

IMPLICATIONS OF THE UNITED NATIONS
CONVENTION AGAINST CORRUPTION ON ANTI-
CORRUPTION PRACTICES AND INITIATIVES IN THE
PHILIPPINES*

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It is my singular honor and privilege to address you today on the occasion of the South East Asia Parliamentarians Against Corruption Conference to talk about the implications of the UN Convention Against Corruption on anti-corruption practices and initiatives in the Philippines.

Corruption in public service, just like terrorism, global warming, environmental degradation, drug trafficking, and poverty has become a shared concern of the international community. It is regarded all over the world as a social and economic evil. It has become a menace across all borders.

To some governments, to be listed at the lower end of the Corruption Perception Index of Transparency International is a continuing source of embarrassment. However, there is more to the problem than a sense of disgrace. In developing and less developed economies, the specter of corruption not only

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weakens the ability of governments to fight poverty. Worse, it erodes people's confidence in public institutions.

Given the nature and dynamics of the peril posed by corruption, no single society or country can address the problem alone. In fact, no less than the General Assembly of the United Nations stressed that international cooperation is essential to prevent and control corruption. The member states of the United Nations during the 51st Session of the General Assembly in 1997 expressed their collective concern at the seriousness of the problems posed by corruption "which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development."

It is, therefore, very encouraging and heartening to note that the community of legislators representing various nations in several continents deemed it wise, timely and necessary to establish the regional chapter of the Global Organization of Parliamentarians Against Corruption (GOPAC). GOPAC through its regional arm known as the South East Asian Parliamentarians Against Corruption (SEAPAC) constitutes a significant step in the worldwide fight against corruption.

A congruence of concerns ties the Philippines to the Global Organization of Parliamentarians Against Corruption. At this point in their history, the Filipino people have never been as focused and as determined in promoting a real sense of integrity in public service as they are now. A sustaining vision of the Philippine national leadership is to use its will, its facilities and resources at its command for the sustained prosecution of the war against the agents and apparatus of corruption. Civil society groups are never far behind. There is solidarity of purpose to take the challenge of corruption head on.

Hence, the logic in the choice of the Philippines as the venue in this year's conference of the Global Organization of Parliamentarians Against Corruption cannot be glossed over.

In our relentless fight against the various tentacles of corruption, we certainly welcome every possible help from any institution be it at a bilateral, regional or international level. Certainly, the United Nations Convention Against Corruption is a great moral and psychological booster. It makes global opinion and attitude hostile to the presence of corruption.

As a matter of record, there was something historically meaningful about the day when President Gloria Macapagal-

Arroyo signed the landmark UN document for transmittal to the Senate of the Philippines for ratification. The UN Convention Against Corruption was signed by our President on February 25, 2005 which was the 19th Anniversary of the famous peaceful EDSA Revolution that brought back democracy to the Philippines. Just as the Filipino people were united in driving away a dictatorship, so also on the same day 19 years later were they in solidarity in finding common cause with the United Nations in fighting corruption.

How then do we relate our own policies and initiatives in the war against corruption to the UN Convention? Our own organizational aspirations in the pursuit of our mission are very well reflected in the substance and spirit of the Preamble of the Convention. The declaration of principles as enunciated in the Preamble underscores the need for a multidisciplinary approach to combat corruption as well as the importance of technical assistance in the areas of capacity and institution building. Equally significant is the stress on prevention, criminalization and international cooperation in asset recovery in order to deter more effectively the cross-border transfers of illegally acquired assets.

We fully subscribe to the position of the United Nations in its anti-corruption Covenant that fighting this global social cancer requires the integration of the competencies of various disciplines. Beneath the surface of investigative and detective work and the subsequent prosecution work is the broader socio-cultural infrastructure of perceptions and attitudes that define the extent to which a given public act or behavior is tolerated or censured. Hence, popular conceptions and expectations must be modified in support of anti-corruption measures. This calls for an advocacy program requiring the intervention of educators, sociologists, communicators, community and institution builders, opinion leaders, and all stakeholders. In effect, fighting corruption is like building a great cathedral. Every brick matters.

We are confident that as corruption appears on the radar screen and the crosshair of all weapons at the disposal of the United Nations, we shall be given easy access to all sources of expertise spread out among the various agencies and units under the UN system, let alone the facilities of member states with track records of success in neutralizing corruption. Indeed, it is very comforting to know that one is never alone in fighting so widespread an evil.

By and large, our existing policies and initiatives in fighting corruption fit well with many of the provisions of the UN Covenant. We have in the Philippines many anti-corruption laws whose implementation is in the hands of a number of government agencies. In addition, the Medium Term Philippine Development Plan (MTPDP 2004-2010) provides that the enactment of the **Republic Act 9184** (e-procurement law) redefined procedures in government purchasing, and has enhanced transparency, competitiveness and accountability in government procurement. The Anti-Money Laundering Act (**Republic Act 9160 as amended**) seeks to facilitate the detection of “dirty” money and prevent the Philippine banking system from being used as safe haven for the proceeds of corruption. And to strengthen public financial accountability, the **new government accounting system** (NGAS) was implemented on January 1, 2002. The NGAS aims to (a) simplify government accounting; (b) conform to international accounting standards; and (c) generate periodic and relevant financial statements for better performance monitoring. The World Bank likewise cited as an effective tool the conduct of lifestyle or asset consistency checks on government officials and employees geared toward forfeiture of unexplained wealth.

The UN Convention, in addition, provides new insights and perspectives into the total war against corruption. Specifically, we can cite distinct Articles in the Convention which will enable us to broaden our reach and improve our effectiveness. **Article 12 on Private Sector** provides a new dimension to the anti-corruption efforts by including the private sector within the area of immediate concern. The Convention mentions a code of conduct for the prevention of conflicts of interest, internal auditing controls, transparency among private entities, and proper commercial practices. One cannot help being reminded of the scandals that rocked Enron in the United States.

Article 13 on Participation of Society is a confirmation of our working philosophy that no anti-corruption campaign will ever succeed without the direct and active involvement of civil society, the NGO's and the community-based organizations as well as all those outside the mainstream of the public sector. After all, the ill effects of dishonesty in public service jeopardize every sector of society.

To the credit of the Philippines, it has a very dynamic civil society and a most militant press. The people-led peaceful and successful revolution at that stretch of the national

metropolitan highway called EDSA which really a contraction of the longer Epifanio de los Santos Avenue had antedated the collapse of the Berlin Wall, the dismantling of the Soviet Union and the removal of the Iron Curtain in Eastern Europe. The UN Convention is a reminder that we must get the private sector on board in the fight against corruption.

The provisions providing for the criminalization of bribery of foreign public officials of public international organizations, **(Article 16)** bribery in the private sector **(Article 21)**, illicit enrichment *per se* **(Article 20)** and continued retention or enjoyment of the property despite knowledge that it is a fruit of corruption **(Article 24)** will effectively prevent, detect and deter acquisition of illicit assets and their consequent transfers. The proposed bill on the protection of whistleblowers pending before the Congress of the Philippines finds support under **Article 33** on protection of reporting person to the discomfort of the beneficiaries of corruption.

We look forward to deriving benefits from the provision of **Article 46** on Mutual legal Assistance as we seek partnership with other states in identifying the proceeds of crime stashed beyond our border, in obtaining help in conducting searches

and seizures, in gathering evidence, in the service of judicial documents, and in the recovery of assets.

A corollary provision of the UN Convention is **Article 52** on Prevention and Detection of the Proceeds of Crime which strengthens our resolve to run after those who betray the public trust wherever they may go. The arm of the law acquires a transnational reach. Equally comforting for us is **Article 54** and related provisions with its mechanisms for the recovery of illegally acquired property through international cooperation in confiscation.

Where there is no safe haven anymore for anybody who steals public money by means of any scheme and when the level of global rejection of illegally acquired wealthy is part of the day-to-day awareness of those both in circles of official power as well as those beyond, then the death knell for corruption is not too remote.

Given the vast network of the United Nations with its specialized agencies and offices located around the world plus its tremendous moral influence, to be allowed access to its training facilities and a wealth of technical expertise is very

reassuring indeed for a country that leaves no stone unturned in its earnest desire to eradicate corruption.

In summary, the most far-reaching implication of the United Nations Convention Against Corruption is the comprehensive road map it provides in the long journey towards a global society premised on integrity and transparency in the conduct of the affairs of government. The new pathways revealed should make the future better for all.

Thank you and Mabuhay!