limited by the power of their competitors for wealth and power. Having already converted the police into a willing proxy for asserting his will on a national scale, Duterte is well on his way to neutralizing this division of powers – the only one in the Philippines that works well during "normal" times.

7.1 Killings by on-duty police as an option for simulating a strong state

Given the scrutiny of the international community and a host of transnational human rights organizations, any modern state tries to dissociate itself from all orthodox forms of vigilantism on account of their illicit character. The state must officially deny complicity and consent, and therefore cannot benefit from the symbolism of establishment strength displayed in the vigilante activities of death squads or mob violence. Vigilantism beyond the state is always a symbolic threat to the state, as its very existence calls into question the state's capacity to ensure security and order.

In contrast to this, killings by on-duty police forces can be presented by the state as confirmations of its capacity to act decisively against threats to society and therefore enjoy

a significant capacity to enhance state or regime legitimacy. Despite the violence perpetrated by agents of the state, Filipinos' trust in their president did not diminish. According to a Pulso Ng Pilipino survey of early September, 96 percent trusted Duterte (Issues and Advocacy Center September 10, 2016). In a late September survey of SWS, 83 percent stated they felt "much trust" in their president (Social Weather Stations October 13, 2016). A majority of 54 percent of respondents was "very satisfied" and a further 30 percent "somewhat satisfied" with the president's campaign against illegal drugs, compared with only eight percent who were very or somewhat dissatisfied. Even though the victims of these killings are overwhelmingly poor, 83 percent feel that the campaign "does not discriminate" (Social Weather Stations October 10, 2016).

Duterte is no simple populist sensing majority preferences and adjusting his own positions accordingly. Instead, he actually established drug crime as the crucial threat to the fabric of society. In 2015 the most pressing problems facing the Philippines were perceived to be the control of inflation, low wages, graft and corruption in government, lack of jobs and the reduction of poverty (Pulse Asia Research Inc. September 24, 2015). In contrast, after two months of Duterte's campaign against crime, in late August 2016, crime topped the list (Issues and Advocacy Center September 10, 2016). This shows that Duterte not only successfully established crime as the most pressing problem, but also made the unconditional fight against this threat into a hallmark of a comprehensive we-group. Given the assumed absoluteness of the evil to be combated, any criticism of the president has been silenced. Detractors are suspected of being supporters of the criminal threat to society, and any reference to due process can be ignored.

Currently, the Duterte administration can present itself and by extension the Philippines state as strong, highly assertive, and successful in eradicating threats to society. In this endeavor, the supply of victims will not run out. Not only did the president proclaim that "there is Three million drug addicts. [...] I'd be happy to slaughter them" (Guardian October 1, 2016). In early November 2016 the PNP chief drew attention to illegal gambling, which is to be dealt with from early 2017 onwards. Further, the death penalty is on the verge of being reintroduced and the president is said to want "at least 50 convicts [...] executed every month by hanging" (Philippine Star June 10, 2016).

7.2 Duterte as Marcos 2.0?

Here, we arrive at a disturbing finding. The Philippines is the oldest democracy in Asia, with regular elections since the early years of the 20th century that have resulted in repeated changes of government. Filipinos have successfully overthrown a dictator and reestablished democracy. Yet, neither the idea of rule of law nor human rights have gained a significant following. Rather, strongmen or "bosses" are still important political role models, and strongman rule still has a high degree of legitimacy. Similarly disturbing is that the "legalized" form of establishment violence, killings by on-duty police, is especially strong in the most developed and metropolitan areas of the country. In more backward regions, domination in the Philippines has been characterized by private armed groups, hired assassins and death-squad activity. Urbanization and modernization have not re-

placed this means of elite domination by a police force that is bound by the rule of law, but by a police force that has taken over significant parts of the vigilante activities of private armed groups.

On September 18, Rodrigo Duterte asked for a six-month extension for his campaign against drug crime on the pretext that he “didn’t have any idea that there were hundreds of thousands of people already in the drug business. And what makes it worse is that they are operated now by people in government, especially those in elected positions. So it would be government versus government” (Rappler September 18, 2016). In his proclamation of a state of national emergency of September 4, 2016 Duterte still limited the measures to be undertaken by the AFP and PNP to those “permitted by the Constitution and existing laws” (President of the Philippines 2016). Yet, on September 20, he stated that he wanted to re-establish the Philippines Constabulary as one of the service commands of the Philippines Armed Forces. The proposal for a Philippines Constabulary goes beyond the present Constitution that defines the police force as one “which shall be national in scope and civilian in character, to be administered and controlled by a national police commission” (Constitution of the Republic of the Philippines 1987: Art XVI, Sect. 6). The reasons given for its re-establishment mirror those provided by Marcos in 1972 as justification for martial law. Local elections, due for October 2016, have been postponed by one year. Clearly, Philippines democracy is eroding.

Although there are significant differences, the Philippines will do well to remember the run-up to the declaration of martial law by Ferdinand Marcos. Marcos legitimized martial law with the mortal threat to the Philippines posed by Communist and Muslim insurgents. Now a threat of similar proportions has been constructed within a few months, a state of national emergency on account of lawless violence has been declared, and the president is threatening that martial law may be necessary in future emergencies. Filipinos and the international community should carefully read the writing on the wall. Already in 2015 Duterte provided a blueprint for his future presidency:

“It’s going to be a dictatorship. It’s the police and the military who will be the backbone. If they agree with you – if the right-thinking policemen and military men agree with you – then after 6 years, there will be a new set-up: maybe a federal type, less corruption, and fresh air for the next generation.” (Rappler 2015)

The first of his two backbones has been put into place. The police have been established as a force that is able and willing to eliminate anybody who dares to resist the presidential bidding. Currently it seems as if the president is well on his way to fulfilling the rest of the vision for a Duterte presidency.

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