

Philippines Presidential Election: Deciphering Rodrigo Duterte victory

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DECIPHERING DUTERTE'S VICTORY

Rodrigo Duterte's victory in the presidential elections of 2016 surfaced popular sentiments long raging underneath the thick yellow cover of EDSA regimes just waiting for a popular champion to release. These sentiments are a mix of incoherent even clashing social, economic, political and geographical demands which Duterte now at the helm of the State is expected to satisfy.

This quandary behind his "change is coming" slogan explains why Duterte appears and sounds like a bundle of contradictions as he appoints to his Cabinet persons of colliding beliefs and loyalties and announces discordant policy thrusts, even audacious bluffs, that lend an air of unpredictability in his coming administration.

Prudence requires that we wait for his more definitive declarations through his Inaugural Address to the people and his State of the Nation Address before Congress and his actions during the first hundred days. It must be observed however that Duterte has been remarkably consistent in a number of major themes and policy thrusts in his campaign and post-campaign speeches that trace back to his previous experience as a government official.

Duterte will preside over the same oligarchic State beholden to US imperial interests and tied to global finance as his predecessors did. It is important to see which of his proposed major changes tend to alter or stabilize existing policy frameworks and directions. Whichever way – changes in favor of the working people or modifications to preserve the status quo, his strong willed personality and leadership track record, his ability to exploit the fear factor, his populism, and his maverick and iconoclastic thoughts are new features of the presidency that will come to play in the next six years.

Towards Federalism

Coming from the ranks of the regional elites of Mindanao and Cebu, Duterte has long been one of their vocal spokespersons in their protestations against the privileges enjoyed by the national elites based in "imperial Manila". Before he became a candidate or perhaps as a step towards his presidential candidacy, he went barnstorming around the country to advocate a shift of

governmental form to federalism.

Duterte is dead set at pushing for a constitutional change towards federalism during his term, probably in the early part. United behind him are the elites and the people of Mindanao and Cebu who may also gather support from other regions disadvantaged by “imperial Manila “. The Bangsa Moro fronts’ demand for a semi-state is argued as something that can only be possible under a federal set-up. The current Bangsamoro Basic Law can be frustrated not only in Congress but in the Supreme Court on grounds of unconstitutionality. All in all, the sentiments favoring regionalism have become stronger than ever.

The shift to federalism will surely strengthen and enlarge the local elites’s hold on local power up to the regional level. It will give global and regional corporate players more leeway to penetrate the local markets in collusion with local business and landed interests and wangle more privileges from state governments. It will give more chances to the regional and local elites to cut, skirt around or prevent social justice and welfare measures which so far has gained more support from the unitary national government.

However, with such large parts of the area and population of the country as Mindanao and Cebu and possibly more demanding federalism, and with a strong president pushing it, federalism may no longer be stoppable. Unless the unitarian forces can mount a strong opposition to it, the challenge may really lie now in establishing a kind of federalism that will really empower the working people in the regional states to be set up and will invest strong powers in the national government to carry out progressive changes in the politics, security, economy and culture of the country.

Interesting is the silence of Duterte and his close allies about the parliamentary shift in the form of government.

A Strongman Government ? A Bonapartist ? [1]

On top of Duterte’s priority is his strong law and order drive, his hard-fisted campaign against drugs, criminality and corruption, which he says is going to be “harsh“. There is no doubt about his resolve on this. What is controversial is his approach to doing this. From his days as Davao city mayor, he has shown a cavalier attitude towards a faithful observance of due process and other civil and political rights, manifesting strong support for extra judicial killings to solve the drug problem and criminality. He also wants the death penalty for heinous crimes restored through public hanging. Blended to this “get tough” campaign is a macho sexist attitude that may roll back the gains of the struggle for gender equality.

Furthermore, he likewise expressed a preference for setting aside and/or challenging constitutional checks and balances like the Congressional power to investigate the Executive in aid of legislation and the court’s power to issue TROs.

His choice of AFP chief of staff is one with a long and tested aggressive counter-insurgency career and was the ground commander in the Hacienda Luisita massacre of 2004. The incoming PNP director general openly shares Duterte’s cavalier attitude towards due process and the bill of rights in their promised campaign against drugs and criminality to the extent of endorsing extra-judicial killings.

In all this, he seems to have the broad support or at least the acquiescence of the millions who elected him and of forces in the police and military establishment, big business groups, and inside Congress as well. This raises the question as to the possibility of the ruling elites encouraged by

mass support now willing to forego the liberal democratic model of the 1987 Constitution and move towards a neo-authoritarian mode. And that Duterte might become a Bonapartist.

This conclusion remains to be tested. It will depend on whether Duterte is really bent on moving in this direction or not and the comparative strength of the support for and opposition to him on this issue that will appear inside and outside government.

At the outset, the odds are formidable and great. Popular mobilization, neutralization or better, support of other State institutions and of course, the backing of the military and the police must be enormous to undermine and later break the constitutional order. Bonapartism is out of the question. The class struggle in our country between the ruling and the oppressed is far from reaching a point where they tend to balance each other out to the point that the state momentarily acquires an autonomy above classes. Moreover, Duterte is an outsider in the military and police establishments whose support is key to achieving this kind of autonomy.

The formation of a supermajority to support Duterte is not rare in our legislative history. It happened several times before. It is also not stable throughout. Without a real party system, a new President can create overnight a majority to support him by shrewdly leveraging his powers over budget preparation and implementation, his appointing powers to thousands of positions in government agencies and his influence in majority selection of who gets what powerful and juicy committees. But when it comes to passing laws that affect elite factional and individual interests, difficulties may arise in mustering a majority.

How about the courts? Duterte will face the same Supreme Court and lower courts appointed by his predecessors. Although he will have the chance to appoint nine new justices of the Supreme Court which is composed of fifteen justices, including the chief justice, they will come one by one during the entire length of his term. Meanwhile, he has to contend with the prevailing political mindset of the sitting court in every case that may be brought before it.

Next is the media controlled by business moguls whose interests interlock with a range of other vested interests inside and outside government and who can give Duterte problems under the cloak of media freedom.

Another powerful institution are the churches, especially the Catholic Church. It is divided on Duterte and the changes he will espouse. Owing to his independent beliefs and his past scurrilous attacks against the Church hierarchy, Duterte's relations with them will not be easy. The Church's relations with other elite interests - allied or opposed to him, will also play a big role in setting its attitude towards his administration. The Iglesia ni Kristo supported his candidacy but is highly transactional in dealing with Malacanang.

The huge electoral vote Duterte garnered is mostly unorganized and spontaneous. Its transformation into an organized mass base is a tremendous and more difficult work that needs time and dedicated, skilled and well-oiled functionaries compared to building an election machinery and getting the vote.

More likely, Duterte will become a strong president but within the parameters of the existing constitutional order. If he crosses the line, he will surely encounter broad and strong opposition and provoke a political crisis. A crisis that may unleash reaction from the extreme Right but also radical energies in the direction of a mass upheaval.

Veering away from neo-liberalism ?

Will a strong president mean a strong government in relation to the economy ?

Some advanced the idea that the new administration may depart from the neo-liberal direction of its predecessors.

Indications are, he will not. To start with, his appointees to key positions in the Cabinet - finance, foreign policy, defense, economic development, interior and local government, agriculture and trade and industry are men of the status quo - neo-liberal or at least not opposed to it, part of or beholden to the political and economic elites and are acquiescent to if not loyal to the imperial interests of the United States and global capitalist finance. Many of them come from Mindanao and are identified with agribusiness, extractive and large landholding interests.

Much has been said about his call for the revival of the local steel industry and some other homegrown industries as indicative of a home-based industrialization. Yet, other major initiatives by his close circles, especially the incoming House Speaker, seek to amend the patrimony and nationality provisions of the Constitution to allow full foreign ownership of local businesses.

A broad elite consensus in fact already exists in support of this economic cha-cha. The Belmontes and the Drilons have long pushed for allowing full foreign ownership of land. Nothing is said about the WTO regime and the many bilateral agreements to liberalize and privatize the local economy and even subject them to international arbitral mechanisms in case of disputes. Perhaps, there will be increased exercise of regulatory powers in selected sectors but not to the extent of disrupting the neo-liberal course of the economy.

The only indication of where Duterte is on agrarian reform is his appointment of a CPP Left nominee to head the DAR. This can mean that he wants a faithful implementation of the CARP/CARPER or better, more improvisations in stretching the limits of the law to favor the peasant claimants. Opportunities abound in fact. Although the land distribution coverages under CARPER have expired in 2014, the support services for those covered have not. Contested and anomalous land transfer cases and land conversions can all be reviewed and reversed. Condonations of amortizations can be done amounting to a kind or a level of free distribution. And a comprehensive government audit of CARP/CARPER implementation can be done either through a congressional act or an executive order which is faster and probably freer from undue intervention by vested interests in Congress.

These can all be done within the purview of the existing laws. But the pro-agrarian reform forces can simultaneously craft and push for a new and more radical agrarian reform. This should consist of a land and water use law to ensure land for food security and land redistribution and to protect them from the aggressive waves of corporate landgrabs and conversions; restitution against fraud and illegal conversions and human rights violations of claimants, radical redistribution, and an integrated land distribution with support services through cooperatives and combinations of state and farmer ownership and control.

These opportunities however will be met by strong resistance from landowners, corporate agribusiness, real estate and mining companies. In which case, presidential intervention will be called frequently. Delays should also be expected through court actions will be resorted to by these anti-land reform parties. Here we can test the new president in action as to what extent he can support agrarian reform.

Another major issue is Duterte's promise to end labor contractualization. A follow up announcement of this pro-labor policy thrust was recently issued by the incoming labor secretary. This early, the Employers Confederation of the Philippines (ECOP) strongly reminded everyone that contractual

labor is the cream of the service sector and thus warned that this will undermine the growth of the service sector and prospects of employment. The World Bank has also warned of increased unemployment in the event that contractualization is abolished.

To end contractualization is not going to be easy, to say the least. More than the need to overcome an expectedly large congressional resistance to pass a new law to repeal the Herrera law, the far larger and more complicated challenge is posed by the huge exploitative complex that is built around contractual labor, interlocking with each other the capitalist companies, the hiring agencies and the national government agencies and the LGUs to extract the most profit from the workers.

A real opening towards political settlement of the armed conflicts ?

Calling himself a leftist and a socialist – the first and only president to own this tag, Duterte took a bold start to advance the peace process with the CPP-NPA. Immediately after winning the presidency, he appointed a peace negotiator and sent a panel to Norway to prepare for the resumption of the peace talks with the CPP-NPA. At the same time he offered initially four Cabinet posts – labor, agrarian reform, environment and natural resources and social welfare to the CPP for them to fill up.

Although only two of the four promised were delivered – social welfare and agrarian reform, this unprecedented move stirred up high hopes and excitement about the prospects of a real breakthrough in the peace process between the Government (GRP) and the CPP-NPA. It also encouraged perceptions of a leftward trend of the Duterte administration with a CPP Left wing in its Cabinet, which also includes a labor undersecretary, and a non-CPP leftist as education secretary.

How real is the opening this time? It has been eighteen years since a concrete, positive step in the process was made – the signing of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) in 1998. During that time – nearly two decades, disagreements on the meaning and application of its provisions hobbled the implementation of the agreement and prevented the peace process from advancing to the next step, the most contentious part of the substantive agreement : social and economic reform.

It seems like a wall between the two parties is suddenly breached by a president with leftist sentiments and associations in the past and his present environment. [Now, a] lot has happened in the intervening years between the nineties and the present. Confronting each other across the negotiating table and the firing line are two parties that have undergone major changes. The GRP is besieged by decades of failure to deliver on its promises to make its oligarchic democracy work to solve poverty, erase the country's status as a laggard in this part of the world and achieve a peaceful life for the people. Its legitimacy is wearing thin as shown by the last electoral rejection of the poster boys of yellow EDSA politics – Aquino and Roxas. The prolonged existence of armed insurgencies also remains a blot on its claim of sovereignty.

But overall, the GRP is more confident than ever about its superiority in strength and legitimacy compared to the communist movement.

At the other end, the CPP-NPA has become a much weaker force as an armed movement with its brand of sectarian Marxism that has failed to unite and lead the whole Left, much less attract the great masses to its fold. Duterte aided by generals like Esperon knows the time has come to be more innovative and daring to draw in a softened, weary Jose Ma. Sison to the parliamentary arena.

There is a certain irony here. Whether both sides will care to admit or not, with every step forward the peace process will take, the political and cultural pendulum moves gradually to the Left. The call

for general amnesty for all revolutionaries, the hastened steps to address the substantive radical social and economic reforms, and the inclusion of representatives of the armed Left in government is improving the climate for radical mass movements of every Left orientation to advance and gain wider legitimacy. After a generation of enmity as a result of the split of the nineties, a condition is emerging for all parties of the Left to reach out to each other. The word communist elicits various reactions, more negative or with trepidation perhaps, but it is coming back to mainstream usage, thanks to this president, and given time and proper nurturance by all forces of the Left will sound acceptably cool.

A new formula for Moro self-determination and autonomy

Duterte has always said that the Bangsa Moro Basic Law (BBL) will never be enough to achieve peace in Mindanao. He offers federalism to provide a bigger framework for Moro autonomy and without its constitutional infirmity. The MILF welcomes this in substance but continues to press for the immediate passage of the BBL as the new federal law may take longer than expected or desired. Duterte remains non-committal to this, indicating a new approach to bring in the MNLF and even the Sultanate of Sulu to a new framework for autonomy. A more inclusive approach is better and should bring in the lumads as a distinct entity entitled to its own self-determination.

Distanced from the US ?

Duterte's links with the Left peppered by occasional critical remarks about the US has encouraged conjectures that he might move Philippine foreign policy away from the United States. But so far he has said nothing that disrupts the major planks of US imperialist relations with the Philippines. His expressed willingness to open bilateral talks with China on the issue of the West Philippine Sea may have ruffled some feathers in Washington but that remains manageable so long as he keeps it within the trajectory aligned with the US strategic policy of pivot to Asia. The United States government has also issued a stern reminder that the CPP remains in its list of terrorist organizations in the wake of CPP participation in his Cabinet but this is also safely justifiable as part of a peace process that will end an armed communist insurgency.

A new historical juncture ?

Duterte's crushing electoral victory over Roxas is a stunning blow to the yellow politics and forces of the Aquino-led alliance of EDSA elites under the signboard of "*Daang Matuwid*". Zeroing in on drugs, criminality and corruption combined with anti-Establishment tirades and maverick styles of connecting with the electorate, Duterte's message effectively unwrapped the hypocrisy, ineptness and false claims of "*Daang Matuwid*" over a broad range of issues encompassing poverty and inequality in a general sense.

Yellow diehards claim that perceptions of Roxas' weak personality and leadership account more for his defeat than a negative judgment on "*Daang Matuwid*". They also point out that Duterte is a minority president, having won by a plurality of 39 percent of the vote over his three rivals. Still, the yellows cannot lay claim to either of Poe's or Binay's votes as neutral to "*Daang Matuwid*". Both Poe and Binay raised the issue of widespread poverty and weak leadership with Poe hitting harder on pervasive corruption. Poe also emotionally connected her campaign to that of his father's which opposed the EDSA elites.

Neither can the yellows claim that Robredo's very narrow victory over Marcos Jr' in the vice-presidential election is a whole plus for "Daang Matuwid". Obviously, the rejection of Marcos' legacy and the big machine and money politics of the Liberal Party did it for Robredo more than her winsome image and ways.

In fact, the near electoral victory of Marcos Jr. is also a big indictment of the failure of the EDSA elites to make a difference in the lives of the big majority and to dismantle the Marcos' legacy of social injustice and poverty, widespread corruption, dynastic politics, indebtedness, human rights violations and subservience to US imperial power and global capitalist finance after nearly thirty (30) years in power.

The really important question is whether Duterte's victory signals a real break or not from the nearly thirty (30) year reign of the yellow EDSA elites as some pundits observe. Estrada's electoral win in 1998 is a crack in the armour, so to speak. But he did not touch the neo-liberal and constitutional order that characterize yellow rule. And he failed to deliver his "*Erap para sa Mahirap*" to the masses and mobilize them — a decisive weakness that caused the EDSA elites to succeed in stirring up a movement to oust him.

Duterte has shown signs of a break with the yellow EDSA rule. It is a mixed bag though. His federalism aims to change the regional balance of power in favor of the disadvantaged parts of the country and to allow a more inclusive and workable solution to the war and peace problems of Muslim Mindanao. His reaching out to the CPP Left opens the space wider inside and more importantly outside government for a Left and radical mobilization to advance real solutions to the major problems of our country, especially the working people. He tends to favor a stronger exercise of the regulatory power of the State vis-à-vis the capitalist private sector in some areas of the economy.

On the other hand, there is much of the old order in the governance that he is setting up. The neo-liberal course of the economy is untouched. Monopolies are likely to stay, especially in the agribusiness, real estate, extractives and trading sectors whose representatives occupy key Cabinet and Congressional posts. Nothing in his federalist proposal contains a real redistribution of power to the grassroots. Nothing is said about altering the major planks of US imperialist relations with the Philippines.

There are impending reversals as well. The Marcoses are his close ally and Marcos Jr. reportedly is promised the interior and local government post after a year. His policy pronouncements prejudice due process and the exercise of other human rights. His allies in constitutional change want to grant foreign entities and citizens the right to full ownership of business and land.

At this point, neither can we wholly support or oppose Duterte. His presidency is still unfolding. We must support the progressive and radical changes he espouses and challenge him to go further. We must oppose and push back the reactionary ones, including the reversals of previous gains. We must do all from the perspective of a clear alternative program of the changes we want for the Philippines. I will amplify this in my next paper.

Ricardo B. Reyes, June 22, 2016

Footnotes

[1] * There are periods in history and in the development of society, however, when the struggle between the classes reaches such a pitch that they almost balance each other out. In this situation, as Engels explained, the state “acquires for the moment a certain degree of independence of both of the warring classes.” Such regimes are characterised by Marxists as Bonapartist regimes, or military-police dictatorships.