

Philippine Supreme Court declares legislative pork barrel funds unconstitutional

By Joseph Santolan
21 November 2013

On November 19, the Philippine Supreme Court by a unanimous vote of 14-0, with one abstention, declared the scandal-mired Priority Development Assistance Fund (PDAF) unconstitutional. The move is an attempt by the Philippine ruling class to stave off a crisis of credibility that is generating potentially explosive levels of social unrest.

The political crisis which led to the Supreme Court decision took shape amid escalating tensions within the Philippine bourgeoisie over the provocative role Manila has come to play as a leading proxy for Washington's drive against China in the South China Sea. In the wake of US President Obama's no-show at Southeast Asian summits last month, these tensions boiled over, and a movement formed among the political opposition to either rein in or oust Philippine President Benigno Aquino.

The struggle within the bourgeoisie was carried out in the form of corruption scandals involving revelations of the systemic theft of discretionary funds, known as pork barrel, of which PDAF is the most prominent. No political figure, in the executive or the legislature, was untainted. The growing response from the mass of working Filipinos was not opposition to any individual politician, but an increasingly open hostility to the entire political apparatus.

The bourgeois opposition to Aquino called for a summit on November 8 to draft a ballot initiative to eliminate pork barrel funds. The convenors of the summit openly expressed that this was a move "created primarily to 'take the people out of the streets.'" Should the initiative fail, the "specter of violence becomes a huge possibility."

On November 8, Typhoon Haiyan (Yolanda) slammed into the Philippines. The move for a ballot initiative disappeared, as thousands were dead and

much of the central Philippines was destroyed. President Aquino's response to the storm has generated enormous anger. As hundreds of thousands are without shelter, food or water, aid has not been delivered. Aquino has shown far more concern for the protection of property through the declaration of de facto martial law to prevent 'looting,' than he has with delivering needed supplies.

Interviews with survivors, and in particular viral postings in social media, have revealed that there is a widespread conclusion among great masses of the population that the government's unwillingness and inability to respond to the typhoon disaster is rooted in the systemic bankruptcy of the Philippine state.

From the vantage point of the Philippine bourgeoisie, Aquino risks rapidly becoming a political spent force, unprepared to deal with emerging social unrest.

With the impeachment of the Chief Justice of the Supreme Court Renato Corona, who was prosecuted on charges of corruption by Aquino's allies in the legislature, Aquino established firm control over the judiciary. It is unlikely that the Supreme Court would have reached a unanimous vote on Tuesday, if it had not received a green light from the Aquino administration.

The Supreme Court ruling does not declare the use of PDAF to be universally or permanently unconstitutional. It is much more limited in scope. The ruling simply declares that the PDAF budget for 2013 is unconstitutional. The legitimacy of future pork barrel funds is left unresolved by Tuesday's decision.

The ruling was based on two points. The Supreme Court stated that PDAF "dilutes the effectiveness of congressional oversight" and that its disbursement constituted an unwarranted intrusion by national legislators in local politics.

The Supreme Court denied requests that detailed reporting regarding the use of discretionary funds be made available to the public.

The Supreme Court decision effectively returns the now unconstitutional funds, amounting to P14.5 billion (US\$332 million), to the National Treasury.

Immediately after the announcement of the Supreme Court decision, Aquino's allies at the head of the House and Senate, House Speaker Feliciano Belmonte and Senate President Franklin Drilon, moved to channel the funds not into the treasury, but into a Supplemental Budget for dealing with the damage caused by Haiyan. The move was presented even before any legislator had the chance to read the Supreme Court decision, and appears to have been drafted in advance.

Aquino's allies have a majority in both houses of legislature, so there appears to be no substantial political hurdle to this move. The Supplemental Budget will be under President Aquino's direct control.

The net impact of the Supreme Court decision thus appears to be to divert the 14.5-billion-peso PDAF into the direct administrative control of the executive branch.

The Supreme Court ruling on the PDAF does not in any way deal with the systemic corruption that the political infighting and scandals of the past months have revealed. The unanimous decision to declare PDAF unconstitutional is a clear attempt by the Philippine bourgeoisie to prevent the open emergence of massive social unrest, and is a reflection of just how precarious their position is becoming.

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