

## Historical Notes on Graft and Corruption in the Philippines

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*The phenomenon of graft and corruption in the present Philippine bureaucracy could be traced to the Philippine colonial experience, especially during the Spanish period, but certain features in the culture of pre-conquest Philippines could be described as amenable to corrupt behavior. It was during the American period that public service was very much improved because (1) adequate compensation was given to those in the civil service; and (2) the civil service law was effective in punishing guilty officials. The climate of rectitude was maintained throughout the Commonwealth period.*

Historical interpretations of graft and corruption in the Philippines attribute the phenomenon to the colonial experience. In this view, corrupt practices in contemporary society constitute part of a repertoire of behavior learned from the colonial masters. Reinforced by present-day conditions, institutions and values, such aberrant behavior persists as part of an unfortunate legacy of the colonial period.

This is of course a question the truth of which can be demonstrated by examining the historical record. Is it, in fact, the case that the history of the Filipino, as far as the question of graft and corruption is concerned, can be described as some kind of descent from a condition of innocence before colonial contact to one of political savior

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faire—manifested in, among others, graft and corruption—since then?

In attempting to answer this question, this paper deals with a description and analysis of three things:

- (1) what constituted corrupt behavior during the various periods in Philippine history;
- (2) the political and social conditions that gave rise to, and probably sustained, corrupt behavior; and
- (3) the attempts made to curb corrupt practices.

This paper covers only three historical periods—the pre-conquest, the Spanish and the American periods.

### Pre-conquest Philippines

Nationalist Philippine historians, in an understandable effort at presenting a glorious picture of pre-

conquest Philippines, usually describe it as an idyllic time and the people as akin to the noble savage of legend. If this perspective were accepted, corrupt behavior becomes a complete import, part of the baggage of the colonizers. Historically, there is some truth to this assertion, especially if one were to focus on the Spanish period. However, a historical examination of graft and corruption in the Philippines should properly include a description of pre-conquest society. Of course, to the basic question of whether there was bureaucratic corruption at the time, one answer would simply be to dismiss it since the absence of a formal bureaucracy logically precludes the existence of the phenomenon. But that is merely tautological. Our concern here is to find out whether, given the characteristics of Philippine pre-conquest society, there were customary definitions of corruption, and corollarily, whether there were occasions to commit corrupt practices. This needs a closer look at the nature of Philippine society at the time, more specifically at its political aspects.

The Philippines at the time of Spanish contact can be described as politically undeveloped. Despite the claims of some contemporary Spanish observers and some Filipino historians that kings and large political confederations existed, it is the accepted view that there were no political communities larger than the *barangays*. These were groups of from 30 to 100 families, bound

by customs and occupying small territorial units usually along the sea or rivers.<sup>1</sup> One early Spanish account described the political situation in the following manner:

There were no kings or lords throughout these islands who ruled over them as in the manner of our kingdoms and provinces; but in every island, and in each province of it, many chiefs were recognized by the natives themselves. Some were more powerful than others, and each had his followers and subjects, by districts and families and these obeyed and respected the chief. Some chiefs had friendship and communication with others, and at times wars and quarrels.<sup>2</sup>

As a political organization, the *barangay* had two functions: (1) to maintain its existence as a community by resisting and repelling invasion by outside enemies; and (2) to preserve peace and order within its authority.<sup>3</sup> The latter function was undertaken through methods of mediation and conciliation of disputes, or through the prevention or redress of wrongs through public authority exercised by the *datu*. The latter situation occurred in the politically integrated *barangays* where the *datu* had "achieved cohesion through a firm consolidation of his authority."<sup>4</sup> This seems to

<sup>1</sup>Antonio de Morga, "Sucesos de las Islas Filipinas," in Emma H. Blair and James A. Robertson (eds.), *The Philippine Islands, 1493-1898* (Cleveland, Ohio: The Arthur H. Clark Company, 1903-1909), Vol. 16, pp. 117-120.

<sup>2</sup>*Ibid.*, p. 119.

<sup>3</sup>Perfecto V. Fernandez, *Custom Law in Pre-conquest Philippines* (Quezon City: U.P. Law Center, 1976), p. 45.

<sup>4</sup>*Ibid.*

have been the case with the *datu* with whom the Spaniards had their first contacts in the island of Cebu and in Manila. These were communities which had come under the influence of Islam. In such communities the *datu* had been described as possessing almost absolute authority, and he exercised the functions of judge as well as of legislator.<sup>5</sup> In these communities a distinct system of law had arisen, distinguishable from the customary law of the larger society and consisting of interpretations by the authorities of the *barangay* as well as the rules legislated by the particular *datu* to meet local conditions or particular problems.<sup>6</sup> In other *barangays* where there was only partial political integration the *datu* merely functioned as leader of his peers. He did not legislate, but only executed the received law. He was not a judge and could not compel the parties to a suit to his judgment. In such communities, his role was that of mediator and conciliator. He had no power to resolve disputes, except when the parties agreed to submit the matter to his final determination.<sup>7</sup>

Despite such differences in the degree of political integration of the *barangay*, it was the political unit at the time of conquest. Its political character derived from the fact that

each household in the community recognized the authority of the *datu*. The public power was reposed in him. There was a clear recognition of community interest in the security of persons and property. Certain grave offenses, such as murder and theft, were considered public offenses, and as such were amenable to redress by public authority, exercised by the *datu*. The acknowledgment of the *datu's* power and the legitimacy of its exercise was governed by established custom. Tradition was reinforced by physical strength and other personal endowments of the *datu*. His authority rested not merely on custom, but more important, on the possession of leadership qualities. Thus, although the position was customarily hereditary, the loss of such position was frequent among those without the ability to sustain it.<sup>8</sup>

Pre-conquest Philippine society then had advanced politically to the stage where there was already the conception of public interest, together with the person and the means to uphold it. However, the state of that development did not include even the beginnings of specialized agencies to carry out public functions. The nature of the society and its technology precluded such a formation. In the first place, since each household was virtually self-sufficient, there was little that it

<sup>5</sup>Morga, *op. cit.*, p. 121; also, Miguel de Larca, "Relacion de las Yslas Filipinas," in Blair and Robertson, Vol. 5, pp. 175-177.

<sup>6</sup>Fernandez, *op. cit.*, p. 7.

<sup>7</sup>*Ibid.*

<sup>8</sup>Juan de Placencia, "Relation of the Customs which the Indians were Accustomed to Observe in these Islands," in Blair and Robertson, Vol. 16, p. 322.

needed from the general community. Other reasons have to do with the primitive technology available. The absence of adequate technology for example, explains the absence of the monopoly of force characteristic of modern governments. Thus, neither the datu nor any entity could compel obedience or exact compliance from the public.

In a society characterized by the prevalence of customary law and its concomitant weaknesses, the essentially voluntary nature of the association seems to completely exclude the possibility of graft. For example, a member of a barangay who was not willing to accept a judgment of a particular datu simply had to move to another to escape it. Although there were customary laws governing inter-barangay movements of people, the public authority as such did not have the adequate means to enforce its will.

It remains to examine one other aspect of pre-conquest Philippine society which could possibly be a source of corrupt practices. This is the system of obligations deriving from the fact that the society was stratified into various classes. At the apex was the datu and his household which was subordinate to no other household. The lower classes are described by a Spanish chronicler:

In addition to the chiefs, who corresponded to our knights, there were three classes: nobles, commoners and slaves. The nobles were the free-born whom they call *maharlica*. They did not pay tax or tribute to the datu,

but must accompany him in war, at their own expense. The chief offered them beforehand a feast, and afterward they divided the spoils. Moreover, when the datu went upon the water, those whom he summoned rowed for him. If he built a house, they helped him, and had to be fed for it. The same was true when the whole barangay went to clear up his land tillage.<sup>9</sup>

Such obligations, however, were not one-way, for in the manner of feudal practices, the chiefs were obliged by custom to provide protection, security and assistance to the households attached to it. Such *noblesse oblige* is described by a contemporary Spanish account:

For this service the chief is under obligation to defend the *timagua* (commoner), in his own person and those of his relatives against anyone who seeks to injure him without cause; and thus it happens that, to defend the *timaguas*, fathers fight against their sons, and brothers against one another. If the *timagua* goes to any other village and there is wronged, the chief will endeavor, with all his forces, to avenge him to the same extent. Thus the *timaguas* live in security, and are free to pass from the service of one chief to that of another, wherever they so desire, and without any obstacle placed in their way.<sup>10</sup>

Corresponding to his public and private roles, the datu, was entitled to two kinds of services: those required in the interest of the community and those pertaining to his person and his household:

What the chiefs received from their followers was to be held by them in

<sup>9</sup>Placencia, "Customs of the Tagalogs," in Blair and Robertson, Vol. 7, p. 174.

<sup>10</sup>Loarca, *op. cit.*, p. 149.

great veneration and respect; and they were served in their wars and voyages and in their tilling, sowing, fishing and the building of their houses. To these duties the natives attended very promptly, whenever summoned by their chief. They also paid the chiefs tribute (which they called *buis*), in varying quantities, in the crops that they gathered.<sup>11</sup>

In his role as preserver of the peace the datu performed the task of adjudicating disputes among the households in the barangay. Generally, the datu took cognizance of disputes upon the petition of the aggrieved party for various reasons: protection from violence, redress of an injury, the enforcement of a claim, such as an unpaid debt. It was also probable that the datu took the initiative in bringing the parties together. Generally, he endeavored to have the parties agree on a settlement; if none was arrived at, an investigation was conducted and the judgment based upon the evidence. In criminal cases, a fine was usually imposed; in civil cases, the payment of the obligation was required. In serious offenses where the penalty was death, the condemned could ask for commutation to servitude. The fines imposed, although governed by custom, could also be arbitrary.

The chiefs are accustomed to impose the taxes; but there is no fixed amount for these, save what the proper judge decrees shall be paid.<sup>12</sup>

Since customary law left a great deal of discretion to the judge and

executor of the law, this is the area where corrupt behavior could conceivably have arisen. Examples of these opportunities are the fines imposed as penalties for crime and the tributes that the lower classes were supposed to pay. In this regard, we have only the value judgments of contemporary Spanish observers, and an example of this is the following:

The superiority of these chiefs over those of their *barangay* was so great they held the latter as subjects; they treated these well or ill, and disposed of their children, and their possession, at will without any resistance, or rendering account to anyone. For very slight annoyances and for slight occasions, they were wont to kill and wound them, and to enslave them. It has happened that the chiefs have made perpetual slaves of persons who have raised their eyes to look at them less respectfully and for other similar causes.<sup>13</sup>

Such an observation, however, shows definite European and Christian biases. To the Spaniards there were many aspects of local culture that were objectionable because they were not derived from the Christian tradition.

It is, of course, entirely possible that such value judgments were not reflective of local sentiment. To the natives such "abuses" as the Spaniards saw might have been considered well within the customary prerogatives of their leaders. Such a question, however, can only be settled if there were recorded opinions of the natives, favorable or

<sup>11</sup>Morga, *op. cit.*, pp. 119-120.

<sup>12</sup>Loarca, *op. cit.*, p. 177.

<sup>13</sup>Morga, *op. cit.*, p. 120.

not, regarding such practices. But historical sources, being written by the conquerors, contain no such evidences.

At any rate, this discussion of pre-conquest Philippine society at least provide us certain features of the culture amenable to what would be defined under another system of law as corruption. As will be seen later on, one of the colonial practices used by the Spaniards was the employment of the pre-conquest nobility as the lowest class of bureaucrats (above whom were Spaniards) thus reinforcing their position in the society.

### The Spanish Period

The Spanish regime in the Philippines, which lasted for over three centuries, is generally regarded as a period characterized by the prevalence of graft and corruption. In fact, conventional wisdom regards the regime and corruption as synonymous. While that may sound like a caricature, especially considering the longevity of the regime, the generalization is historically accurate. Its only weakness is that it does not say enough.

We are concerned here not only with the definition of bureaucratic corruption, but more important, with the context that gave rise to, and nurtured, it. As far as definition is concerned, corruption during the Spanish period can be broadly defined as deviation from the idealistic, high-minded norms contained in legislation of various forms.

Being derived from Roman law tradition, Spanish political philosophy was very much steeped in the idea of law determined by the authority of will (or the *imperium* of the people delegated to the monarch), as contrasted with the authority of custom or usage of the community.<sup>14</sup>

We can refer, first of all, to expressions of colonial objectives which, fortunately, were numerous and clear enough to leave no doubt as to the aims of Spanish colonization. In 1636, Philip IV declared in a law that:

...we desire nothing more than the publication and spread of the Evangelical Law and the conversion of the Indios.<sup>15</sup>

The viceroys and governors were enjoined to hold the service of God and the extension of His sacred law as "their first and principal concern."<sup>16</sup>

Another law, first decreed in 1542 and reenacted five times until 1841 declared that:

...one of the most principal things in which our Audiencias of the Indies have to serve us, is to have special concern of the good treatment of the Indios and of their conservation.<sup>17</sup>

Still another law commanded the viceroys and superior officials to:

<sup>14</sup>Onofre D. Corpuz, *The Bureaucracy in the Philippines* (Manila: Institute of Public Administration, University of the Philippines, 1957), p. 11.

<sup>15</sup>*Recopilacion de Leyes de los Reinos de las Indias, ley 8, titulo 2, libro ii.* Citations referred to in this source will be by *ley, titulo, and libro.*

<sup>16</sup>*Ibid., ley 2, titulo 3, libro iii.*

<sup>17</sup>*Ibid., ley 83, titulo 15, libro ii.*

...aid, protect and defend [-the Indios] from whatever injuries, ... punishing their oppressors with special and rigorous public demonstration.<sup>18</sup>

Moreover, the natives were placed under the protection of the bishops as well as under an official designated protector and defender, who was appointed by the governor of the islands.<sup>19</sup>

Such noble aims, however, were counterbalanced by a practical objective. This concerned the increase of the royal estate through the raising of public revenue in the form of tributes, fees, fines, etc. For example, the laws commanded the viceroys, governors and officers of the exchequer to :

...devote supreme attention in bringing about the profits, and the increase of all that belongs to us in the provinces of their governments, and shall apply all their attention and diligence to the development of the mines, the collection of our royal fees, and the remittance to these realms [to Spain] of the proceeds thereof, ... with strict punctuality, and permitting no withholding nor retention of any amount.<sup>20</sup>

Another law, however, commanded that:

The tributes shall be collected with the least possible harm to the Indios, and to the *hacienda real*.<sup>21</sup>

Thus, the contradictory nature of the objectives not only made administration difficult, but also provided bureaucrats enough leeway for dis-

cretion. Since no scheme of priority among the objectives was ever laid down, in practice the bureaucrats decided matters on an *ad hoc* basis. Depending on their motivation they could resolve things in the direction of one objective or another.

Such confusion of aims is manifested in two contradictory formulas: one was "*no se haga novedad*," which strictly commanded high colonial officials not to make any innovation on royal prescriptions. The other was "*obedezco pero no cumplo*," or "I obey but do not comply." This formula was based on the theory that the prince could not will any wrong if he knew the local situation. High officials, invoking the injunction, could set aside or postpone the execution of a law.

Thus, what emerged from the existence of contradictory colonial objectives was a compromise between idealism and expediency.<sup>22</sup> Conflicts were often resolved in favor of the latter, a tendency that can be explained in terms of other factors.

An important one was the philosophy regarding public office during the Spanish regime. Such philosophy derived from the theory that the colonies were the king's personal kingdoms, and he therefore could dispose anything in it, from lands

<sup>18</sup>*Ibid.*, ley 1, titulo 1, libro vi.

<sup>19</sup>*Ibid.*, ley 34, titulo 18, libro ii.

<sup>20</sup>*Ibid.*, ley 1, titulo 1, libro viii.

<sup>21</sup>*Ibid.*, ley 16, titulo 8, libro vii.

<sup>22</sup>See for example, John L. Phelan, "Authority and Flexibility in the Spanish Imperial Bureaucracy," *Administrative Science Quarterly*, Vol. 5, No. 1 (June 1960), pp. 47-65.

to public offices in any manner he pleased. In the sixteenth century public office was regarded as a grant or favor (*merced*) from the king. Claimants of such favors were not lacking: those who participated in the conquest and pacification of the colonies, including their descendants, who did not only expect, but asked for, such grants. We are, in fact, told of a rather heavy traffic of people waiting for royal favor, a situation which forced the king to send such persons to the Indies even when no offices were waiting for them, thus, passing the burden to the colonial officials.

There were two ways of disposing of public offices: by appointment and by purchase. Belonging to the former were positions that carried judicial functions. The highest colonial positions of viceroy, governor-general, members of the Audiencia, and provincial executives were supposed to be filled by royal appointment. Spanish law strictly prohibited the sale of such offices, but in practice many of them were acquired through those means.

Saleable offices were of three classes, and varied according to the type of income or reward which the purchasers hoped to receive: (1) The first and largest class comprised those offices which carried the right to charge fees for the work done, such as notarial offices, or *escribanias*; (2) The second class, which was also very large, consisted of those which entitled the holders to little or no salary,

and few, if any, fees, but which were sought after because of the influence that they conferred. Seats in the municipal councils, or *regimientos*, belonged to this class; (3) Salaried offices, which were few in number because in general only high positions carried regular stipends. Judges always received salaries, and their positions could not be lawfully sold. However, economic necessity forced the Crown to sell such offices repeatedly.<sup>23</sup>

Contemporary critics of the system of sale directed their criticism against two things: the incompetence of the officeholders and their rapacity. The first one resulted from the fact that, although one of the requirements for a bidder was that he be qualified for the position, in practice the office was generally awarded to the highest bidder because the Crown was more interested in raising revenue than in maintaining a fiction. As a matter of fact, acquiring an office by appointment was no guarantee that the holder was more qualified than one who purchased his. Such expectations carry the modern bias of observers who are steeped in the tradition of the merit system. In Spain in the sixteenth, and even well into the nineteenth century, there was no tradition of a salaried civil service and no recognized principle in the selection and promotion of officials. Offices were regarded

<sup>23</sup>John Parry, *The Sale of Public Offices in the Spanish Indies under the Hapsburgs* (California: University of California Press, 1953), p. 5.

as places of profit rather than as posts of responsibilities.<sup>24</sup>

The rapacity of officeholders, which contemporary as well as modern observers denounced with such passion, can be explained, first of all, in terms of the conditions surrounding the system. An office could be bought only at great financial sacrifice of the buyer. In general, buyers borrowed the money they used, and they therefore looked upon it as an investment, to be recovered as quickly as possible and at a profit. Many bureaucrats actually treated the transaction as a business—selling an office at a profit and buying a more lucrative one, and so on, until they amassed enough fortune to invest in land and other more profitable ventures.<sup>25</sup>

If corruption was abetted by such a condition, it is nevertheless true that the temptation was present in any public office, no matter how it was acquired. In a situation where officeholders received very little or no salary and were expected not only to augment but to raise their own compensation themselves, the distinction between fees and tips, and between perquisites and bribes was difficult to draw. There was, of course, repeated legislation against bribery and detailed scales of legitimate fees, but the climate of corruption, bribery and criminality prevailing in Spain and in the colon-

ies at the time rendered corruption tolerable.

Another reason that might be advanced to explain the unmitigated graft and corruption of the regime is that it was a colonial bureaucracy. As such, it was ruling over a subject population that was completely powerless to affect the colonizers' intentions and actions. In theory, Spanish colonization took the perspective of a master taking care of immature wards. Thus, the natives were to be protected and defended; they were to be settled in towns, converted to Christianity, and their spiritual welfare monitored by priests.<sup>26</sup> Politically, they were given minimal participation. The only offices which Filipinos could occupy were those at the lowest levels: the position of *gobernadorcillo*, or petty governor, who was the town executive, and the *cabeza de barangay*, the tribute collector of the barangay. It is generally considered a master stroke of colonial practice that the Spaniards made use of local nobility in carrying out colonial objectives at the lowest level. This did not only solve the immediate problem of not having enough Spaniards to perform administrative functions, but also took advantage of the local nobility's closeness to the population to "do the dirty work" for them. For the *gobernadorcillo*, this included enforcing the

<sup>24</sup>*Ibid.*, p. 69.

<sup>25</sup>*Ibid.*, p. 70.

<sup>26</sup>Phelan, *The Hispanization of the Philippines, Spanish Aims and Filipino Responses, 1565-1700* (Madison, Wisconsin: University of Wisconsin Press, 1959), pp. 3-14.

*polos y servicios*, or labor services required of all tribute-payers, collecting the tributes, seeing to it that the townspeople did not live in idleness, that they lived by some employment, etc. He was also expected to provide, out of his own pocket, for the maintenance of the municipal guards, the upkeep of the town jail, the food of the prisoners, and to allocate funds for desks, paper, and personnel. For performing such duties and many more, he received the incredibly low compensation of two pesos per month.<sup>27</sup> If Spanish philosophy was to be consistent, the native officials were supposed to augment their income through one form of abuse or another, the opportunities for which were adequate.

The net effect of corruption on the local level was the loss of prestige of the native nobility before the natives. The contrast with the pre-conquest situation is marked: where in traditional culture they were respected leaders of their own people, now they were merely agents of a foreign regime for whom they performed menial tasks. The local nobility thus underwent a significant transformation, and were placed in the position of being caught between the exactions of the Spanish regime and the abhorrence of their own people.

It seems, therefore, that the generalization with which we started this section, namely, that the Span-

ish regime was graft-ridden, is borne out by even a cursory review of historical conditions. One question that can be asked at this point is whether there were any remedies at all to wrongdoing. How was it possible for there to be such a wide gap between law and performance?

As a matter of fact, there were a number of control devices in Spanish colonial practice. One of these was the *visita*, an investigation of the high officials in the colonies which was undertaken at no specified time.<sup>28</sup> A *visitador general* was sent to the colonies vested with investigatory, judicial and executory powers. His punitive powers against errant officials included removal, suspension, and imposition of fines.

The other institution was the *residencia*, which required the bureaucrats in the colonies to render, at the end of their terms, an account of their conduct while in office. This was a requirement for officials before they could leave the colony or assume new office. In the investigation conducted by a judge specially commissioned for the purpose, superiors, colleagues, as well as private persons could file charges against the official. It could, therefore, become a severe ordeal and the proceedings lasted from a few months to several years. Moreover, some residencias led to financial ruin since the one undergoing it was

<sup>27</sup>Corpuz, *op. cit.*, pp. 112-113.

<sup>28</sup>*Recopilacion, ley 34, titulo 2, libro ii.*

supposed to spend for the proceedings.

Therefore, theoretically at least, the *residencia* was an effective check upon bureaucratic wrongdoing. In practice it was not. There were several reasons for this. In the first place, the regime did not want to risk the security of the Spanish community by periodically rending it with the factionalism and bitterness that the investigation engendered. Then, bearing in mind the manner in which bureaucrats acquired their offices, it was a common practice for decisions in the colonies to be overturned in Spain through the intercession of a sponsor or relatives who were close to the court. Because of its ineffectiveness, the *residencia* was used only sparingly, and by the end of the eighteenth century the institution was not mentioned any more.<sup>29</sup> There was one other effect the institution had on official behavior—that of increasing the tendency towards graft to enable the bureaucrat to amass enough wealth to pay for his *residencia*.

### The American Regime

The bureaucratic system that the United States introduced in the Philippines represented a drastic change from that of the Spanish both in philosophy and practice. The new philosophy concerned the

concept of a public office being a position of trust and responsibility, and the practice upheld various dimensions of the merit system. Both of these were embodied in one of the first legislative acts of the regime, entitled "An Act for the Establishment and Maintenance of an Efficient and Honest Civil Service in the Philippine Islands." Certain features of this law may be mentioned. First of all, the coverage of the civil service was broad: it applied to all positions in the civil administration, national as well as provincial, and even to the government of the city of Manila. Except for certain unclassified positions, entry into the service was to be by competitive examination, to be conducted in both Spanish and in English. Such examinations were to be "practical" and were supposed to ascertain "the relative capacity and fitness of applicants." In making appointments, when qualifications were equal, first preference was to be given to Filipinos, next to discharged soldiers of the United States, and only third to other American citizens. An appointee was placed on probation for a period of six months, after which retention was equivalent to final appointment. Regularly appointed employes could be removed only for cause, for which an investigation was to be conducted by the Bureau of Civil Service.<sup>30</sup>

The civil service positions were classified into 21 classes, based on

<sup>29</sup>Nicolas Zafra, "The Residencia in the Colonial Administration System in the Philippines," *Philippine Historical Bulletin* (March 1963), pp. 14-33.

<sup>30</sup>Corpuz, *op. cit.*, pp. 166-167.

annual salaries of the occupant. The lowest class comprised of persons receiving less than four hundred eighty pesos, and the highest class six thousand pesos. Persons appointed contrary to the civil service law were not entitled to receive a salary, and the appointing officials were supposed to pay them out of their personal funds.

Another important feature of the civil service law was that it closed the door completely to the spoils system. In this regard it was superior even to the American civil service system, a feature that contemporary observers praised fulsomely.<sup>31</sup> It was, however, a characteristic that ran counter to Filipino culture, experience and, in some cases, personal interests, and there were initial objections to such provisions. The Filipinos were supported in this sentiment by many American officials.<sup>32</sup> There were, in fact, some features of the civil service law which may be labelled as vestiges of Spanish colonial practices. One of these barred public officials from engaging in private business, unless they first obtained permission from the governor-general. Many public officials seemed to have taken advantage of this provision, which resulted in several instances of scandal. In 1912 such permission to trade

was removed by the governor-general.<sup>33</sup> Another early provision was also reminiscent of Spanish practices. This concerned the position of justices of the peace in the towns, all of whom were Filipinos. Through a curious oversight, they were not paid salaries but were permitted to collect fees for their services. This group of officials became the perpetrators of petty corruption. Another group of public officials who also committed petty graft were civilians and discharged soldiers who had entered the civil service without any examination: Such cases of wrongdoing, however, were promptly dealt with and the perpetrators were punished accordingly.<sup>34</sup>

Such aberrations in bureaucratic behavior were not confined to the early years of the American regime. Some random samples of later cases of graft and corruption may be briefly described.

(1) Some famous cases involved high-ranking American officials. One of them, William Cameron Forbes, who was Secretary of Commerce and Police, and later on became Governor-General, was accused of purchasing "the best site" in Baguio City, the summer capital of the country for which he paid a ridiculously low price. In his capacity as Secretary of Commerce and

<sup>31</sup>Joseph R. Hayden, *The Philippines: A Study in National Development* (New York: The MacMillan Company, 1942), p. 89.

<sup>32</sup>*Ibid.*, p. 90.

<sup>33</sup>*Philippine Commission Report*, 1914, pp. 30-31.

<sup>34</sup>*Reports of the Philippine Commission, the Civil Governor, etc.*, 1900-1903, pp. 522-529.

Police, Mr. Forbes had under his jurisdiction the Bureau of Public Works, which had charge of the expenditure of large sums of public money in the city of Baguio.

Another official was Dean C. Worcester, the Secretary of the Interior, who made a purchase similar to Mr. Forbes, and was also involved in many other deals that earned him notoriety.

Still another official, Executive Secretary Frank Carpenter, bought one of the friar estates at a very low price and took advantage of his position to have the roads to the estate improved, thus raising the value of the real estate.

All these high-ranking officials became the subject of an extensive congressional investigation in the United States, and although no punitive measures were imposed on them, they were exposed to public opprobrium.<sup>35</sup>

(2) In 1924 the *Report of the Governor General* carried items about local officials being found guilty for numerous offenses: 31 elective municipal officials were found guilty of abuse of authority, maladministration, neglect of duty, gambling, and disobedience; 45 treasurers were found guilty of illegal exactions, malversation of funds, nepotism, falsification of public documents, neglect of duties, etc.<sup>36</sup>

<sup>35</sup>*The Friar Land Inquiry, passim.*

<sup>36</sup>*Report of the Governor General, 1924, p. 59.*

The Report of the Governor of the following year also contained items about 12 municipal treasurers being removed, 50 being reprimanded, suspended, or disciplined, and 10 deprived of legal privileges. In the same year 29 chief clerks were reprimanded, suspended, or disciplined, 3 chiefs of police were removed, and 7 were reprimanded, suspended or disciplined.<sup>37</sup> Such stray examples of wrongdoing and the manner they were dealt with may or may not indicate a trend. But we are concerned here with two facts: namely, that there seems to have been numerous cases of corrupt behavior despite the institution of a completely different civil service system; and, probably more important, the fact that the law governing the civil service was effective in punishing guilty officials. The Filipinos, used to the corruption of the Spanish regime and the total ineffectuality of their punitive measures, were astonished at the prompt prosecution of public officials.

Although it is difficult to make comparisons between the bureaucratic performance of Spain and the Americans, some explanations have to be offered for the fact that the Civil Service Law was upheld in practice almost to the letter. The attitude of the American officials towards the civil service seems to be crucial here. Without exception the various governors-general of the period and especially the directors

<sup>37</sup>*Report of the Governor General, 1925, pp. 260-261.*

of the Bureau of the Civil Service expressed, sometimes with eloquent passion, their support for the principles of the new system and followed them in practice. One has only to read the annual reports of these officials to get an idea of how much they were committed to this enterprise.

It can also be observed that the situation of public service during the American regime was very much improved, in many ways. To mention some, the service was not only professionalized, but it also guaranteed adequate income to civil servants. This change, therefore, removed one very fruitful source of the corruption that existed during the Spanish regime, namely, the non-existent or wholly inadequate compensation of public officials which forced them to fend for themselves. In other words, then there was an inherent temptation to make money. During the American regime, much of the necessity to commit graft had been removed, not only by adequate compensation and the effectiveness of legal sanctions, but also by the fact that the economic conditions in the United States afforded Americans chances to earn more outside of government service. This was one reason, for example, why the Filipinization of

the civil service was undertaken at such a fast pace (it was practically complete by 1919). In other words, there was no longer the situation of public officials amassing wealth in the public service.

What about the Filipinos? Fears were expressed by many Americans that once the civil service became completely Filipinized, the undesirable Filipino propensity for nepotism, the spoils system and corrupt-behavior "learned" from the Spaniards would take over. They were surprised that by the time of the Commonwealth government (from 1935 to 1946), when a Filipino President took over from the American Governor General, instead of watering down the Civil Service Law, the Filipinos strengthened it through many innovations some of which were even written into their new Constitution.<sup>38</sup> Nor was the bureaucracy clean only on paper. Except for some instances of graft and corruption, the image of the civil service in the Philippines remained much in accord with the conventional picture: clean and prestigious. It remained for another period in Philippine history to tarnish that, an image it still has to recover from.

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<sup>38</sup>Hayden, *op. cit.*, pp. 104-122.