

# Philippines: Storm surging for Peace in Mindanao - Part 3 - Investigation Results: A Bull's Eye to the Aquino Administration

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It has been more than a week since the results of the Board of Inquiry (BOI) of the Philippine National Police (PNP) are made public. Various reactions have been raised mainly in support of the result of the BOI's fact-finding mission and its effect made the Aquino and his allies more defensive and more isolated.

In brief, the findings of the BOI are as follows: it was the President who approved and gave the green signal for Oplan Exodus, there was a violation of the PNP chain of command especially when the President approved and relied on his best friend but suspended PNP Director General Allan Purisima. He (President) communicated to Director Getulio Napeñas, the sacked head of the Special Action Force of the PNP (SAF/PNP) only through the suspended Purisima. Different levels of commands were bypassed from the Acting Director General Leonardo Espina of the PNP and Secretary Mar Roxas of the Department of Interior and Local Government (DILG). The very defected dynamics of coordination between the PNP and the Armed Forces of the Philippines (AFP) through General Gregorio Pio Catapang - the AFP Chief of Staff and Lieutenant General Rustico Guerero - the Western Mindanao Command Chief and Major General Edmundo Pangilinan of the 6<sup>th</sup> Infantry Army Division in the Autonomous Region in Muslim Mindanao (ARMM). These basic and technical operational blunders have resulted to the Oplan Exodus and the Mamasapano bloody debacle. The BOI also has pointed out the active role of the US government in the planning and executing the Oplan Exodus.

Almost one week later, the Senate had made public its own fact-finding through Senator Grace Poe, Chair of the Senate Committee on Public Order, who led the Senate investigation. She presented a seven-page executive summary of the 4,300 pages they produced in the Senate investigation. Briefly the executive summary are as follows: The Mamasapano incident was a massacre and not an encounter, President Aquino who gave the go signal of the Oplan Exodus was criminally liable, the MILF is also criminally liable, Purisima and Napeñas are administratively and criminally liable and that the police failed operation was done with the active involvement of the US.

Twenty senators out of 24 have already signed the Senate Committee report including the allies of President Aquino.

These reports have devastated the President. His men and women have tried all remedies and tricks to diffuse the impact. Aside from the three presidential spokespersons, the Department of Justice

(DOJ) and the Department of Interior and Local Government (DILG) have worked together to defend the President but all they can do is to use legality like the President is not liable because he is not part of the chain of command especially in the PNP because it is a civilian organization. The people have not simply believed this kind of reasoning, in fact, they felt more insulted because for most of the people, they need the humility of the President to accept responsibility. The Mamasapano botched police operation has gone beyond legality, it calls for moral and genuine affection from the country's leadership and the humility to accept one's weaknesses.

In fact, Secretary Leila de Lima of the DOJ is compromising the results of her own investigation because they already defended the President from the results of the Senate and the BOI of the PNP.

### **A Presidential Scarecrow - No amount of magic can make it Alive**

The DILG has tried a trick to divert the attention of the people from the burning situation of the President because of the two investigations with the supposed to be constitutionally independent body as Ombudsman, they (with DILG) they slapped Mayor Junjun Binay (son of Vice President Binay) of Makati of 60-day suspension because of the case of corruption filed against the mayor. The DILG immediately served the suspension order and installed the Vice Mayor of the city to take-over. Indeed, it has created chaos and confusion with Mayor Binay trying to get Temporary Restraining Order (TRO) from the Court of Appeals to stop the suspension. Indeed, he got the TRO but the Vice Mayor has already taken over the mayorship after taken an oath from the DILG. Currently, Makati City, the commercial center of the country has two mayors and social services and official activities have been affected. But not enough to get the national attention of the people away on the Presidential accountability on the Mamasapano bloody fiasco. In fact, it might even boomerang to the Secretary Mar Roxas of the DILG because people will always see this act as political harassment. As of now, the people of Makati are supporting the Binays.

Two days ago, the results of a national survey regarding the approval and trust ratings of the President came out in media and all the newspapers. The survey confirms what the general sentiments and emotions of the people - hitting the President bull's eye. He (President) got the lowest trust and approval rating since he became the President in 2010. His approval rating has nosedived from 59% in November 2014 to 38% in March 2015 and his trust rating has plummeted from 56% in November 2014 to 36% this month. And it says in the survey, that eight (8) out of every ten (10) Filipinos do not believe the President's explanation of his role in Mamasapano debacle. And as expected, more people in the country do not like the Bangsamoro Basic Law (BBL) with 44% and only 21% approves the BBL. The revealing result of the survey is that 62% of peoples in Mindanao do not approved of the current version (in Congress) of the BBL. People in Mindanao have been raising their voices against the GPH and MILF version of the BBL but their voices were stifled.

Definitely, the President is bringing down with him the peace process and the BBL. With this kind of trend (other survey results will be out soon), it will not be surprising to see that the ruling Party will be disintegrating soon especially that the local and national elections are just more than a year away. The support of BBL in both Houses of Congress will definitely disappear. It is just a question whether President Aquino will finish his term

At this stage, no amount of political persuasions or machinations can greatly turn the free falling trend of the President in reverse. They (President and Cabinet) met with Director Benjamin Magalong- head of the PNP/BOI, for some clarificatory points and promised to release the SMSs between him (President and Purisima) but the BOI results have already been made public and people see the role of the President violating the law by dealing with suspended Police Director General.

Some of his allies in the Senate, who did not sign the Committee report of the Senate investigations because they have raised some points like investigating the role of the other 300 SAF/PNP members. But it will not matter most, aside from getting a grandstanding and attention.

In the abovementioned results of the survey, the Vice President got the highest votes of people if the Presidential election is done today. The second place, Senator Poe was more than 50% behind. And, Secretary Mar Roxas is way behind in number 8 slot. This is, as if, putting salt to the wounds of the weakened President.

The MILF has tried to convey the results of its own investigation through press conference where the Chair Al Haj Murad himself spoke to the media about the Mamasapano incident. They (MILF) still insisted that the SAF/PNP violated the ceasefire agreement. The Mamasapano was a mis-encounter because the MILF had just defended themselves against the SAF/PNP. The MILF leadership reiterated that they will never surrender their officers and members, who were involved in the bloody encounter to the government because they, as a revolutionary organization, have their own mechanism to deal with their own people. They already submitted the results of their investigation to Malaysia - as part of- the agreed protocol of the ceasefire and the peace process. Malaysia is the facilitator of the talks between the GPH and MILF. Again, the MILF should have also submitted the results of their investigation to Congress because January 25, 2015 was not just an ordinary event. Besides, the Congress has been deliberating and reviewing the BBL. So, it can be a sign of goodwill as well.

The House of Representatives has decided before they took their more than two months vacation, to continue their own investigation of the Mamasapano bloody incident next month (April 7 & 8). The members of the Lower House have promised that they will try to fill in the gaps left open by the results of the PNP/BOI and the Senate. Again, we can surmise that the results will not be favorable to the Aquino Administration. The President has agreed to participate in the House investigation by submitting to the House his SMS with Purisima in January 25, 2015 event. The same was asked earlier by the Senate investigation but the President had refused. The House also promised to tackle the BBL (the Senate has also promised earlier to take up the BBL during their vacation period) so that they can finish the whole debates before the end of June this year.

### **NO BBL will result to NO BTA and ARMM will STILL BE ALIVE**

At this stage, the MILF leadership has been making its announcement that definitely the way things are moving, they cannot get to set-up the Transitory Administration. And by implication they will not be prepared for the 2016 elections. This means that they will be preparing themselves to deal with the next President if they (MILF) continue to follow the track of the peace option. In this kind of situation, the R.A. 9054 will not be repealed and the ARMM, which the President and the MILF have considered to be a failed political project, will continue to exist with the President's favored friend reigning it.

What continues to worry the peoples, however, is that, up to this time the MILF has failed to recognize that when it enters the peace negotiation with the government, it has to deal with the whole government, not only the Executive. Definitely, something is seriously wrong with the whole process and the Executive thru its Office of the Presidential Adviser on the Peace Process (OPAPP) and its peace panel for their failure to convince the MILF peace panel and its leadership that what they have agreed and signed will be passed on to other branched of government. When the MILF said that their relationship with the GPH is based on the document they signed it is simply telling the GPH to convince and act as one political entity in the negotiating table. That is why, when the

MILF has insisted that any watered down version of the BBL is not solving the problem and can even be worse than the ARMM – the MILF does not consider to be negotiating with other branches of government (Legislative and Judiciary). In fact it has gone down to the level that many of the legislators (House and Senate) have labeled the GPH and OPAPP as spokespersons of the MILF. This is because the MILF has been able to outmaneuver the GPH panel, including the President to consider the BBL for instance as already the final document and therefore the GPH panel, OPAPP and President as to be on the side of the MILF, in defending it against Congress and the Judiciary.

The MILF has been able to divide the government for a long time. A typical example here is, when the first draft of the BBL was submitted to Malacañang by the Bangsamoro Transition Commission headed by Iqbal, who is also the Chair of the MILF peace panel. The Office of the President has seen many points which would not be Constitutionally defensible and made changes. Murad and Iqbal complained directly to the President in Japan and the President bowed down and returned the original points as agreed by the BTC with the support of the GPH peace panel.

This one-sidedness in the peace negotiation was timely checked by the Mamasapano bloody debacle. People (99% based on the survey) became aware of the BBL and the great disadvantage to the GPH and the people and decided to intervene in so many forms and means.

It is very important that the term of the President is ending because for sure people would want to see those responsible for this “selling of the country” to the MILF be held accountable. Those people who were given responsibilities to bring the interests of the government and the three peoples in Mindanao but have arrogantly and unilaterally exercise the power of 3 branches of government when they faced the MILF across the negotiating table should be held accountable. The three peoples in Mindanao in whose names have been used for the peace negotiation with the MILF have to be held responsible and face justice.

## **Conclusion**

The results of the two investigating bodies, the PNP/BOI and the Philippine Senate have not only correctly pointed out the basic weaknesses and errors of what had happened on January 25, 2015 botched police operation against International terrorism but also the basic gaps of the Aquino’s ways of governing the country.

Special friends (like Purisima) of the President could do what they want, even violating the Law, as long as the President approves their action.

The Mamasapano police bloody fiasco has given a needed and even a decisive break for the country and its people to check these very unpresidential actions which in effect made the MILF actions in the January 25, 2015 bloodlust incident. Such unfortunate event had made majority of the people to review the BBL, understand and look at the MILF from the eyes of inclusive peace in Mindanao.

The bloodlust incident gave us the rare opportunity to check the actions of people that we entrusted to negotiate and speak for the peoples’ interests and not from opposites. These people have continued to deceive us by arrogantly stifling the voices of peoples who wanted the peace process to be transparent and more participative. The whole process has given us more insights and new perspective in the journey of having equitable growth and sustainable development of the broadest sections of the people in Bangsamoro, Indigenous peoples and the Christian settlers.

**Raymund de Silva**, March 19, 2015

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