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## IT'S ALL THE RAGE: POPULAR UPRISINGS AND PHILIPPINE DEMOCRACY

Dante B. Gatmaytan<sup>†</sup>

*Abstract:* Massive peaceful demonstrations ended the authoritarian regime of Ferdinand Marcos in the Philippines twenty years ago. The “people power” uprising was called a democratic revolution and inspired hopes that it would lead to the consolidation of democracy in the Philippines. When popular uprisings were later used to remove or threaten other leaders, people power was criticized as an assault on democratic institutions and was interpreted as a sign of the political immaturity of Filipinos. The literature on people power is presently marked by disagreement as to whether all popular uprisings should be considered part of the people power tradition. The debate is grounded on the belief that people power was a democratic revolution; other uprisings are judged on how closely they resemble events surrounding Marcos’ ouster from office. This disagreement has become unproductive and has prevented Filipinos from asking questions about the causes of these uprisings or the failure of democratic consolidation. This Article departs from conventional thought and develops two alternative theories of people power in the Philippines. The first holds that people power is an expression of outrage against a particular public official. The second holds that it is a withdrawal of allegiance from the official in favor of another. Neither view insists that people power is or aspires to democratic revolution. These alternative theories hope to resuscitate the study of Philippine democracy.

### I. INTRODUCTION

In February 1986, millions of Filipinos gathered at a major thoroughfare in Metro Manila to defy the dictatorship of Ferdinand Marcos. After four days of protest they forced Marcos into exile as he relinquished his twenty-one-year hold on power. In February 2001, millions of Filipinos staged another four-day protest that shortened President Joseph Estrada’s six-year term of office to a mere thirty-one months. A few months later, a third gathering attended by millions of Filipinos called for the resignation of President Gloria Macapagal-Arroyo. After four days of protest, this demonstration ended with a violent clash with the police in front of the presidential palace.

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This practice of removing Presidents by popular protest in the Philippines is known as “people power.”<sup>1</sup> It hovers over the political horizon as a reminder to incumbent public officials that election results in the Philippines are subject to a subsequent veto by the people and that public officials can be recalled through spontaneous popular uprisings.

People power is regarded as the epicenter of a democracy movement that spread outward from Manila, toppling authoritarian governments including the Suharto regime of Indonesia in 1998.<sup>2</sup> This “democratic revolution” is credited with spawning other popular uprisings in South Korea, Pakistan, Burma and Eastern Europe,<sup>3</sup> and supposedly “unleashed the pro-democracy tide that swept . . . the rest of the world.”<sup>4</sup>

Over the years, however, people power has lost some of its luster. Hailed as a potential agent of Philippine democratization in 1986, it was by 2001 denounced as a disgrace to democracy. Once exalted, it is now criticized as “mob rule or anarchy or coup.”<sup>5</sup>

The relative ease with which people now resort to people power and its impact on politics make it an important subject of inquiry for social scientists. Students of law should study its implications for many concepts including democratic constitutionalism, rule of law, and even regime

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<sup>1</sup> “People power” is the term initially used to describe the four-day non-violent popular demonstration that started on February 22, 1986, on Epifanio de los Santos Avenue (“EDSA”) in Manila. The demonstrations followed a conspicuously fraudulent presidential election and played a decisive part in persuading President Ferdinand Marcos to leave the Philippines and live in exile in the United States. See MICHAEL LEIFER, *DICTIONARY OF THE MODERN POLITICS OF SOUTH-EAST ASIA* 186 (1995). EDSA is a major road in Metro Manila that served as the setting for this display of opposition to the Marcos regime which allowed Corazon Aquino to assume the presidency. *Id.* at 91.

<sup>2</sup> Vincent Boudreau, *Diffusing Democracy? People Power in Indonesia and the Philippines*, 31 *BULLETIN OF CONCERNED ASIAN SCHOLARS* 3 (1999).

<sup>3</sup> Thomas M. Franck, *Seizing the Moment: Creative and Incremental Thinking about Global Systemic Opportunity* 22 *N.Y.U. J. INT’L L. & POL.* 601, 623-624 (1990).

<sup>4</sup> Editorial, *People Power II Uprising As Millstone*, *PHILIPPINE DAILY INQUIRER*, Jan. 23, 2004, at A7. In Asia, people power is said to have inspired successful democratic revolutions in South Korea, Bangladesh, and Nepal, and ineffectual ones in Burma and China. See Jose Manuel Tesoro & Ricardo Saludo, *The Legacy of People Power*, *ASIaweek*, March 1, 1996. People power is also said to have struck at communist states in the early 1990s in Europe. *Id.* at 22. In November 2003, Georgian President Eduard Shevardnadze resigned amid massive protests over election results. See BBC News UK Edition, Nov. 24, 2003 available at <http://news.bbc.co.uk/1/hi/world/europe/3231534.stm>. In South America, Bolivia’s President Gonzalo Sánchez de Lozada joined a list of presidents who were forced from office by massive protests. Also in the list are Argentina’s Fernando de la Rúa, (December 2001), Jamil Mahuad of Ecuador (January 2000), and Peru’s Alberto Fujimori (November 2000). Another Ecuadorian president, Abdalá Bucaram, was forced out in 1997. See Lucien O. Chauvin, *People Power Rules in South America*, *THE NEW REPUBLIC ONLINE*, available at <http://www.csmonitor.com/2003/1021/p06s01-woam.html>.

<sup>5</sup> Seth Mydans, “People Power” and Unintended Consequences, January 7, 2004, *INTERNATIONAL HERALD TRIBUNE*, available at <http://www.ihf.com/articles/124126.html>.

change. Yet, the phenomenon seems scarcely noticed by academics in general and legal scholarship in particular.<sup>6</sup>

Instead, recent literature on people power has degenerated into a squabble over whether subsequent mass uprisings are genuine manifestations of the phenomenon. This unfortunate turn of events is the product of a tendency in the literature to compare all uprisings to the events surrounding the removal of Marcos. The 1986 version of people power is touted as a “democratic revolution” and has become the standard against which subsequent uprisings are measured. Those that do not meet this standard are disparaged as poor facsimiles or perversions of people power.

This Article attempts to resuscitate the discussion on people power by examining recent developments in Philippine politics. I suggest that we disassociate people power from democratic revolutions because Filipinos never attempted a fundamental change in political organization or government. It was directed against Marcos alone. The anti-authoritarian theme of Marcos’ removal was incidental to popular outrage over his attempt to nullify the results of the 1986 elections, which were believed to favor his rival Corazon C. Aquino.

In place of the “democratic revolution” view, this Article develops two alternative accounts of people power in the Philippines. The first holds that people power is an expression of outrage against a particular public official, triggered by government action. The second holds that it is a withdrawal of allegiance from the official in favor of another. Neither of these views is burdened by the insistence that people power is or aspires to democratic revolution.

Reorienting the discourse along the lines of these alternatives should prevent sterile debates about whether popular uprisings merit the title “people power.” This approach examines the nature of people power distinctly from attempts to explain the failure of democratic consolidation in post-Marcos Philippines.

The argument proceeds in several stages. Part II reviews the instances of people power in the Philippines that began with the removal of Ferdinand Marcos in 1986. Part III examines the views of social scientists and political analysts on people power and provides an overview of the discourse on popular uprisings in the Philippines. Part IV critically reviews one of most sustained attempts to pull these various observations together into a theory of the nature of people power. Ultimately rejecting this theory, Part V

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<sup>6</sup> See Mark R. Thompson, *Whatever Happened to Democratic Revolutions?*, 7 DEMOCRATIZATION 1-20 (2000).

develops two alternative approaches to understanding people power. Finally, there is occasion for an epilogue: very recent events involving the legitimacy of the Arroyo administration present an opportunity to test the arguments presented in this Article.

## II. PEOPLE POWER AND ITS PROGENY

### A. *Ousting a Dictator*

Ferdinand Marcos was elected President of the Philippines in 1965, and again in 1969. Faced with a constitutional bar to a third term, he initiated a revision of the Constitution, with a view to shifting to a parliamentary form of government. Marcos declared martial law in 1972, ostensibly to respond to threats from communist groups, perpetuating himself in power for another fourteen years.<sup>7</sup> Under pressure from the international community to prove that he continued to have the Filipinos' mandate, Marcos called for a "snap election" to be held on February 7, 1986.<sup>8</sup> The opposition fielded Corazon Aquino, the widow of a former Senator who was Marcos' fiercest critic.<sup>9</sup>

Despite the widespread use of fraud, intimidation and terrorism, the National Assembly completed its official vote count and proclaimed Marcos president for another six years.<sup>10</sup> Aquino rejected the official count, proclaimed her own victory, and then called for a boycott of institutions and services owned by Marcos or his cronies.<sup>11</sup>

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<sup>7</sup> See David A. Rosenberg, *Introduction: Creating a "New Society"*, in *MARCOS AND MARTIAL LAW IN THE PHILIPPINES* 13-31 (David A. Rosenberg ed. 1979).

<sup>8</sup> In response to Marcos' announcement, the Legislature enacted Batas Pambansa Blg. 883 (National Law No. 883) which scheduled special national elections on February 7, 1986, for the offices of the President and Vice-President of the Philippines. Several lawyers' groups filed petitions before the Supreme Court to question the constitutionality of the law. Five of the Justices voted to declare the law unconstitutional. Inasmuch as there were less than the ten votes required to declare the law unconstitutional, all the petitions were dismissed. See *Philippine Bar Association v. Commission on Elections*, 140 SCRA 455-493 (1985).

<sup>9</sup> Benigno Aquino returned to the Philippines in 1983 after three years to help the opposition prepare for the coming congressional elections. He was assassinated minutes after arriving and being placed under police custody. His death helped galvanize opposition to the Marcos regime.

<sup>10</sup> This section is based on many accounts of the fall of the Marcos. See, e.g., LUCY KOMISAR, *CORAZON AQUINO: THE STORY OF A REVOLUTION* 105-123 (1987); RAYMOND BONNER, *WALTZING WITH A DICTATOR: THE MARCOSES AND THE MAKING OF AMERICAN POLICY* 385-440 (1988); STANLEY KARNOW, *IN OUR IMAGE: AMERICA'S EMPIRE IN THE PHILIPPINES* 411-423 (1989); SANDRA BURTON, *IMPOSSIBLE DREAM: THE MARCOSES, THE AQUINOS, AND THE UNFINISHED REVOLUTION* (1989); STERLING SEAGRAVE, *THE MARCOS DYNASTY* (1990); PETER ACKERMAN & JACK DUVAL, *A FORCE MORE POWERFUL: A CENTURY OF NONVIOLENT CONFLICT* 369-393 (2000).

<sup>11</sup> DAVID WURFEL, *FILIPINO POLITICS: DEVELOPMENT AND DECAY* 300 (1998).

At about the same time, Marcos uncovered a plot by some members of the military to stage a *coup d'état* by the Reform the Armed Forces Movement. Fearing arrest, the plotters decided to retreat to Camp Aguinaldo, the Defense Ministry headquarters. From there they announced their break with the Marcos regime and appealed for protection from the people.

People power began when civic and church leaders asked Filipinos to provide a human shield to protect the military renegades from possible reprisals from Marcos.<sup>12</sup> People power was “the masses of Filipinos who flooded the streets and held off Marcos’ tanks,”<sup>13</sup> confident that the troops would not shoot unarmed civilians and would instead listen to their appeals for democracy. Marcos was forced from office in a unique event that succeeded because civil society, the church, and the military coalesced against the dictator.<sup>14</sup> Thus, a revolt involving 250 disgruntled officers led to a mass uprising by civilians who risked their own lives to protect the soldiers.<sup>15</sup> It was the culmination of a mass movement against the Marcos regime already honed by years of protest into a disciplined, organized movement.<sup>16</sup>

After Marcos was whisked away to Hawaii, Corazon Aquino was proclaimed and sworn in as President in defiance of the Constitution. When she took her oath of office she vowed to uphold “the fundamental law” and to execute its “just laws.”<sup>17</sup> She announced that her government was revolutionary—taking power in the name of the people when she abolished the National Legislature and replaced most of the members of the Supreme

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<sup>12</sup> BRYAN JOHNSON, *FOUR DAYS OF COURAGE: THE UNTOLD STORY OF THE FALL OF MARCOS* 76-82 (1987).

<sup>13</sup> Janet L. Sawin, *A Study of Peaceful Revolution: The Philippines, 1986*, 17-WTR FLETCHER F. WORLD AFF. 181, 195 (1993).

<sup>14</sup> *Id.* at 181; see also Kurt Schock, *People Power and Political Opportunities: Social Movement Mobilization and Outcomes in the Philippines and Burma*, 46 SOCIAL PROBLEMS 355-371 (1999) (discussing the broader political context of political opportunities and constraints that allowed for the successful removal of Marcos).

<sup>15</sup> Carl H. Landé, *Introduction: Retrospect and Prospect*, in *REBUILDING A NATION: PHILIPPINE CHALLENGES AND AMERICAN POLICY* 7, 23 (Carl H. Landé, ed. 1987).

<sup>16</sup> See MARK R. THOMPSON, *The Puzzles of Philippine “People Power”*, in *DEMOCRATIC REVOLUTIONS: ASIA AND EASTERN EUROPE* 18, 27 (2003); see also William H. Overholt, *The Rise and Fall of Ferdinand Marcos*, 26 ASIAN SURVEY 1137-1163 (1986). Overholt, suggests, however, that Aquino’s people power revolution had less to do with the fall of the Marcos regime than the internal collapse of the administration years earlier.

<sup>17</sup> Joaquin G. Bernas, *Who Is the President and by What Law?*, in *A LIVING CONSTITUTION: THE AQUINO PRESIDENCY* 2, 3 (2000). See also Mark Thompson, *Off the Endangered List: Philippine Democratization in Comparative Perspective*, 28 COMPARATIVE POLITICS 179-205 (1996). Aquino issued a proclamation declaring that her government was installed by the direct action of the people in defiance of the provisions of the Constitution and that this extraordinary mandate required the complete reorganization of the government. *Id.*, at 187.

Court.<sup>18</sup> The reorganized Supreme Court recognized the Aquino government as *de jure*,<sup>19</sup> later referring to Aquino's government as a "revolutionary government."<sup>20</sup>

### B. Repeat Performance

In the 1998 elections, Joseph E. Estrada was elected President of the Philippines with the largest margin of victory in Philippine history.<sup>21</sup> His presidency, however, was so shaken by scandals and allegations of corruption<sup>22</sup> that by October 2000, Estrada became the first Philippine president to be impeached by Congress. His trial in the Senate followed shortly.<sup>23</sup>

On January 16, 2001, Estrada's supporters in the Senate blocked the examination of documents that prosecutors claimed would prove Estrada kept millions of dollars in secret bank accounts. Angered by the decision, people took to the streets to demand Estrada's resignation from office. Members of the Estrada Cabinet resigned and the military and police brass withdrew their support from the President. Shortly thereafter, President Estrada left the Presidential Palace, paving the way for Vice-President Gloria Macapagal-Arroyo to take the Presidential oath.<sup>24</sup>

Estrada challenged the legitimacy of the Arroyo government before the Supreme Court but lost. The Court declared Arroyo's administration *de*

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<sup>18</sup> Joaquin G. Bernas, *Two Revolutions and Something Less*, in *A LIVING CONSTITUTION: THE ABBREVIATED ESTRADA PRESIDENCY* 13, 14 (2003).

<sup>19</sup> Lawyer's League for Better Philippines v. Aquino (G.R. No. 73748, 22 May 1986 [unpublished resolution]) (declaring the Aquino administration a *de jure* government).

<sup>20</sup> See Letter of Associate Justice Reynato S. Puno, 210 SCRA 589, 597 (1992). President Aquino subsequently appointed a Constitutional Commission to draft a new charter for the Philippines, which was ratified by the Filipino people on February 2, 1987. See *Evardone v. Commission on Elections*, 204 SCRA 464 (1991).

<sup>21</sup> According to the Commission on Elections (COMELEC), Estrada garnered 42.1% of the votes cast in the May 11, 1998 national elections. See NATIONAL STATISTICAL COORDINATING BOARD, NSCB STATISTICS SERIES NO. 2001-002, *A STATISTICAL ANALYSIS OF THE COUNTRY'S ELECTORAL EXERCISES 7* (2001).

<sup>22</sup> The allegations against Estrada involved unexplained wealth, cronyism and marital infidelity. See PHILIPPINE CENTER FOR INVESTIGATIVE JOURNALISM, *INVESTIGATING ESTRADA: MILLIONS, MANSIONS AND MISTRESSES* (Sheila S. Coronel ed., 2000). Marcos and Estrada would later share the dubious distinction of topping the list of the world's most corrupt leaders, placing second and tenth respectively in a list prepared by Transparency International. See Transparency International, *Global Corruption Report 2004*, press release, 25 March 2004, *Regional Highlights* page 1 of 7, available at [http://www.globalcorruptionreport.org/download/gcr2004/Highlights\\_from\\_the\\_GCR\\_2004\\_FINAL.pdf](http://www.globalcorruptionreport.org/download/gcr2004/Highlights_from_the_GCR_2004_FINAL.pdf). The Philippines is the only country with two leaders in the list.

<sup>23</sup> For a summary of the events leading to the impeachment of Estrada, see Carl H. Landé, *The Return of "People Power" in the Philippines*, 12:2 *JOURNAL OF DEMOCRACY* 88, 92-94 (2001).

<sup>24</sup> *Id.*, 95-96. See also James Putzel, *A Muddled Democracy—"People Power" Philippine-Style*, Development Studies Institute Working Paper Series No. 00-14, November 2001, pp. 5-6.

*jure*, but on grounds different than those they had used to legitimize the Aquino administration:

In fine, the legal distinction between EDSA People Power I and EDSA People Power II is clear. EDSA I involves the exercise of the people power of revolution which overthrew the whole government. EDSA II is an exercise of people power of freedom of speech and freedom of assembly to petition the government for redress of grievances which only affected the office of the President. EDSA I is extra constitutional and the legitimacy of the new government that resulted from it cannot be the subject of judicial review, but EDSA II is intra constitutional and the resignation of the sitting President that it caused and the succession of the Vice President as President are subject to judicial review. EDSA I presented a political question; EDSA II involves legal questions.<sup>25</sup>

Not all the Justices were inclined to rhapsodize about the removal of Estrada. Although there were no dissents in the decision, Justice Ynares-Santiago expressed her discomfort with the impression that the Court was sanctioning people power. Her opinion, excerpts of which are reproduced here, is actually an indictment of people power. She wrote:

At the outset, I must stress that there is no specific provision in the Constitution which sanctions “people power,” of the type used at EDSA, as a legitimate means of ousting a public official, let alone the President of the Republic. The framers of the Constitution have wisely provided for the mechanisms of elections, constitutional amendments, and impeachment as valid modes of transferring power from one administration to the other. Thus, in the event the removal of an incumbent President or any government official from his office becomes necessary, the remedy is to make use of these constitutional methods and work within the system. To disregard these constitutionally prescribed processes as nugatory and useless instead of making them effectual is to admit that we lack constitutional maturity.

She claimed that the Supreme Court itself was threatened with “mob action” if it did not proclaim Arroyo as a *de jure* President.<sup>26</sup>

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<sup>25</sup> Estrada v. Desierto, 353 SCRA 452, 493 (2001).

<sup>26</sup> 353 SCRA 452, 569, 570, Ynares-Santiago concurring.



### C. *Poor People Power*

Months after he was removed from office, Estrada was charged with the crime of plunder, an offense punishable by life imprisonment or death under Philippine law.<sup>27</sup> Estrada's supporters camped outside the gates of his house to prevent his arrest with many vowing they would die defending him. Police took Estrada into custody after dispersing hundreds of supporters that had gathered outside his home.<sup>28</sup>

Estrada's arrest by hundreds of policemen and his treatment as a common criminal won the sympathy of his supporters. Backed by local churches, his supporters, who were mostly from urban poor communities,<sup>29</sup> staged a massive demonstration at the EDSA shrine for several days to express support for Estrada, agitating for his return to power. On May 1, 2001, egged on by politicians, the crowd marched to the presidential palace and had to be dispersed the following day.<sup>30</sup> The 50,000 strong crowd armed with sticks and stones, Molotov bombs, and crudely made guns was beaten back only after a twelve-hour battle with the police.<sup>31</sup>

On May 1, 2001, President Arroyo issued Proclamation No. 38 declaring that there was a state of rebellion in the National Capital Region and then directed the Armed Forces and the police to suppress the rebellion. Arroyo lifted the declaration of the state of rebellion a few days later.<sup>32</sup>

### D. *Small-Scale People Power*

Facsimiles of people power continue to dot Philippine politics, but on a smaller scale. Appointees of President Macapagal-Arroyo are being forced out of office by protests led by government employee unions. Vitaliano Nañagas was streamlining the Social Security System before he was ousted from office. Secretary Raul Roco of the Department of Education and

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<sup>27</sup> Rep. Act No. 7080 (1991), amended by Rep. Act No. 7659 (1993).

<sup>28</sup> See Hope Ngo, *Estrada Arrested*, CNN.com/World, April 25, 2001, available at <http://www.cnn.com/2001/WORLD/asiapcf/southeast/04/25/philippine.estrada.arrest.03/>.

<sup>29</sup> Vicente Rafael, *The Cell Phone and the Crowd: Messianic Politics in the Contemporary Philippines*, 15 PUBLIC CULTURE 399, 422-425 (2003).

<sup>30</sup> Cesar Bacani & Raissa Espinosa-Robles, *Mob power*, ASIaweek, May 11, 2001, at 28-30.

<sup>31</sup> Amando Doronila, *THE FALL OF JOSEPH ESTRADA: THE INSIDE STORY* 221 (2001).

<sup>32</sup> Opposition leaders affected by the arrests challenged the constitutionality of Proclamation 38 but a majority of the members of the Supreme Court believed the issue had become moot when President Arroyo lifted the declaration a few days later. See *Lacson v. Perez*, G.R. No. 147780, 357 SCRA 757 (May 10, 2001).

Commissioner Raul Bañez of the Bureau of Internal Revenue were likewise instituting reforms when the employee unions forced them to resign.<sup>33</sup>

In a slightly different case, the Secretary of Defense Angelo Reyes resigned after he helped put down a one-day mutiny by members of the military.<sup>34</sup> On June 27, 2003, some 300 soldiers accused Reyes of corruption and of using his position to fuel his political ambitions. The soldiers demanded that he and President Arroyo resign in the wake of mounting allegations of corruption and misuse of his position. The Secretary resigned saying he wanted to spare the defense department from attacks by his detractors.<sup>35</sup>

### III. THE CONTESTING VIEWS

#### A. *An Assault on Institutions*

These popular uprisings are emotionally charged experiences. When the dust clears, participants and observers alike try to make sense of the event and rarely agree on what they see. The debates seem centered on the similarities and differences between the removal of Presidents Marcos and Estrada.

During the campaign for the 1986 presidential elections, Corazon Aquino delivered a speech wherein she said, “My political program is simple. I propose to dismantle the dictatorial edifice Marcos has built. In its place I propose to build for our people a genuine democracy.”<sup>36</sup> She interpreted the removal of Marcos as a mandate to restore democracy in the Philippines.<sup>37</sup> Indeed, “redemocratization” was the “overarching principle” of Aquino’s government.<sup>38</sup> At the very least, the ouster of the Marcos dictatorship restored formal democratic institutions including a presidential form of government with a bicameral legislature.<sup>39</sup>

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<sup>33</sup> Gemma B. Bagayaua, *Union Power*, NEWSBREAK, November 11, 2002, at 23. According to the union, they filed a petition for the removal of Secretary Roco on the grounds of gross negligence, grave misconduct, and incompetence. See Jet Damazo, *Union Claims Victory*, NEWSBREAK, September 16, 2002, at 8.

<sup>34</sup> *Reyes resignation an act of sacrifice*, THE PHILIPPINE STAR, August 31, 2003.

<sup>35</sup> *Id.*

<sup>36</sup> Corazon C. Aquino, *Tearing Down the Dictatorship, Rebuilding Democracy*, Address delivered before the joint Rotary Clubs of Metro-Manila at the Manila Hotel, (January 23, 1986). *Reproduced in* Corazon C. Aquino, *IN THE NAME OF DEMOCRACY AND PRAYER: SELECTED SPEECHES OF CORAZON C. AQUINO* 13-24 (1995).

<sup>37</sup> See Carolina G. Hernandez, *The Philippines in 1987: Challenges of Redemocratization* 28 *ASIAN SURVEY* 229-241 (1988).

<sup>38</sup> *Id.*, at 229.

<sup>39</sup> See Julio Teehankee, *Electoral Politics in the Philippines*, in *ELECTORAL POLITICS IN SOUTHEAST & EAST ASIA* 149, 161 (Aurel Croissant ed., 2002).

Estrada's removal from office, however, was condemned, particularly by the Western media, as an undemocratic and illegal removal of a democratically elected leader. The removal was branded as a conspiracy hatched by business and political leaders to force Estrada from what should be the exclusive enclave of the elite.<sup>40</sup> Business leaders were allegedly eager to end the Estrada presidency because it was pushing the country towards economic ruin.<sup>41</sup> Others pointed out that Estrada's removal "was a *de facto* military coup, with only broad upper- and middle-class support"<sup>42</sup> led by "the opportunist coalition of church, business elite" and the defection of the army brass.<sup>43</sup> It was a "soft coup" engineered "to return the old, wealthy political and business elite to power"<sup>44</sup> and a victory for "mob rule."<sup>45</sup>

Observers claim that Estrada's ouster showed the weakness of Philippine-style democracy and the general weakness of the Philippine state<sup>46</sup> and further indicated that there was still no democratic consolidation in the Philippines.<sup>47</sup> The middle-class, said one author, destabilized democracy in the name of "good governance."<sup>48</sup>

Estrada said that his removal "irrevocably damaged the democratic institutions that EDSA I restored in the 1986,"<sup>49</sup> and that the process of changing duly-elected leaders "may depend on the mob and a few fence-sitting and ambitious generals breaking the chain of command at a crucial moment. Future leaders may be removed by a noisy minority through rallies and street protests and the withdrawal of support by the military."<sup>50</sup>

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<sup>40</sup> See Peter Cordingley & Antonio Lopez, *After the Gloria Euphoria*, ASIaweek, Feb. 2, 2001, at 21.

<sup>41</sup> For a summary of the Philippines' economic performance under the Estrada Administration see Mark L. Clifford, *Not a moment too soon*, BUSINESS WEEK, Feb. 5, 2001, at 16-19. See also Solita C. Monsod, *Mediocre by Empirical Findings*, in PEOPLE POWER 2: LESSONS AND HOPES 207-208 (2001) (discussing the deteriorating economic conditions under Estrada's administration).

<sup>42</sup> William H. Overholt, *It's 'People Power' Again, but this Time Without the People*, INTERNATIONAL HERALD TRIBUNE, Jan. 24, 2001, available at <http://www.iht.com/articles/8430.htm>.

<sup>43</sup> Philip Bowring, *Filipino Democracy Needs Stronger Institutions*, INTERNATIONAL HERALD TRIBUNE, Jan. 22, 2001, available at <http://www.iht.com/articles/8219.htm>.

<sup>44</sup> Deidre Sheehan, *More Power to the Powerful*, FAR EASTERN ECONOMIC REVIEW, Feb. 1, 2001, available at [http://www.feer.com/\\_0102\\_01/p016region.html](http://www.feer.com/_0102_01/p016region.html).

<sup>45</sup> Anthony Spaeth, *Oops, We Did It Again*, TIME, Jan. 29, 2001, at 22. For a summary of Filipino responses to these criticisms, see Seth Mydans, *Expecting Praise, Filipinos are Criticized for Ouster*, NEW YORK TIMES, Feb. 5, 2001.

<sup>46</sup> See Putzel, *supra* note 24.

<sup>47</sup> Landé, *supra* note 23, at 100.

<sup>48</sup> Mark R. Thompson, *Pacific Asia After 'Asian Values': Authoritarianism, Democracy, and 'Good Governance'*, 25 THIRD WORLD QUARTERLY 1079, 1090 (2004).

<sup>49</sup> Joseph Estrada, "If This Can Be Done to Me, Who is Safe?" TIME MAGAZINE, Feb. 9, 2001, available at <http://www.time.com/time/asia/news/daily/0,9754,99007,00.html>.

<sup>50</sup> *Id.* One author argues that the criticisms against the removal of Estrada reflect a misinterpretation of events, by the neoliberal conception of democratic governance. This concept is more concerned with the establishment of institutions that facilitate the operation of the market and has an ideological hostility towards popular mobilization. See Ben Reid, *The Philippine Democratic Uprising and the Contradictions of Neoliberalism: EDSA II*, 22:5 THIRD WORLD QUARTERLY, 777, 788 (2001).

B. *In Defense of “Folk Democracy”*

Those who instigated or benefited from the removal of Estrada, of course, do not share these views. President Arroyo’s interpretation of her mandate was that it was a “new lease in reclaiming our nation’s destiny through a new opportunity at governance.”<sup>51</sup> The contradiction in her statement is palpable—a mandate grounded on good governance should manifest fealty towards the rule of law. Instead, Arroyo’s assumption to office disregarded the impeachment proceedings against Estrada and the constitutional provisions on presidential succession.

But the removal of Estrada is often explained as a form of direct democracy. People Power II was an exercise in direct democracy that “kicked into motion once representative institutions began to check systematic and massive abuse[s] of power.”<sup>52</sup> The ouster of Estrada was not exclusively an elite enterprise because the anti-Estrada coalition included the organized left and organized labor—the lower classes exhibiting barely a modicum of support for Estrada.<sup>53</sup> According to one political analyst, it was a “people’s coup”—a “democratic upheaval, driven by the people in their exercise of their sovereign right to remove a leader who has failed them.”<sup>54</sup> Those supporting the removal of Estrada have developed a thesis regarding the propriety of their actions:

...[I]t was a popular movement that corrected the error of having elected Estrada as President on a populist platform. In People Power II, the people acted to halt the devastation inflicted by the Estrada presidency, through its incompetence and venalities, on the economy, the political institutions and the presidency, which suffered its worst degradation during the Estrada administration.<sup>55</sup>

According to this thesis, the demonstrations that forced Estrada from office were “an eloquent protest against the country’s fractured institutions, and

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<sup>51</sup> President Gloria Macapagal-Arroyo, Address at the 15<sup>th</sup> Anniversary of EDSA II (*sic*), delivered at the People Power Monument, Epifanio de los Santos Avenue, Quezon City. (February 25, 2001). available at <http://www.opnet.ops.gov.ph/speech-2001feb25.htm>.

<sup>52</sup> Walden Bello, *The Unraveling of a Presidency*, in *THE FUTURE IN THE BALANCE: ESSAYS ON GLOBALIZATION AND RESISTANCE* 281 (2001).

<sup>53</sup> *Id.*

<sup>54</sup> Amando Doronila, *People’s Coup: Bloodless, Constitutional, Democratic*, *PHILIPPINE DAILY INQUIRER*, January 21, 2001, at A1.

<sup>55</sup> *Id.*

forcefully asserted popular anger over the blatant corruption of democratic principles and processes.”<sup>56</sup>

Former President Fidel V. Ramos claims that people power “is an assertion of the sovereign people’s ultimate right to intervene—when political institutions fail—to undertake a last effort to make democracy work the way it should.”<sup>57</sup> It is an attempt to restore an “invisible institution of morality” which he claims is the “true foundation of the rule of law.”<sup>58</sup>

Ramos opines that Philippine-style democracy entitles the people to use both direct (extralegal means) and indirect (legal) forms of exercising popular sovereignty so that when the indirect mechanisms do not function properly, recourse to direct mechanisms like people power are necessary. EDSA II, in this view, was the only viable alternative left after what a critical mass of people thought to be a premature end of the impeachment trial of then-President Estrada. According to this view, EDSA II embodied the collective will and action of a critical mass that ultimately ousted a leader charged with cronyism and corruption.<sup>59</sup> Estrada’s removal from office was a “large-scale collective action in the wake of a failed formal mechanism (the impeachment process) [which] turned public opinion, forcing a mass resignation of the cabinet and the effective resignation of the president.”<sup>60</sup> This view concludes that People Power II did not weaken Philippine democracy but strengthened it, giving Filipinos an opportunity to reform their government and work for the common good. EDSA II was another “chance to reform [Philippine] ‘electoral democracy’ and seriously bring about ‘substantive democracy.’”<sup>61</sup>

### C. *An Attempted Putsch?*

The debate about Estrada’s removal was compounded when his supporters gathered at EDSA to call for his return to the presidency. This event, EDSA III, remains largely ignored by analysts and in many cases,

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<sup>56</sup> See Emmanuel S. de Dios & Paul D. Hutchcroft, *Political Economy*, in THE PHILIPPINE ECONOMY: DEVELOPMENT, POLICIES, AND CHALLENGES 45, 64 (Arsenio Balisacan & Hal Hill eds., 2003).

<sup>57</sup> Fidel V. Ramos, *The Political and Economic Situation in the Philippines*, in THE CONTINUING REVOLUTION: MEETING THE CHALLENGES OF DEVELOPMENT AND POVERTY REDUCTION 371, 375 (2001).

<sup>58</sup> *Id.* at 376.

<sup>59</sup> Department of Political Science, School of Social Sciences, Loyola Schools, Ateneo de Manila University, *The deepening of democracy*, CYBERDYARYO 15 Feb. 15 2001. [http://www.cyberdyaryo.com/opinion/op2001\\_0215\\_01.htm](http://www.cyberdyaryo.com/opinion/op2001_0215_01.htm).

<sup>60</sup> Emmanuel S. De Dios & Ricardo D. Ferrer, *Corruption in the Philippines: Framework and Context*, 5 PUB. POL’Y 1, 5 (2001).

<sup>61</sup> Jose V. Abueva, *A Crisis of Political Leadership: From “Electoral Democracy” to “Substantive Democracy,”* in BETWEEN FIRES: FIFTEEN PERSPECTIVES ON THE ESTRADA CRISIS 78, 96-97 (Amdado Doronila ed., 2001).

available accounts are limited to descriptions of violence, fueling the view that it was a mob that gathered in support of Estrada.<sup>62</sup> When EDSA III is mentioned at all, it is disparaged as “the attack on Malacañang palace . . . by mobs incited by political allies of deposed President Estrada . . . .”<sup>63</sup> It was “a prolonged rally” that “ended in a bloody, riotous attack on the presidential palace.”<sup>64</sup>

These accounts make no distinction between the nonviolent protests at the EDSA shrine and the subsequent attack on the presidential palace. This omission is significant because only a small fraction of those who were at EDSA actually marched to Malacañang Palace. As such, the accounts of this uprising are hostile, and distinguished from the accounts of the prior uprisings involving the removal of Presidents Marcos and Estrada. The following excerpts are characteristic of this treatment:

It is important to distinguish the May 1 street protest from the two previous “People Power” upheavals. The appropriation of “People Power” by Estrada’s supporters was a malevolent attempt to convey the impression that they were carrying out a genuine people’s revolt against a usurper, in this case President Gloria Macapagal Arroyo. But this crowd had a frenzied quality, with enraged mobsters charging the beleaguered police, and cabal plotters inciting the crowd to violence. . .

. . . .

The most disturbing aspect were reports that many protesters were paid up to 1,000 pesos (\$20) a day to lay siege to Malacanang. They were rounded up from impoverished squatter communities by mayors sympathetic to Estrada. A thousand pesos can feed a poor family for a week. It is no different from the routine vote-buying during election campaigns. . . .<sup>65</sup>

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<sup>62</sup> See *Rage on the Streets*, THE INVESTIGATIVE REPORTING MAG, Apr.-June 2001, at 21-25. One such account listed the injuries sustained by members of the press from irate Estrada supporters. See Evelyn O. Katigbak, *Erap supporters decry “media bias”* *Look Who’s Talking*, 12 PHILIPPINE JOURNALISM REV. 26, 26-27 (2001). The list of injuries was intended to show the Estrada supporters’ hostility towards the media, which allegedly justified the absence of press coverage of the pro-Estrada demonstrations.

<sup>63</sup> AMADO DORONILA, THE FALL OF JOSEPH ESTRADA: THE INSIDE STORY 220 (2001).

<sup>64</sup> Paul D. Hutchcroft & Joel Rocamora, *Strong Demands and Weak Institutions: The Origins and Evolution of the Democratic Deficit in the Philippines*, 3 J. OF E. ASIAN STUD. 259, 282 (2003).

<sup>65</sup> Belinda A. Aquino, *Unrest in the Philippines was no “People Power 3,”* HONOLULU STAR-BULL. ON-LINE EDITION, May 20, 2001, <http://starbulletin.com/2001/05/20/editorial/index.html>.

In short, the mainly middle-class forces behind EDSA II refused to include the “May Day Riots” in the people power tradition, claiming that it lacked moral clarity, and that it was violent and largely orchestrated by pro-Estrada forces carting people from the provinces or inducing them to participate with money, food and even drugs.<sup>66</sup>

Most accounts patronize the participants as the pawns of vested interests or “mainly motivated by resentments against the rich, by feelings that a terrible injustice had been done to their hero...by a sense that they were acting to protect the constitution and democracy.”<sup>67</sup> The third uprising at EDSA, said one political scientist, was a “powerful warning that the nation’s poor, once sufficiently empowered, may finally rise against a society and political system they judge to be hopelessly unjust and oppressive.”<sup>68</sup>

All of a sudden, people were having second thoughts about the wisdom of people power. The removal of Joseph Estrada and the storming of the presidential residence by pro-Estrada groups are leading people to think that “not only is people power becoming a habit in making political change but also its overuse is dangerous to democracy and political stability.”<sup>69</sup>

Disagreement over the nature and use of people power is rising; this is evident in public opinion surveys. A survey conducted by the Social Weather Stations<sup>70</sup> in February 2001 showed that 71% of the respondents believed that People Power II was “the sentiment of the majority” compared to 28% who believed that it was the sentiment of a few.<sup>71</sup> The survey also showed that 61% of the respondents expressed the view that Estrada’s removal was “just” and 59% went so far as to say that it was the “will of God.”<sup>72</sup> Another survey conducted by the University of the Philippines Center for Leadership, Citizenship and Democracy conducted in November 2001 showed that 77% of the respondents agreed that the removal of Marcos

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<sup>66</sup> Marco Garrido, *People Power: From Revolution to Riot*, ASIA TIMES ONLINE, Feb. 27, 2004, [http://www.atimes.com/atimes/Southeast\\_Asia/FB27Ae01.html](http://www.atimes.com/atimes/Southeast_Asia/FB27Ae01.html).

<sup>67</sup> Walden Bello, *The May 1st Riot: Birth of Peronism Philippine-Style?*, in *THE FUTURE IN THE BALANCE: ESSAYS ON GLOBALIZATION AND RESISTANCE* 281 (2001).

<sup>68</sup> Abueva, *supra* note 61.

<sup>69</sup> Amando Doronila, *Beyond EDSA and People Power*, PHILIPPINE DAILY INQUIRER, Feb. 22, 2002.

<sup>70</sup> The Social Weather Stations was established in August 1985 as a private non-stock, nonprofit social research institution. It is a self-supporting academic institute for survey research on topics of public interest and conducts surveys to provide an independent source of pertinent, accurate, timely and credible data on Philippine economic and social conditions. See Social Weather Stations, <http://www.sws.org.ph/> (last visited Nov. 23, 2005).

<sup>71</sup> Leo Rando S. Laroza, *Looking Back at EDSA People Power 2: The People’s Sentiments on the Events of January 16-20, 2001*, SWS SURVEY SNAPSHOTS, Jan. 2002, at 3.

<sup>72</sup> *Id.*

in 1986 was “true people power.”<sup>73</sup> However, only 57% of the respondents agreed that the forced resignation of Estrada was “people power,” and only 30% believed that the pro-Estrada gathering at EDSA was people power.<sup>74</sup>

#### D. Cabinet Resignations

The latest incarnations of people power in the Philippines were carried out to force the resignations of members of the Arroyo cabinet. This recent permutation of people power has even fewer supporters, and it is often described as “rule by the rabble,”<sup>75</sup> a grotesque form of people power unleashed to pressure government institutions such as the Commission on Elections (in the case of the disqualification of party-list organizations) and the Supreme Court (in the case of its decision over the legitimacy of the Arroyo administration). The removal of members of the Cabinet fuels contempt for people power because it allegedly forces public officials to abdicate governance to accommodate the demands of interest groups.<sup>76</sup>

The sociologist Randolph David explains, however, that these instances are not reasons to regret or fear people power. In his view, a people inspired by the effectiveness of direct collective action as a political weapon will now challenge the old routines of stable bureaucracies.<sup>77</sup> Indeed, it is David, more than anyone else, who has demonstrated unwavering faith in people power.

#### IV. DAVID'S THEORY OF PEOPLE POWER

Randolph David has made the greatest efforts at defining the parameters of people power. In various pieces throughout the years he has presented his ideas on what constitutes a genuine exercise of that power. People power, he points out, does not exist in the vocabulary of either social theory or political theory—so he presents his own definition:

In empirical terms, what we have come to call people power is, first of all, a large public gathering of *unarmed* people united by a set of common political calls.

Secondly, it is a *political gathering* in the sense that its objectives are ultimately concerned with political power, even

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<sup>73</sup> Jose V. Abueva, *People's perception of people power*, PHILIPPINE DAILY INQUIRER, Feb. 17, 2002.

<sup>74</sup> *Id.*

<sup>75</sup> Amando Doronila, *SSS Shaken By Rabble Power, Not People Power*, PHILIPPINE DAILY INQUIRER, Aug. 6, 2001, at A1, A18.

<sup>76</sup> *Id.*

<sup>77</sup> Randy David, *People Power and the SSS*, PHILIPPINE DAILY INQUIRER, Au 5, 2001.



though it remains largely non-violent and unarmed, and may at times even assume a religious form.

Thirdly, this massive gathering of people usually in a symbolic place is *sustained* over a couple of days, with the crowd growing in size, density and fervor day by day.

Fourthly, a variety of activities ranging from speeches, singing, dancing, and religious rituals keep the participants cheerfully engaged. These activities are characterized by a *spontaneous* outpouring of warmth and generosity among the members of the crowd, creating a social leveling or equalizing effect on the participants.

Lastly, people power is *amorphous*; it follows no definite timetable, has no definable organization or leadership, and follows no predetermined direction. Its main concern is to increase its numbers from day to day. It knows when it has attained its peak; the collective excitement reaches a crescendo, and the crowd eagerly awaits its moment of final discharge and triumph.<sup>78</sup>

Curiously, this definition seems more concerned with form (location and size) and fuzzy feelings. David seems to be crafting a definition that would exclude the pro-Estrada rallies from any discussion of people power by focusing on a warmth and generosity that the pro-Estrada rallies allegedly lacked, at least insofar as they were depicted by the media. This is not the only occasion on which David tried to remove EDSA III from people power discourse. On another, he wrote:

Real people power is autonomous, self-willed, and well informed. It draws its courage and determination from the power of its convictions. It is inventive and free, and not constrained by dogma, political correctness or any party line. It is moral protest elevated to an art. It is not awed by power. It stands up to power, but it disdains power. That is why it has no leaders, only symbols. It clothes itself in the symbols of everything that is good, decent, and responsible.

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<sup>78</sup> Randolph S. David, *People Power and the Legal System: A Sociological Note*, in REFLECTIONS ON SOCIOLOGY & PHILIPPINE SOCIETY 241, 242 (Randolf S. David ed., 2001). See also Mark R. Thompson, *Whatever Happened to Democratic Revolutions?*, 7 DEMOCRATIZATION 1, 1-20 (2000). People Power and other democratic uprisings are neglected in academic literature because they do not fit standard theories of revolutions or democratic transitions. *Id.* at 15.

It is unarmed, non-violent, and highly disciplined. It is militant but never sad. Indeed it is festive and celebratory. It is angry at times, but never aggressive. It does not only claim the high moral ground, but it also regards itself as the force of the new, the vanguard of a hopeful future. Oppressive, morally bankrupt, and corrupt regimes are its principal targets.

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The crowds that are mobilized and prompted to sing praises for someone already in power do not constitute people power. People power is never sycophantic. While it fights tyrants and corrupt leaders, it studiously avoids being used for narrow political ends. And herein lies its paradoxical strength: people power is a political weapon with political ends; yet it resolutely rejects political ambition.<sup>79</sup>

David also adopts the view that people power compensates for the defects of Western political systems that were implanted in the Philippines. He views people power as “a means of correcting the major dysfunctional consequences of borrowed institutions.”<sup>80</sup> It is a tool “far more effective than piecemeal pressure politics and far more powerful than amending a constitution.”<sup>81</sup> Rather, it is a safety valve that can be released when the implanted foreign institutions fail—the back-up system that accommodates unanticipated episodes in political life. As such, EDSA II was the result of a movement—consisting of “the young, the middle class, and the educated sectors of society who refused to be led any further by an inept, corrupt, and archaic President”—to restore accountability and idealism in government.<sup>82</sup> David thus interprets people power as an application of this emergency measure. He gives EDSA II, in particular, a new sheen:

EDSA II is this generation’s urgent plea to reorganize ourselves, update our institutions, develop our human resources, and re-dedicate ourselves to our heroes’ dream of an independent and confident nation before the imperatives of capitalist globalization overtake and drown us. Today we know that this cannot be achieved under a national leadership that

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<sup>79</sup> Randolph S. David, *What Makes People Power Possible*, in *NATION, SELF, AND CITIZENSHIP: AN INVITATION TO SOCIOLOGY* 302, 302-303 (2002).

<sup>80</sup> Randolph S. David, *People Power and the Law*, in *NATION, SELF, AND CITIZENSHIP: AN INVITATION TO SOCIOLOGY* 154, 155 (2002).

<sup>81</sup> *Id.* at 155.

<sup>82</sup> Randy David, *EDSA II in Retrospect*, *PHILIPPINE DAILY INQUIRER*, Jan. 20, 2002.

governs the nation as if it is business as usual. It is clear that we can no longer afford to drift, because even if we don't drown, we would be swept by the tide to an isolated corner, there to wallow in our insecurities and irrelevant resentments.<sup>83</sup>

Consistent with this template, David disparages the pro-Estrada demonstrations:

This is not people power; this is its parody, its farcical version. People power is moved by hope; the so-called "EDSA III" is burdened by despair. People power imagines what life can be if people placed their destiny in their hands. This one imagines what life would have been if their patron had not been overthrown. People power desires to move on and remake the world; people resentment desires to dwell in the past and display its wounds.<sup>84</sup>

There are certain elements, David explains, that should be present before a massive gathering can qualify as genuine people power. To be genuine, it must have the sympathy of the larger society (schools, mass media, churches professional, and business organizations).<sup>85</sup>

David's views seem skewed to discredit any uprising that deviates from the goals laid down by the anti-Estrada groups. The genuine exercise of people power as David defines it should approximate the goals and techniques of the uprising that removed Estrada from office.

Even if one accepts David's definition, it may yet be argued that the Estrada rallies still qualify as people power. Were the pro-Estrada rallies any less festive? Were they any less charged with hope? Were they not protests against the perceived usurpation of the office of the president?

In the quest to answer questions regarding the nature of genuine people power, we ask the wrong questions when we try to fit the subsequent events into the template of the 1986 uprising. From this view, only the removal of Marcos is genuine. The removal of Estrada is contested. The

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<sup>83</sup> Randy David, *EDSA II Revisited*, PHILIPPINE DAILY INQUIRER, Jan. 19, 2003,

<sup>84</sup> Randy David, *The Third Time as Farce*, PHILIPPINE DAILY INQUIRER, Apr. 29, 2001, at A7. The festive atmosphere is an important feature of these uprisings. Psychologists have asserted that the happy and festive atmosphere is a "psychological antidote" that Filipinos use to neutralize the fear and anger felt by the participants. See Maria Elizabeth J. Macapagal & Jamin Nario-Galace, *Social Psychology of People Power II in the Philippines*, 9 PEACE AND CONFLICT: J. OF PEACE PSYCHOL. 219, 225 (2003).

<sup>85</sup> David, *supra* note 78, at 246.

attempted removal of President Arroyo is branded as a parody, a farce, and even an obscene “bastardized version” of people power.<sup>86</sup>

This myopic approach to discussing popular uprisings disables us from understanding why they happen at all. We keep ourselves from knowing why the vaunted “people power revolution” of 1986 failed to bring genuine democracy to the Philippines. Instead, the inquiry should be reoriented to accommodate alternative views of people power so that the definition encompasses all popular uprisings.

## V. TWO MORE VIEWS

The events that ended the Marcos regime revived the promise of democracy and prompted speculation of similar uprisings in other authoritarian states.<sup>87</sup> These events put the Philippines at the crest of the “third wave of democratization”<sup>88</sup> and political protests, such as those directed at Marcos, are identified as among the significant factors contributing to democratization in Asia.<sup>89</sup>

Recently, however, the “transition paradigm”—the belief that a country’s move away from authoritarian rule is a move toward democracy—has come under serious scrutiny. Analysts have pointed out that many countries in a “transitional” state are not in transition to democracy and claim that the transition paradigm has outlived its usefulness.<sup>90</sup> The political trajectories of most third-wave countries bring into question the very core assumptions of the transition paradigm.<sup>91</sup>

The United Nations Development Programme aired a similar concern. There are presently more democratic countries and more political participation than ever. There are 147 countries holding multi-party elections, 121 of which had some or all of the elements of formal democracy in 2000, an increase from fifty-four countries in 1980.<sup>92</sup> Of the eighty-one countries that took steps towards democratization, however, only forty-seven are considered by the UN to be full democracies, while others do not seem to

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<sup>86</sup> See Alfred A. Ayala, Jr., *Erap Loyalists Converge on EDSA Shrine for “People Power III,”* CYBERDYARYO, Apr. 26, 2001, [http://www.cyberdyaryo.com/features/f2001\\_0426\\_03.htm](http://www.cyberdyaryo.com/features/f2001_0426_03.htm).

<sup>87</sup> See Pico Iyer, *Cory*, TIME, Jan. 5, 1987, at 4, 18.

<sup>88</sup> SAMUEL P. HUNTINGTON, *THE THIRD WAVE: DEMOCRATIZATION IN THE LATE TWENTIETH CENTURY* 23 (1991).

<sup>89</sup> See Junhan Lee, *Primary Causes of Asian Democratization: Dispelling Conventional Myths*, 42 ASIAN SURV. 821, 830-831 (2002).

<sup>90</sup> Thomas Carothers, *The End of the Transition Paradigm*, 13 J. OF DEMOCRACY 5, 6 (2002).

<sup>91</sup> *Id.* at 17.

<sup>92</sup> U.N. Dev. Program, *Human Development Report 2002: Deepening Democracy in a Fragmented World* 14 (2002).

be in transition to democracy.<sup>93</sup> Rather than a wave of democracy, there seems to be an unprecedented increase in the rise of “pseudodemocracies”—regimes that are “neither clearly democratic nor conventionally authoritarian.”<sup>94</sup>

A. *People Power as One Stage in the Process of Democratization*

The removals of Marcos and Estrada excited students of Philippine politics with hopes of potential strengthening of democracy and quickening of democratization. Subsequent events, however, have so far disappointed those hopes. The Aquino government made modest changes towards democracy and not a “...decisive reform of iniquitous social structures...”<sup>95</sup> Philippine democracy after Marcos remained “shallow and fragile.”<sup>96</sup> While the ouster of Marcos encouraged civil society to flourish, traditional actors in political society have used their positions of power to stifle the participation of civil society.<sup>97</sup> Moreover, instead of leading to the creation of a more democratic system,<sup>98</sup> recent surveys indicate that Filipinos are dissatisfied with democracy.<sup>99</sup>

Much of the frustration over people power is a product of the failed hopes that it initially inspired. Even assuming that both the Marcos and Estrada removals were genuine exercises of people power, neither event accomplished the social transformation it purported to trigger.<sup>100</sup> The aftermath of EDSA I was anything but revolutionary. Rather, it “paved the way for the return of the old system of elite democracy that Marcos’ martial

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<sup>93</sup> *Id.* at 15.

<sup>94</sup> Larry Diamond, *Thinking About Hybrid Regimes*, 13, J. OF DEMOCRACY 21, 25 (2002). As another author argues, many newly democratic countries become sham democracies, which sometimes lead to disenchantment and new forms of tyranny. Otherwise put, “Democracy is flourishing; liberty is not.” See FAREED ZAKARIA, *THE FUTURE OF FREEDOM: ILLIBERAL DEMOCRACY AT HOME AND ABROAD* 17-18 (2003).

<sup>95</sup> Benedict J. Kerkvliet & Resil B. Mojares, *Themes in Transition from Marcos to Aquino: An Introduction*, in *FROM MARCOS TO AQUINO: LOCAL PERSPECTIVES ON POLITICAL TRANSITION IN THE PHILIPPINES* 1, 5 (Benedict J. Kerkvliet & Resil B. Mojares eds., 1991).

<sup>96</sup> James Putzel, *Survival of an Imperfect Democracy in the Philippines*, in *THE RESILIENCE OF DEMOCRACY: PERSISTENT PRACTICE, DURABLE IDEA* 198, 214 (Peter Burnell & Peter Calvert, eds., 1999).

<sup>97</sup> See Kent Eaton, *Restoration or Transformation?: *Trapos* versus NGOs in the Democratization of the Philippines*, 62 J. OF ASIAN STUDIES 469, 470 (2003).

<sup>98</sup> For assessments of the state of Philippine democracy, see James Putzel, *Survival of an Imperfect Democracy in the Philippines*, in *THE RESILIENCE OF DEMOCRACY: PERSISTENT PRACTICE, DURABLE IDEA* 198, 198-223 (Peter Burnell & Peter Calvert eds., 1999).

<sup>99</sup> See Jose V. Abueva, *Filipinos Disenchanted with Democracy: UP Survey*, PHILIPPINE DAILY INQUIRER, May 3, 2002, at A1.

<sup>100</sup> Conrado de Quiros, *Power to the People*, PHILIPPINE DAILY INQUIRER, Aug. 26, 2003, at A8.

law had tried to bury.”<sup>101</sup> David explains that because political power remained in the hands of the elite, the energy of People Power I “was quickly contained and placed at the disposal of conservative forces.”<sup>102</sup> The rage underpinning EDSA II was extinguished at an even earlier stage. The elite, after its capture of the state apparatus, urged the need for stability of the political system and, far from carrying out any mandate of reform, simply rebooted the system with a different cast of characters at the country’s helm.

Three years later, the Philippine press declared EDSA II as another failure because “[t]he business of government and politics is still being conducted, not on the basis of principles, but on the basis of pragmatism, practicality and self-interest.”<sup>103</sup> The Catholic Church agreed saying that the gains of people power had already been squandered,<sup>104</sup> as the forces responsible for the fall of Estrada drifted apart.<sup>105</sup>

The disappointment is inevitable because we exaggerate expectations from people power. If the fall of Marcos is a “democratic uprising”—defined as a “spontaneous popular uprising . . . which topple[s] unyielding dictators and begin[s] a transition process that eventually results in the consolidation of democracy”<sup>106</sup>—then people power can only disappoint. If one regards the fall of Estrada as the result of a crusade against corruption, the disappointment is magnified yet again.

In essence, people power is an expression of outrage against assaults on the integrity of the political system. This was true when Marcos used an election to cloak his administration with a veil of legitimacy, and when Estrada’s allies in the Senate blocked access to records that would reveal the extent of his personal wealth during his impeachment trial. In both cases, the formal institutions of government were abused; resort to an alternative was inevitable.

As an expression of rage, people power has inherent limitations. First, the rage is expended almost as soon as it becomes manifest. It does not purport to lay out a plan for institutional or moral changes in Philippine politics and society. As one journalist who analyzed the removal of Estrada

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<sup>101</sup> Randy David, *People Power as Utopian Politics*, PHILIPPINE DAILY INQUIRER, Feb. 24, 2002 at A9.

<sup>102</sup> *Id.*

<sup>103</sup> *Wasted Opportunity*, PHILIPPINE DAILY INQUIRER, Jan. 20, 2004, at A7.

<sup>104</sup> See Sheila Crisostomo & Jose Aravilla *Church: Politicians have betrayed people power*, PHILIPPINE STAR, Jan. 21, 2004, at 1.

<sup>105</sup> Patricia P. Esteves, et al., *Church lament: EDSA 2 Is Lost*, MANILA TIMES, Jan. 21, 2004, at A1.

<sup>106</sup> Mark R. Thompson, *Whatever Happened to Democratic Revolutions?*, 7 DEMOCRATIZATION 1, 2 (2000).

put it, “No one who came to [EDSA] on the night of January 16 had any idea what he would do there, except to be with kindred spirits and weep for our country and our children.”<sup>107</sup> Second, it builds on a consensus for change only insofar as the incumbent officials are challenged to resign. The fiesta is directed at the removal of an individual. In 1986, the Marcos administration was replaced by those believed to have won the elections. In 2001, the vice-president of the country replaced Estrada.

Because it is temporary, people power does not claim to initiate structural reform. It is a declaration of outrage that dissipates when the immediate issue is addressed. It gives hope but cannot provide a blueprint for reform. The political processes are, therefore, left vulnerable to predation. People power may be triggered by the ideal of justice, but it cannot see beyond its own rage and—it lacks the vision of reform. Wandering aimlessly, it is easily hijacked by remnants of the state.

Although reassembly or control of the state apparatus falls to those who succeed in disassembling the state, the overriding concern turns very quickly to political stability, and thus the players drift towards restoration, and not revolution. Their anger spent, the people realize the potential dangers of their actions and instinctively rebuild the system that they helped take apart. It is little wonder then that, after the dismemberment of the Marcos political apparatus, the Filipinos built a government resembling much of the pre-martial law structures that the dictator himself destroyed.<sup>108</sup> After Marcos, Filipinos restored the structures of Western democracy but could not alter the inequities in society.<sup>109</sup> This is also true for the removal of Estrada—nothing revolutionary in the government structure or personnel emerged after the President was removed.

People power defies the State insofar as it challenges the incumbent to resign. It carries with it so much potential for social reconstruction that it is distrusted and quickly contained by the political and economic elite. This is possibly why, despite ending both the Marcos and Estrada administrations, Filipinos lament the reconsolidation of elite power. People power is not a revolution so there is no apparent need to restructure the state to address

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<sup>107</sup> Paulynn P. Sicam, *Missing the Story, Period*, CYBERDYARYO, Jan. 31, 2001, [http://www.cyberdyaryo.com/commentary/c2001\\_0131\\_01.htm](http://www.cyberdyaryo.com/commentary/c2001_0131_01.htm).

<sup>108</sup> See Sheila S. Coronel, *Dateline Philippines: The Lost Revolution*, 84 FOREIGN POL’Y 166, 166-185 (1991). Coronel argues that the removal of Marcos was “a hurried and partially negotiated transfer of power to a coalition of forces that had nothing in common but hatred of Marcos.” In what is probably one of the most scathing criticisms of the Aquino government, Coronel claims that Aquino resurrected the old politics of patronage and corruption and that the democratic institutions she restored could not respond to the problems of “landlessness, mass poverty, unemployment, and environmental blight.” *Id.* at 187.

<sup>109</sup> A. B. Villanueva, *Post-Marcos: The State of Philippine Politics and Democracy during the Aquino Regime, 1986-92*, 14 CONTEMP. SOUTH-EAST ASIA 174, 184 (1992).

social ills or make the system more democratic. It carries so much of the old order that it will rebuild itself in the image and likeness of its predecessor.

This is not to suggest that popular uprisings cannot lead to democratization; they do provide a temporary opening that can allow for such revolutionary changes. People power can create an environment for policy change only while traces of rage still linger in the air. Philippine sociologist Raul Pertierra classifies both the ousters of Marcos and Estrada as instances of *comunitas*, which is the suspension or reversal of societal bonds.<sup>110</sup> Under *comunitas*, social hierarchies are suspended thereby providing an opening for radical changes. Unless this opening is exploited, the old structures will escape transformation.<sup>111</sup> As explained above, this is the reason why conservative forces quickly contain the space for revolutionary changes created by people power.

If people power is a form of democratic revolution, only Marcos' removal will qualify as genuine people power. The removal of Estrada does not even pretend to be about strengthening democracy or making the political system more democratic. It was designed to remove a single individual from office. There was no overhaul of an ailing system; instead it invoked the Constitution to justify the assumption of Gloria Macapagal-Arroyo to office.

Nor can the attempted removal of President Arroyo claim any semblance to uprisings aimed at furthering democracy because it was triggered as a protest against the arrest of Estrada. Ironically, the trigger for EDSA III was actually an attempt on the part of the government to follow the rule of law, by arresting an accused to stand trial for the crimes of which he was charged. The number of people who attended the pro-Estrada demonstrations cannot change the fact that this gathering at EDSA was designed to restore a person to power. In any case, the violent march to the presidential palace instantly disqualifies the pro-Estrada demonstrations from the list of "genuine" exercises of people power. Likewise, every other use of people power to remove members of the cabinet will be a farce insofar as their purpose is to protest policies and/or personalities.

In short, the account of people power as a form of democratic uprising leads to dissatisfaction with its results, because ultimately the Philippines remains in the clutches of "elite democracy." This account also precludes the possibility of appreciating any other massive uprising as a "genuine" people power because the conditions that led to the ouster of Marcos in 1986

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<sup>110</sup> Raul Pertierra, *People Power II: Miracle, Middle Class, or Moro-moro*, in *THE WORK OF CULTURE* 44, 57 (2002).

<sup>111</sup> *Id.*, at 56-57.



can never be replicated. However, if we instead viewed it as less than a revolution, we could begin to ask why democracy has not yet consolidated in the Philippines so that we could address these issues. With this perspective, we could strive to find an explanation as to why democracy has not been consolidated instead of wallowing in its failure.

*B. People Power as a Declaration of Allegiance*

There is another way of viewing the people power phenomenon, one that has little to do with democracy or democratization. On this view, the participants of the first people power uprising did not gather at EDSA in defiance of an authoritarian regime, but because they were outraged at the manner in which Marcos stole an election to further entrench himself in power. The final assault on his hold on power was not a revolt against his authoritarian regime; the people power uprising would have occurred even if the Philippines had been a democracy at that time. Rather than a “revolution,” the uprising may be described as a shift of allegiance away from Marcos or as a popular vote of no-confidence.

Many of those who opposed the Marcos regime did not hold strong beliefs in democratic ideals.<sup>112</sup> Some were simply excluded from Marcos’s system of crony capitalism or were more concerned with the communist insurgency than the restoration of electoral democracy.<sup>113</sup> Yet, we associate the fall of Marcos with democratization because his regime was in fact authoritarian; and more importantly, because it coincided with the fall of many other authoritarian regimes throughout the world. The temptation to cluster these events together as the third wave of democratization becomes irresistible.

On the alternative view here considered, an attempt to dislodge an incumbent official qualifies as a genuine exercise of people power, regardless of whether the attempt is successful or not. People power thus described is no less profound. That a people can band together peacefully to force a chief executive from office makes the event astounding. There is nothing intrinsically bad about collective effort to remove a person from office. Officials can be pressured to, and sometimes, do resign. These pressured resignations do not constitute departures from “rule of law” or democratic constitutionalism. Fixed terms of office are not guarantees of tenure; they do not guarantee an elected official a *minimum* number of years

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<sup>112</sup> Doug McAdam & Sidney Tarrow, *Nonviolence as Contentious Interaction*, 33 POL. SCI. & POL. 149, 151-152 (2000).

<sup>113</sup> *Id.* at 152.

in office but they do set a *maximum*. That the political atmosphere could dictate a shorter tenure for a public official is an unwritten rule of politics.

The view that people power simultaneously challenges the legitimacy of an incumbent and favors another person with allegiance precludes questions into whether an attempt at people power is genuine. Because it is a declaration of allegiance, it is neither right nor wrong. The only inquiry to be made is whether the official succumbs to such displays of defiance. The outcome is determined by, among other things, the mettle of the official and the magnitude of support for those challenging his or her rule.<sup>114</sup>

The removals of Marcos and Estrada fit this description. Marcos' departure was finally guaranteed by the United State's withdrawal of support. In Estrada's case, the people—those present at EDSA—declared their withdrawal of support for the President. When most of his cabinet and the military also withdrew their support for Estrada, he left the palace and then Vice-President Gloria Macapagal-Arroyo became President by operation of the Constitution.

In this sense, even the pro-Estrada rallies—until they degenerated into an attack on the presidential palace—are also manifestations of people power. They, too, were triggered by outrage at the manner in which the former President was arrested. They, too, challenged the legitimacy of the Arroyo Administration and sought the restoration of Estrada to power. Politicians may have twisted the demonstrations or whipped up the participants into a frenzy but these are irrelevant. The demonstrations were still a declaration of allegiance for Estrada, and a challenge to the legitimacy of the present administration.

All the other pocket versions of people power, however, still lack the moral outrage that correctly triggers people power. They seem to be designed to block efforts at reforms that would put their jobs at stake or disingenuous attempts to invoke people power for narrow political ends.

Other recent developments in the Philippines support the view that people power is a “pledge of allegiance” in favor of a particular leader. President Gloria Macapagal-Arroyo ran for reelection in the national elections of May 2004.<sup>115</sup> The opposition coalition fielded former movie actor Fernando Poe, Jr. as its candidate. Poe built his career on a string of action movies that generated legions of fans. But while his popularity is

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<sup>114</sup> The outcome may also determined by the decisions of the military during popular upheavals. See Mark N. Katz, *Democratic Revolutions: Why Some Succeed, Why Others Fail*, WORLD AFF. (2004), [http://www.findarticles.com/p/articles/mi\\_m2393/is\\_3\\_166/ai\\_112132119](http://www.findarticles.com/p/articles/mi_m2393/is_3_166/ai_112132119).

<sup>115</sup> Under Article VII, § 4 of the 1987 Philippine Constitution, the President serves for a term of six years without the benefit of re-election. However, if the Vice-President succeeds to the office of the President and serves for four years or less, she may run in the next elections.

incontestable, his citizenship was not. Born of Spanish and American parents, there was some question whether Poe satisfied the citizenship requirement of the Philippine presidency.<sup>116</sup> Petitions for the disqualification of Poe were filed with the Commission on Elections and the issue ultimately reached the Philippine Supreme Court.<sup>117</sup> Throughout these unsuccessful efforts, Poe's supporters warned "they would take to the streets" if the candidate was disqualified by the Commission on Elections<sup>118</sup> and even warned of "a potential revolt."<sup>119</sup> Former President Estrada, a friend of Poe, warned the Supreme Court not to disqualify Poe: "I'm warning them not to do that, lest there will be civil war, revolution or massive civil disobedience . . . ."<sup>120</sup>

Poe's supporters made a declaration of allegiance and a threat of collective action, regardless of whether he was qualified to run for President. These warnings are interesting because they verify the view that people power is not about democracy. These statements are an affirmation of the view that, beyond formal legal and democratic institutions of the Philippine State, there are forces that can be summoned to support a preferred leader.

These calls for people power are taken seriously. Weeks after the election when the results were not yet officially determined, President Arroyo congratulated the Filipinos for successfully exercising their right to vote in a relatively peaceful and seemingly credible election. In her first public appearance after the elections, she said, "We started this journey when we brought back democracy to our people through the power of the ballot and no longer in the streets."<sup>121</sup>

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<sup>116</sup> Article VII, § 2 of the 1987 Philippine Constitution provides:

No person may be elected President unless he is a natural-born citizen of the Philippines, a registered voter, able to read and write, at least forty years of age on the day of the election, and a resident of the Philippines for at least ten years immediately preceding such election.

<sup>117</sup> In a split decision, the Supreme Court of the Philippines subsequently ruled in Poe's favor. The Court explained that while the evidence may not establish conclusively that Poe is a natural-born citizen of the Philippines, "the evidence on hand still would preponderate in his favor enough to hold that he cannot be held guilty of having made a material misrepresentation in his certificate of candidacy in violation of Section 78, in relation to Section 74, of the Omnibus Election Code." Material misrepresentation under Philippine law, the Court stated, "must not only be material, but also deliberate and willful." See *Tecson v. Commission on Elections*, G.R. No. 161434, 424 SCRA 277, 349-350 (2004).

<sup>118</sup> *Opposition to Unite behind Lacson if Poe is Booted Out*, PHILIPPINE DAILY INQUIRER, Jan. 21, 2004, at A2, available at [http://www.inq7.net/brk/2004/jan/21/brkpol\\_13-1.htm](http://www.inq7.net/brk/2004/jan/21/brkpol_13-1.htm).

<sup>119</sup> Efrén L. Danao, *Opposition Has Surprise Witness in FPJ "Papers,"* MANILA TIMES, Jan. 21, 2004, at A1.

<sup>120</sup> Armand N. Nocum, Blanche S. Rivera & Jerome Aning, *Estrada Warns of Civil War if Poe Is Barred*, PHILIPPINE DAILY INQUIRER, Jan. 28, 2004, at A2.

<sup>121</sup> Marichu Villanueva, *GMA: No More EDSAs for Us*, THE PHILIPPINE STAR, June 13, 2004, at 1, 6.

President Arroyo's statement was less about praising the Filipinos for conducting elections peacefully, and more of a plea to refrain from subjecting her tenuous mandate to the more exacting standards of people power. To be sure, however, Arroyo's supporters are also threatening to unseat Poe through massive protests if he is declared the winner.<sup>122</sup> This pledge of allegiance is evidently made on both sides of the election trail.

### C. *Implications for Research*

Looking at people power as a democratic revolution<sup>123</sup> denies the reality that it is merely a short-lived and shortsighted outburst of rage. Revolutions are guided by the idea of an alternative regime to replace the existing one. Revolutions follow a plan; people power does not do more than call for a resignation of a public official. The uprising against Marcos sought to honor the results of an election, not initiate fundamental social change. It was a largely urban and middle-class event that could qualify as a nonviolent revolt or nonviolent *coup* at best.<sup>124</sup> Many observers and scholars assumed that overthrowing the Marcos regime would lead to the consolidation of democracy and were disappointed that it did not. We magnify our disappointment by ascribing authorship of these events to divine intervention.

The alternatives presented here should steer scholarship in another direction. The Philippines has been in the process of democratization for more than a century,<sup>125</sup> and the fall of Marcos is a single episode in that history. Marcos' departure from the presidential palace returned the Philippines to 1972, when it was in the grip of elite democracy.<sup>126</sup> While the removal of the dictator was a significant gain in struggle towards democratization, it did not necessarily lead to a transition to democracy. In fact, others charge, it restored elite democracy.<sup>127</sup>

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<sup>122</sup> See Anthony Spaeth, *Is She the One?*, TIME, June 21, 2004, available at [http://www.time.com/time/asia/2004/phil\\_election/story.html](http://www.time.com/time/asia/2004/phil_election/story.html).

<sup>123</sup> See Thompson, *supra* note 6. Thompson is evidently the optimistic advocate of the transition paradigm in the Philippines. In his view, democratization in the Philippines began with the ouster of Marcos in 1986, and democracy was consolidated in 1992. See Mark Thompson, *Off the Endangered List: Philippine Democratization in Comparative Perspective*, 28 COMPARATIVE POLITICS 179, 180 (1996).

<sup>124</sup> Stephen Zunes, *The Origins of People Power in the Philippines*, in NONVIOLENT SOCIAL MOVEMENTS: A GEOGRAPHICAL PERSPECTIVE 129, 152 (Stephen Zunes, et al. eds., 1999).

<sup>125</sup> Felipe B. Miranda, *Introduction* to DEMOCRATIZATION: PHILIPPINE PERSPECTIVES ix (Felipe B. Miranda ed., 1997).

<sup>126</sup> See BENEDICT ANDERSON, *Cacique Democracy in the Philippines: Origins and Dreams*, in THE SPECTRE OF COMPARISONS: NATIONALISM, SOUTHEAST ASIA, AND THE WORLD 192-226 (1998).

<sup>127</sup> See *supra* notes 95-99, 108-09 and accompanying text.

Today, government is becoming even less representative of the people. A member of the post-Marcos Congress is typically male, middle-aged, and college-educated. He is likely to have held local government office, and had a sibling, father, or grandfather who has also held public office.<sup>128</sup> He has multiple sources of income and a net worth, estimated conservatively, of 10 million pesos.<sup>129</sup> He is hardly representative of the typical Filipino.

To insist on framing people power as a democratic revolution can only lead to complaints about its failure to consolidate democracy in the Philippines. If we resist the temptation of locking people power onto democratization, then we can begin to look at it from other perspectives. For instance, we could demonstrate, as others have, that the failure of democratic consolidation is attributable in part to the reconsolidation of elite control,<sup>130</sup> or to other factors such as male chauvinism.<sup>131</sup>

The fall of Marcos could also be viewed as a form of non-violent action. It involves “activity in the collective pursuit of social or political objectives and does not involve physical force or the threat of physical force against human beings.”<sup>132</sup> Schock explains that:

Nonviolent action occurs through: (1) acts of omission, whereby people refuse to perform acts expected by norms, custom, law, or decree; (2) acts of commission, whereby people perform acts which they do not usually perform, are not expected by norms or customs to perform, or are forbidden by law, regulation, or decree to perform; or (3) a combination of acts of omission and commission.<sup>133</sup>

The removals of Marcos and Estrada and the attempted removal of Arroyo fall neatly into these definitions. While people power can be understood as a species of nonviolent action, it is not necessarily a democratic revolution.

Incarnations of people power are nonviolent acts. This is clearly true for the removal of Marcos and Estrada. The protest against Estrada’s arrest and the agitation for his return to power was also a nonviolent protest; it,

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<sup>128</sup> Sheila S. Coronel, *House of Privilege*, in *THE RULEMAKERS: HOW THE WEALTHY AND WELL-BORN DOMINATE CONGRESS 4* (Sheila S. Coronel, et al. eds, 2004).

<sup>129</sup> *Id.*

<sup>130</sup> See Eaton, *supra* note 97.

<sup>131</sup> See Mark R. Thompson, *Female Leadership of Democratic Transitions*, 75 *PACIFIC AFFAIRS* 535-555 (2003).

<sup>132</sup> Kurt Schock, *Nonviolent Action and Its Misconception: Insights for Social Scientists*, 35 *PSOONLINE: POLITICAL SCIENCE AND POLITICS* 705 (2003).

<sup>133</sup> *Id.* (citation omitted).

too, was people power in that it was a manifestation of allegiance to Estrada, at least until the crowds marched to the presidential palace. These acts deserve study not necessarily as a strategy for democratization, but as instances of a form of nonviolent protest—triggered by outrage and directed specifically at the removal of an official.

We could also ask if people power is a form of popular constitutionalism. Although vaguely defined,<sup>134</sup> removing public officials through massive protests could be what Tushnet referred to as “a law oriented to realizing the principles of the Declaration of Independence and the Constitution’s preamble.”<sup>135</sup> In both successful attempts at removing their presidents, Filipinos could simply have been implementing the principles that are embedded in their Constitution as they understood it.<sup>136</sup>

As Kramer suggests, popular constitutionalism “assign[s] ordinary citizens a central and pivotal role in implementing their Constitution” and vests the “final interpretative authority . . . with the people themselves.”<sup>137</sup> On this view, popular constitutionalism allows citizens and political leaders to assert their interpretations of the Constitution on serious constitutional issues. When there are no major controversies facing society, citizens and political leaders are content to let the Supreme Court’s rulings go unchallenged. However, whenever circumstances compel Americans to crystallize their latent beliefs and choose sides, they consistently choose popular constitutionalism over the view that the Constitution is subject to authoritative control by the judiciary.<sup>138</sup>

Is this not what Filipinos do when they intervene in the political processes? Is it possible that people power is the Filipinos’ way of declaring what the law should be on a particular political issue? Is it the people’s attempt at interpreting the Constitution?

These alternative approaches should caution us against judging the Filipinos’ penchant for replacing their leaders as nothing more than mob rule. Criticisms against “extra-constitutional” methods of removing public officials in the Philippines are misplaced because nonviolent demonstrations are not alien to democracies or to constitutionalism. Indeed, they are guaranteed by the Constitution.<sup>139</sup> Public officers may be called on to account for their actions or to resign. That public officials actually leave

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<sup>134</sup> See Erwin Chemerinsky, *In Defense of Judicial Review: The Perils of Popular Constitutionalism*, 2004 UNIVERSITY OF ILLINOIS LAW REVIEW 673, 676 (2004).

<sup>135</sup> MARK V. TUSHNET, *TAKING THE CONSTITUTION AWAY FROM THE COURTS* 181 (1999).

<sup>136</sup> *Id.* at 182.

<sup>137</sup> LARRY D. KRAMER, *POPULAR CONSTITUTIONALISM AND JUDICIAL REVIEW* 207-226 (2004).

<sup>138</sup> *Id.* at 208-209.

<sup>139</sup> Const. (1987), Art. III, § 4, (Phil.)

office cannot make popular pressure for their resignation undemocratic. These popular uprisings are, at their core, a reflection of adherence to democratic principles. We should look at people power not as a gauge of the political immaturity of Filipinos but as an indication of their willingness to reiterate the values that are enshrined in their Constitution.

## VI. CONCLUSION

In the 2004 presidential elections, the incumbent President Gloria Macapagal-Arroyo defeated the popular movie star Fernando Poe, Jr., by a little more than a million votes.<sup>140</sup> In her inaugural address, the President found it necessary to refer to the potential threat of another popular uprising. She hoped that:

The divisive issues generated by EDSA [I], [II,] and [III] will also be just memories shared by friends from every side in those upheavals. Only the lessons of unity, courage and a just closure kept alive in their hearts.

We must end with justice the conflict brought about by EDSA [I], [II] and [III]. There are more things that bind rather than tear us apart as a nation. We are a vibrant country with a lively democracy and fervor burning in our hearts. Industry, patience, fear of God and love for family are common values we hold dear.<sup>141</sup>

Arroyo is evidently hoping to extinguish the phenomenon that helped put her in power three years earlier.

The views on Philippine people power phenomenon have changed over the years; it is scarcely remembered as part of the wave of democratization that swept across the world. Instead, recent versions of the phenomenon have prompted observers to become wary of the way it can be used to by-pass constitutional rules on succession. This caution raises questions in turn on the legitimacy of governments that assume power through people power. It invites instability today where it used to inspire hope.

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<sup>140</sup> See Congress for the Philippines, <http://www.congress.gov.ph/> (last visited Nov. 23, 2005) (providing the final certified results of the 2004 National Canvassing of Election Returns for President and Vice-President).

<sup>141</sup> Magsama-sama tayong magsikap; magkasama tayong magtatagumpay, (Inaugural speech of President Gloria Macapagal-Arroyo delivered at the Luneta Grandstand, Manila, June 30, 2004), *available at* <http://www.ops.gov.ph/speeches2004/speech-2004june30a.htm>.

This article attempts to redirect the discussion on people power by re-imagining the phenomenon as distinct from democratic revolution. It cannot be considered as a revolution because it preserves so much of the old order that it is unable to initiate and sustain structural or policy changes. This failure to produce change is the reason that Filipinos lament the restoration of the pre-Marcos forces to power so quickly after the dictator was dramatically deposed.

Instead, people power should be seen as an expression of outrage and not a blueprint for structural change. It is an objection against an act by representatives of the State or a declaration of allegiance in favor of a particular person. The force by which this objection is made is so powerful that it dislodged a dictatorship and an incompetent administration.

To view people power as a catalyst for democratization can only lead to disappointment when the substance of Philippine democracy is assessed. Instead, students of this phenomenon should view it either as a significant step towards democratization, or as a form of protest that has little to do with democratization. Either way, we may now ask the right questions about the state of democratization in the Philippines instead of bemoaning the Filipinos' proclivities toward extra-constitutional remedies.

## VII. EPILOGUE: THE DEATH OF OUTRAGE?

Gloria Macapagal-Arroyo beat movie actor Fernando Poe Jr. in the presidential elections on May 10, 2004, in part because of the opposition's failure to unite under a single candidate. The official tally showed that Arroyo won 40% of the vote with Poe following closely with 36.5%.<sup>142</sup>

The opposition contested the official results of the elections. In separate petitions, Poe and his vice-presidential candidate, Loren Legarda, filed election protests with the Supreme Court (which sits as a Presidential Electoral Tribunal) to annul Congress' proclamation of President Gloria Macapagal-Arroyo and Vice President Noli de Castro as the winners of the elections.<sup>143</sup> Months later, however, Poe lapsed into a coma<sup>144</sup> and died

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<sup>142</sup> See generally, Steven Rogers, *Philippine Politics and the Rule of Law*, 15 J. DEMOCRACY 111-125 (2004).

<sup>143</sup> Philip C. Tubeza, *Poe, Legarda File Electoral Protests*, PHILIPPINE DAILY INQUIRER, July 24, 2004 at 1.

<sup>144</sup> Nikko Dizon & Katherine Adraneda, *FPJ in Coma after Stroke*, PHILIPPINE STAR, December 13, 2004, at 1.



shortly thereafter.<sup>145</sup> The Supreme Court later dismissed Poe's electoral protest.<sup>146</sup>

Despite his death, Poe's supporters said that they would "do anything to unseat President Arroyo, including waging another people power on EDSA."<sup>147</sup> Poe's supporters said they would entrust the next administration to Poe's widow, Susan Roces. They said that they would not wait until 2010 when Arroyo's six-year term ends, adding that, "There is no other way to replace Mrs. Arroyo but people power. The Constitution does not allow the holding of snap election[s]."<sup>148</sup>

These statements stress two important points. First, people power is always an option that can be exercised in Philippine politics against incumbent officials. Second, Poe's supporters acknowledge the existence of the restrictions imposed by the Constitution, but may employ mass protests to oust the incumbent President.

The irony is inescapable. Careful not to offend the Constitution by insisting on an unscheduled election, Arroyo's detractors say they will push her out the door instead. Despite criticisms of the use of people power, Filipinos have evidently managed to reconcile it with the idea of constitutionalism.

Things, however, have been taking a turn for the worse for the President. Arroyo is already the Philippines' most unpopular president in the post-Marcos era. Her satisfaction ratings plummeted to minus fourteen in March 2003, after she decided to join the US war in Iraq. Her ratings were at minus twelve in March 2005, because of rising inflation and economic difficulties.<sup>149</sup> In May 2005 Arroyo's performance rating fell to its lowest ever, to minus thirty-three.<sup>150</sup> Even Joseph Estrada enjoyed a plus nine rating at the height of his impeachment proceeding in December 2000.<sup>151</sup>

To make matters worse, a congressional investigation on illegal gambling produced witnesses implicating members of Arroyo's family. Thereafter, recordings of phone conversations between the President and Commissioner Virgilio Garcilliano of the Commission on Elections during the height of the 2004 presidential elections triggered calls for her

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<sup>145</sup> Katherine Adraneda, "Da King" Loses Final Battle, PHILIPPINE STAR, December 14, 2004 at 1.

<sup>146</sup> Roland Allan Poe v. Gloria Macapagal-Arroyo, P.E.T. Case No. 002, March 29, 2005, available at <http://www.supremecourt.gov.ph/>.

<sup>147</sup> Efren L. Danao, *FPJ Loyalists Intent to Unseat Gloria*, MANILA TIMES, January 06, 2005.

<sup>148</sup> *Id.*

<sup>149</sup> Isagani de Castro Jr., *The Alternative Dilemma*, NEWSBREAK, June 6, 2005, at 23.

<sup>150</sup> *GMA Rating Lowest Ever*, PHILIPPINE DAILY INQUIRER, June 3, 2005, at A1.

<sup>151</sup> Isagani de Castro Jr., *The Alternative Dilemma*, NEWSBREAK, June 6, 2005, at 23.

resignation.<sup>152</sup> There are three hours of taped conversations that suggest attempts on the part of the President to manipulate the results of the elections.<sup>153</sup>

The President's response to the crisis was disappointing. She initially refused to comment on the tape. She then delivered a message on television admitting that it was her voice on the tape, and apologized for what she called "a lapse of judgment."<sup>154</sup> She hoped that her apology would stop the increasing calls for her resignation.<sup>155</sup> Refusing to acknowledge any wrongdoing on her part, Arroyo blamed everyone else for the present crisis. She blamed members of her family and sent them away.<sup>156</sup> She blamed her cabinet and asked its members to resign.<sup>157</sup> She blamed the political system and called for the revision of the Constitution and a shift to a parliamentary and federal form of government.<sup>158</sup>

Survey after survey shows the President's eroding support. A large majority of Filipinos, according to one survey, believe that the Philippines

<sup>152</sup> See Anthony Spaeth, *Under Siege*, TIME, July 11, 2005, at 14-17.

<sup>153</sup> The author reproduced and translated one of the conversations. The most damning excerpt is reproduced below:

GMA: Hello?	GMA: Hello?
Garcillano: Hello, ma'am, good morning. Ok ma'am, mas mataas ho siya pero mag-compensate ho sa Lanao yan.	Garcillano: Hello, ma'am, good morning. Ok ma'am, he has more votes but we will be able to compensate for this in Lanao.
GMA: So will I still lead by more than one M., overall?	GMA: So will I still lead by more than one M., overall?
Garcillano: More or less, it's that advantage ma'am. Parang ganun din ang lalabas.	Garcillano: More or less, it's that advantage ma'am. That's more or less how it will come out.
GMA: It cannot be less than one M.?	GMA: It cannot be less than one M.?
Garcillano: Pipilitin ho natin yan. Pero as of the other day, 982.	Garcillano: We will make it happen, ma'am. But as of the other day, it was 982.
GMA: Kaya nga eh.	GMA: Exactly.
Garcillano: And then if we can get more in Lanao.	Garcillano: And then if we can get more in Lanao.
GMA: Hindi pa ba tapos?	GMA: Is it not over yet?
Garcillano: Hindi pa ho, meron pang darating na seven municipalities.	Garcillano: Not yet, ma'am. There are still results from seven municipalities coming in.
GMA: Ah ok, ok.	GMA: Oh ok, ok.

Transcript of Three-Hour Tape, in I REPORT, Special Issue, July 2005, at 39, 41.

<sup>154</sup> Chirstine O. Avendano, *GMA: Hello... It's Me*, PHILIPPINE DAILY INQUIRER, June 28, 2005, at A1

<sup>155</sup> Leila Salaverria and Luige del Puerto, *Demos Fail to Move GMA*, PHILIPPINE DAILY INQUIRER, June 25, 2005, at A1. Fe Zamora, *Angry Susan Calls on GMA to Resign*, PHILIPPINE DAILY INQUIRER, June 30, 2005, at A1.

<sup>156</sup> Glenda M. Gloria, *Survival options*, NEWSBREAK, July 18, 2005, at 20-21.

<sup>157</sup> Gil Cabacungan and Christian Esguerra, *GMA Tells Cabinet: Quit*, PHILIPPINE DAILY INQUIRER, July 8, 2005, at A1.

<sup>158</sup> Christine O. Avendano, *Arroyo high on Charter change*, PHILIPPINE DAILY INQUIRER, July 26, 2005, at A1.

would be better off without Arroyo at the helm of government.<sup>159</sup> The majority of Metro Manila residents prefer an impeachment to the President's resignation.<sup>160</sup> Nearly eight out of ten Filipinos want the President out of office even before she completes her six-year term, whether by resignation, impeachment, or unconstitutional means.<sup>161</sup> Arroyo was rated the worst of the five presidents the Philippines has had since the administration of her father, President Diosdado Macapagal.<sup>162</sup>

Arroyo, like Marcos, is perpetuating herself in power with a dubious electoral mandate. Her administration, like Estrada's, had also been racked by scandal and charges of corruption. By debasing the popular will and desecrating good governance, President Arroyo has made herself a prime candidate for removal through another popular uprising. If people power is about the restoration of democracy and a call to public accountability, then there should be sufficient reason for another uprising. Yet there is no outrage.

Instead, Filipinos appear to be split down the middle and are displaying, instead of indignation, indecisiveness. Former President Aquino has asked Arroyo to resign<sup>163</sup> while former President Fidel V. Ramos, is standing by (sometimes literally) the embattled President.<sup>164</sup> The Protestant Church favors resignation,<sup>165</sup> but the Catholic Church does not.<sup>166</sup> Business groups<sup>167</sup> and the country's schools are also divided.<sup>168</sup> Political parties allied with the President are experiencing internal rifts.<sup>169</sup> A faction of the

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<sup>159</sup> See Press Release, Felipe B. Miranda, Filipinos at Yet Another Crossroad of History (July 6, 2005), <http://pulseasia.newsmaker.ph/main.asp?mode=&page=article&articleID=5761744170&section=Highlights>.

<sup>160</sup> *SWS: 84% of MM Folk want GMA impeached*, THE PHILIPPINE STAR, July 16, 2005, at 1.

<sup>161</sup> Gil C. Cabacungan, Jr., *8 out of 10 Filipinos Want Arroyo out, Says Pulse Asia Poll*, PHILIPPINE DAILY INQUIRER, July 20, 2005, at A1.

<sup>162</sup> Evangeline de Vera, *Gloria Rated Worst Prexy; Marcos Best*, MALAYA, July 23, 2005, at A1.

<sup>163</sup> Volt Contreras, Christine O. Avendano, Ronnel Domingo, & Christian V. Esguerra, *Aquino to Arroyo: Time to quit*, PHILIPPINE DAILY INQUIRER, Jul 9, 2005, at A1.

<sup>164</sup> Michael Lim Ubac, *Ramos Factor Makes Arroyo Hang Tough*, PHILIPPINE DAILY INQUIRER, July 10, 2005, at A1.

<sup>165</sup> Christian V. Esguerra, & DJ Yap, *Protestant Churches Want Arroyo to Resign*, PHILIPPINE DAILY INQUIRER, July 7, 2005, at A1.

<sup>166</sup> See Fernando R. Capalla, for the Catholic Bishops' Conference of the Philippines, *Restoring Trust: A Plea for Moral Values in Philippine Politics*, July 10, 2005 available at <http://www.cbconline.net/html/documents.html> (last visited July 17, 2005).

<sup>167</sup> Irma Isip, *Business Split on Arroyo Resignation*, MALAYA, July 12, 2005.

<sup>168</sup> Alcuin Papa & Christian V. Esguerra, *Catholic Schools' Stand: Resignation is Arroyo's Decision*, PHILIPPINE DAILY INQUIRER, July 08, 2005, at A6.

<sup>169</sup> Efrén L. Danao & Maricel V. Cruz, *Ally party: Quit or Stand Trial*, MANILA TIMES, July 9, 2005, at A1.

President's cabinet resigned.<sup>170</sup> Arroyo's supporters are staging their own demonstrations to oppose her removal from office.<sup>171</sup>

The present crisis is still stewing but several views have surfaced in an attempt to explain the Filipinos' sudden reluctance to take to the streets. First, there may be genuine disagreement as to whether President Arroyo actually committed any offense when she spoke to the election commissioner. Some sectors of society probably require a direct command from the President to election officials to commit fraud before they take to the streets. A mere conversation with an election officer, in this view, is not sufficient.

Second, commentators have suggested that Filipinos are suffering from "People Power fatigue" and will not mount a revolt against the government, especially without support from a more professional and non-politicized military.<sup>172</sup> Analysts are claiming that Filipinos have grown tired of taking to the streets to sack their leaders only to discover that their problems go beyond individual personalities.<sup>173</sup> Still others explain that this "fatigue" is actually the peoples' refusal to be used in the latest round of intra-elite wars.<sup>174</sup> Another uprising, from this point of view, would be a waste of time since people power has not brought about genuine changes in Philippine politics.

A third view is that Vice President Noli de Castro is not yet ready to assume the presidency and that he will merely perpetuate elite politics.<sup>175</sup> He is regarded as "a political novice, a former radio broadcaster who once served a lackluster Senate term and is perceived as an intellectual lightweight."<sup>176</sup> Some sectors have identified de Castro as the only impediment to another people power revolt.<sup>177</sup> Perhaps, consistently with my arguments here, there is no uprising because there is no one for the people to shift allegiance to.

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<sup>170</sup> Volt Contreras, et al, *Cory to GMA: Time to Quit*, PHILIPPINE DAILY INQUIRER, July 9, 2005, at A1.

<sup>171</sup> Evelyn Macairan, *GMA's "People Power" Bigger than Makati Crowd*, THE PHILIPPINE STAR, July 17, 2005, at 1

<sup>172</sup> Bernardo M. Villegas, *Business as Usual in the Philippines*, MANILA BULLETIN, June 27, 2005, available at <http://www.mb.com.ph/BSNS2005062738009.html>.

<sup>173</sup> Doris C. Dumlao, "People Power Fatigue" Will Save Arroyo, *Say Analysts*, PHILIPPINE DAILY INQUIRER, June 11, 2005, at A5.

<sup>174</sup> Walden Bello, *Afterthoughts: Reclaiming Revolution*, PHILIPPINE DAILY INQUIRER, July 30, 2005, at A8.

<sup>175</sup> See Glenda M. Gloria, *Survival Options*, NEWSBREAK, July 18, 2005, at 20-21.

<sup>176</sup> Jim Gomez, *Lack of Clear Successor Boosts Gloria's Stock*, MANILA TIMES, July 17, 2005, at A1.

<sup>177</sup> Vincent Cabreza, Christine O. Avendaño & Norman Bordadora, *Bishop, Militants Spurn De Castro Succession*, PHILIPPINE DAILY INQUIRER, June 24, 2005, at A1.

Fourth, it is possible that Filipinos are simply allowing their institutions to work. Rather than marching in the streets to demand the president's resignation, they would like to see the removal done through an impeachment trial.

Finally, the Filipinos' inaction may be explained as a function of the role of class. It has been suggested that the middle class and business community supported Arroyo's victory and paid little attention to charges of fraud, reasoning that her margin of victory "was significant enough, even discounting the margin of fraud."<sup>178</sup>

Now that The Tapes have shaken the boat, they are in a real dilemma. Accustomed in [EDSA I] and [EDSA II] to taking the high ground and marching in the streets against discredited presidents, they are now the ones calling for calm and sobriety. In 1986 and 2001, they advocated "people power" over constitutional and legal processes, but today are the ones arguing for stability and "the rule of law."<sup>179</sup>

The middle class is standing by its choice and making every excuse for the President. The Catholic Church, quick to condemn Estrada for his sins, was even quicker in demanding his resignation. In contrast, its response to the present crisis is markedly conservative. The Catholic Bishops' Conference of the Philippines issued a statement where it invoked the Constitution as the anchor for the resolution of the present crisis:

Our political leaders have to be the first to observe and faithfully implement the Constitution. Revolving the crisis has to be within the framework of the Constitution and the laws of the land so as to avoid social chaos, the further weakening of political systems, and greater harm in the future.<sup>180</sup>

This is astonishing considering that the Catholic Church helped spark the removal of Messrs Marcos and Estrada. It is most likely that if the tapes had caught Joseph Estrada conversing with election officials, the Church would call for his immediate resignation and that there would be less divisions in the various sectors of society.

Perhaps the Filipinos' sudden display of docility can be explained by any one or a combination of all these factors. In any case, these recent events suggest that people power is not a simple burst of outrage. I am inclined to believe that it is a calculated response to a political crisis insofar

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<sup>178</sup> Sheila S. Coronel, *The Unmaking of a President*, I REPORT, Special Issue, July 2005, at 2, 5, available at <http://www.pcij.org/i-report/special/president.html>.

<sup>179</sup> *Id.*

<sup>180</sup> Capella, *supra* note 166, para. 11.

as it actually considers its potential consequences, particularly to one's class interests. In other words, the potential consequence of Arroyo's removal, particularly to middle and upper class interests is tempering the public display of people's allegiance. The absence of a suitable replacement for the President has checked popular outrage—to the President's relief.<sup>181</sup>

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<sup>181</sup> Arroyo's allies in the House of Representatives extinguished a bid to impeach her. See Jess Diaz, *House Votes 158-51 to kill impeachment*, THE PHILIPPINE STAR, September 7, 2005, at 1. This triggered a smattering of protests but did not generate an upsurge of outrage prompting analysts to claim that "the indiscriminate use of people power to overthrow unwanted leaders has drained its potency as a weapon for effecting political change. Its potency has been depleted by frequent use." Amando Doronila, *People Power Has Lost Its Sting*, PHILIPPINE DAILY INQUIRER, September 9, 2005, at A15.