

CORRUPTION – THE SECONDARY “PANDEMIC” IN THE TIME OF COVID, AND THE CHALLENGE OF FACING DUAL PANDEMICS

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I. INTRODUCTION

In the latest¹ Corruption Perception Index (CPI) of Transparency International,² the Philippines ranks 117th worldwide, with a score of 33,³ dropping two places from its 2020 ranking of 115th and scoring 1 point less. In fact, the Philippines ranks second among the “Most Significant Decliners” in the Asia-Pacific region, having declined 5 ranking spots since 2014.⁴ With the average score for the region being 45, the Philippines’ declining score, already far below the regional average, shows much to be done in the country’s battle against corruption. Given the fact that the country’s rank (and score) in the CPI for both 2020⁵ and 2021 have been its lowest since 2012, one must wonder if the situation brought about by the Covid-19⁶ pandemic⁷ contributed to the worsening corruption in the country, and to what extent it has done so. From various news reports during the pandemic, the effect appears to be quite significant, to the point that corruption has been likened more than once to the pandemic itself, and even said to be “deadlier” than Covid.⁸ How, then, does a country embattled by a pandemic, the likes and magnitude of which it has never faced before, deal with another, all-too-familiar “pandemic” at the same time?

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¹ For 2021.

² Transparency International is a global movement working in over 100 countries to end the injustice of corruption. <<https://www.transparency.org/en/about>>

³ Corruption Perception Index for 2021, <<https://www.transparency.org/en/cpi/2021>>

⁴ “CPI 2021 FOR ASIA PACIFIC: GRAND CORRUPTION AND LACK OF FREEDOMS HOLDING BACK PROGRESS,” 25 January 2022, <<https://www.transparency.org/en/news/cpi-2021-for-asia-pacific-grand-corruption-holding-back-progress>>

⁵ Found in “PH further drops two places in 2020 Corruption Perception Index”, by Camille Elemia, Rappler, 28 January 2021, available at <https://www.rappler.com/nation/philippines-rankings-corruption-perception-index-2020/>

⁶ Previously known as 2019 Novel Coronavirus; otherwise known as Coronavirus Disease / disease caused by the Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2), <[https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance/naming-the-coronavirus-disease-\(covid-2019\)-and-the-virus-that-causes-it](https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance/naming-the-coronavirus-disease-(covid-2019)-and-the-virus-that-causes-it)>

⁷ Defined as “the worldwide spread of a new disease.” Found in the article “Novel coronavirus: What makes an outbreak a pandemic?” by Jodesz Gavilan, Rappler, 12 March 2020, available at <https://www.rappler.com/newsbreak/iq/254242-things-to-know-pandemic-definition-novel-coronavirus/>

⁸ “Corruption is deadlier than COVID-19,” Rufa Cagoco-Guiam, Philippine Daily Inquirer, 15 March 2021, <<https://opinion.inquirer.net/138496/corruption-is-deadlier-than-covid-19>>

“Scale of corruption has become ‘pandemic-like’ during COVID-19 crisis, say experts,” Ina Reformina, ABS-CBN News, posted online on 10 December 2020, <<https://news.abs-cbn.com/news/12/10/20/scale-of-corruption-has-become-pandemic-like-during-covid-19-crisis-say-experts>>

“Pandemic corruption,” Gerardo P. Sicat, The Philippine Star, 2 September 2020, <<https://www.philstar.com/business/2020/09/02/2039392/pandemic-corruption>>

II. THE PHILIPPINES AND THE COVID-19 PANDEMIC

Then President of the Republic of the Philippines, Rodrigo Roa Duterte, declared a State of Public Health Emergency throughout the Philippines due to Covid-19 on 8 March 2020, by virtue of Proclamation No. 922, Series of 2020. The Senate and House of Representatives, prompted by said Proclamation, accordingly passed⁹ Republic Act No. 11469¹⁰ (otherwise known as “Bayanihan to Heal As One Act”, or Bayanihan Act I, for brevity). While the aforesaid piece of legislation encompassed various areas which the Philippine legislative body found essential in the country’s efforts to battle the pandemic, the highlight of Bayanihan Act I was the authority given to the President to realign unused or unallocated funds from the 2020 national budget and utilize them to augment the budget for priority areas specified under said law. A second “Bayanihan Act”, Republic Act No. 11494¹¹ (otherwise known as “Bayanihan to Recover as One Act”, or Bayanihan Act II, for brevity), was subsequently passed,¹² which in essence was mostly an “economic stimulus” intended to place the country on the track to (economic) recovery.

In line with the aforementioned laws, the different government agencies also came up with numerous issuances to carry out the various directives and/or objectives of said laws. The Department of Health (DOH), for instance, being the principal health agency in the country and, therefore, at the forefront of the battle with the Covid pandemic, had a plethora of policy issuances pertaining to Covid-19.¹³ The Philippine Health Insurance Corporation (PhilHealth, for brevity), the primary health insurance provider in the country, being responsible for the administration of the “National Health Insurance Program,” has a dedicated “Covid” page, where one could find its various issuances and other information (such as health care packages / benefits) pertaining to Covid-19.¹⁴

At the heart of both Bayanihan Acts is the provision of assistance, subsidies and other forms of socioeconomic relief to low-income households and other individuals or sectors, such as displaced workers / employees. The key agency tasked with the distribution of such assistance / subsidies / relief is the Department of Social Welfare and Development (DSWD). There are several programmes for the distribution of financial and other forms of assistance and services to affected individuals and communities, involving DSWD in coordination and collaboration with other national government agencies such as the Department of Labor and Employment (DOLE), Department of Trade and Industry (DTI), Department of Agriculture (DA), Department of Finance (DOF), Department of Budget and Management (DBM), and Department of Interior and Local Government (DILG), which programmes are known by the collective term “SAP”, short for “Social Amelioration Program.”¹⁵ More precisely, it is the

⁹ Passed by both Senate and House of Representatives on 23 March 2020; signed into law by President Rodrigo R. Duterte on 24 March 2020.

¹⁰ An Act Declaring the Existence of a National Emergency Arising from the Coronavirus Disease 2019 (COVID-19) Situation and a National Policy in connection therewith, and Authorizing the President of the Republic of the Philippines for a Limited Period and Subject to Restrictions, To Exercise Powers Necessary and Proper to Carry Out the Declared National Policy and for Other Purposes

¹¹ An Act Providing for COVID-19 Response and Recovery Interventions and Providing Mechanisms to Accelerate the Recovery and Bolster the Resiliency of the Philippine Economy, Providing Funds Therefor, and for Other Purposes

¹² Passed by the Senate on 20 August 2020 and the House of Representatives on 24 August 2020; signed into law by President Rodrigo R. Duterte on 11 September 2020.

¹³ DOH Covid-19 policies can be found here: <https://doh.gov.ph/COVID-19-policies>

¹⁴ PhilHealth’s Covid-dedicated page can be found here: <https://www.philhealth.gov.ph/covid/>

¹⁵ DSWD’s page for Frequently Asked Questions (FAQs) on SAP, in Filipino, can be found here: <https://www.dswd.gov.ph/frequently-asked-questions-on-sap/>

“Emergency Subsidy Program” (ESP) of the SAP which encompasses the provision of cash or non-cash subsidy to 18 Million (low-income) household beneficiaries, in the total amount of at least PhP5,000.00, but not exceeding PhP8,000.00, per month for two months, intended for basic food, medicine and toiletries of the target beneficiaries. Special Guidelines were issued in relation thereto, specifically Joint Memorandum Circular (JMC) No. 1, Series of 2020, executed by and between DSWD, DOLE, DTI, DA, DOF, DBM and DILG. These involved agencies also had various issuances in relation to the implementation of the aforesaid JMC and the particular social amelioration programmes administered by their respective agencies pursuant thereto.

In the country’s recovery efforts, these various agencies also had programmes / initiatives and/or other forms of assistance or services. The DSWD, for instance, had the Educational Cash Assistance, which aimed to extend financial assistance to qualified indigent students.¹⁶ DOLE, on the other hand, had “TUPAD”¹⁷ (which stands for Tulong Panghanapbuhay sa Ating Disadvantaged / Displaced Workers), while DTI also extended various services to assist¹⁸ in the recovery efforts and also in the programmes being implemented by the other national government agencies in relation thereto.

Recognizing the urgent need to procure vital medical equipment and supplies for the country’s Covid response efforts, the Government Procurement Policy Board (GPPB) swiftly issued “Guidelines for Emergency Procurement under Republic Act No. 11469 or the Bayanihan to Heal as One Act”,¹⁹ followed by various issuances to cover myriad aspects of the government procurement process during the pandemic.

With the numerous legislative and executive (implementing) measures in place, the country seemed poised to tackle the Covid-19 pandemic head-on. On paper, at least, the Philippines appeared to be quite capable and ready to face the emergency situation suddenly brought about by Covid. How seemingly swift and decisive action brought about a second “pandemic” can best be seen, however, from the manner of implementation by various agencies of these measures.

III. EMERGING CORRUPTION TRENDS AND THREATS

Being at the forefront of the fight against Covid, the DOH was the first, if not, most prominent to face an onslaught of corruption allegations. Not long after the passage of Bayanihan Act I in March 2020, Senators were already calling for a probe / investigation into allegations of overpricing in the purchase of personal protective equipment (PPE) and swab kits for coronavirus disease 2019 (Covid-19) testing.²⁰ This call for investigation was repeated after the Commission on Audit (COA) released its Consolidated Annual Audit Report on the DOH for Calendar Year 2020.²¹

¹⁶ “DSWD Cash Assistance for Students (All Levels) Nationwide,” <<https://governmentph.com/dswd-cash-assistance/>>

¹⁷ DOLE’s page, “About TUPAD,” can be found here: <https://www.dole.gov.ph/tupad-contents/>

¹⁸ DTI’s page, “DTI ASSISTANCE AND OTHER GOVERNMENT INITIATIVES FOR MSMES,” can be found here: <https://www.dti.gov.ph/covid19/assistance/>

¹⁹ GPPB Circular 01-2020

²⁰ “Probe alleged overpriced PPE gears, test kits: solons,” Jose Cielito Raganit, Philippine News Agency (PNA), 18 May 2020, <<https://www.pna.gov.ph/articles/1103229>>

²¹ Senate Press Release: “Drilon seeks Senate investigation into DOH mismanagement of P67.32B COVID-19 funds,” 12 August 2021, <https://legacy.senate.gov.ph/press_release/2021/0812_drilon1.asp>

In its report, the COA found “*various deficiencies involving some PhP67,323,186,570.57 worth of public funds and intended for national efforts of combatting the unprecedented scale of the COVID-19 crisis*”. The COA stated that “*(T)hese deficiencies contributed to the challenges encountered and missed opportunities by the DOH during the time of state of calamity / national emergency, and casted doubts on the regularity of related transactions.*”²² The findings consisted of the following: (i) Unobligated / unutilized funds, which were intended to improve the capacity of DOH to address the ongoing health crisis, and to reinforce the country's health care system; (ii) Failure to meet the accomplishment targets for the rollout of Foreign-Assisted Projects by the end of 2020; (iii) Various deficiencies in the procurement process and lack of documentation in a number of contracts; (iv) Unutilized and not immediately utilized medical equipment and supplies procured for Covid-19 response; (v) Issues in the grant of cash advances and handling of petty cash funds by various operating units; (vi) Fund transfers to procurement partners or implementing agencies without memoranda of agreement or other supporting documents, as well as delays in delivery of much-needed medical equipment / supplies / devices; (vii) Failure to pay around PhP4.88 million worth of claims to financial aid beneficiaries by the end of 2020 due to delayed downloading of cash allocations; (viii) Incomplete documents for the payment of Covid-19 allowances to health workers, payment to unqualified recipients, overpayment, and payment of such allowances during periods not covered by the Enhanced Community Quarantine (ECQ); (ix) Distribution of meal allowances to operating unit personnel through cash allowances, gift certificates and grocery items, without sufficient legal basis and which were charged to funds intended for life insurance, accommodations, transportation and meals of public health care workers; (x) Payment of death and sickness compensation despite deficient or non-existent supporting documents; (xi) Lack of proper accounting for in-kind donations; and (xii) Deficiencies in the management of funds for the Interim Reimbursement Mechanism (IRM) by public health care institutions.

The DOH was swift to deny the allegations of corruption, claiming it was ready to face any probe regarding them.²³ Banking on the clarification made by COA²⁴ that the Annual Audit Report did not mention any findings of funds lost to corruption, and that the audit process for the deficiencies pointed out had not yet been completed as there were recommendations for compliance, DOH asserted that it had always been transparent and that the accusations of corruption were misplaced, as the agency was yet in the process of submitting the needed evidence or documents in relation to the COA findings.²⁵ The Annual Audit Report for the Calendar Year 2021 seems to “support” its claims, as the majority of the COA recommendations on the Covid-19 Audit Findings for 2020 were “implemented”, while only a few were either partially implemented or not implemented. The 2021 Report, however, brought with it new audit findings still related to the Covid-19 response. What remains to be seen is whether these new findings were attended by some form of corruption or caused merely by lapses of internal control in the DOH that may be corrected by implementing the audit recommendations.

²² Part E, No. 1 of the 2020 Executive Summary (in relation to the COA Consolidated Annual Audit Report on the DOH for the Calendar Year 2020).

²³ “Disheartened’ DOH ready to face any probe on corruption allegations,” Analou de Vera, Manila Bulletin, 29 June 2021, <<https://mb.com.ph/2021/06/29/disheartened-doh-ready-to-face-any-probe-on-corruption-allegations/>>

²⁴ COA News Release: “COA clarification on audit findings of DOH COVID-19 funds,” 16 August 2021, <<https://coa.gov.ph/coa-clarification-on-audit-findings-of-doh-covid-19-funds/>>

²⁵ “DOH transparent, no corruption in P67-B flagged by COA: exec,” Joyce Ann L. Rocamora, PNA, 14 August 2021, <<https://www.pna.gov.ph/articles/1150455>>

While the probe of DOH pushed through, with various government agencies conducting their own investigations, another government agency was brought into the “limelight” of corruption accusations as a result thereof – the Procurement Service of the Department of Budget and Management (PS-DBM). Central to this was the Senate Blue Ribbon Committee probe on the procurement of Covid-19 supplies from “Pharmally”,²⁶ a company created mere months before the declaration of a state of national emergency (due to the Covid-19 pandemic) that lacked funds,²⁷ track record and credibility to handle the multi-billion-Peso deal(s) it was awarded by the government through the PS-DBM. While the Committee’s Report died a swift death due to failure to garner enough signatures from the Senators in order for the Report to be tackled before the Plenary,²⁸ the findings²⁹ of the Committee were still widely publicized by various news outlets. Besides findings of overprice in the medical supplies (such as PPEs,³⁰ face masks, face shields) purchased from Pharmally, some of the supplies provided were also found to be substandard or defective, prompting even the DOH itself to launch its own investigation on the matter.³¹

The matter of procurement of various medical supplies by the PS-DBM from Pharmally not even having been settled completely, the corruption spotlight falls upon PS-DBM once again, this time together with the Department of Education (DepEd), on the matter of its procurement of laptop computers intended for the use of teachers, who had to conduct online classes due to the pandemic. The approved budget for the contract was supposed to be at PhP35,046.50 per unit, for a total purchase of 68,500 units. However, the laptops purchased were priced at PhP58,300.00 each, resulting in fewer units purchased. Worse, the laptops purchased were also assailed for not just being “pricey” but also “outdated”, being equipped with Intel Celeron processors. As succinctly stated by COA in its 2021 Management Letter,³²

(A) public school teacher needs an efficient and effective processor that can allow multiple applications to run at the same time. The TSs required by the DepEd did not intend to procure a laptop computer equipped with an Intel Core Celeron, the most low-end type of Intel processor in the market. As a result, public school teachers were deprived of the benefits of the use of a laptop computer equipped with better processor that would help them to perform their tasks.

²⁶ Pharmally Pharmaceutical Corporation

²⁷ Pharmally reportedly only had PhP625,000.00 of paid-up capital. Found in “What is Pharmally Pharmaceuticals? Who controls it?”, ABS-CBN News, Posted and updated on 31 August 2021, <<https://news.abs-cbn.com/business/08/31/21/what-is-pharmally-pharmaceuticals-who-controls-it>>

²⁸ “Gordon: Filipinos lose as Pharmally report failed to get Senate’s nod,” Hannah Torregoza, Manila Bulletin, 3 June 2022, <<https://mb.com.ph/2022/06/03/gordon-filipinos-lose-as-pharmally-report-failed-to-get-senates-nod/>>

²⁹ “LIST: Alleged anomalies uncovered at Senate probe on Pharmally,” Benise Balaoing, ABS-CBN News, Posted on 27 September 2021, <<https://news.abs-cbn.com/spotlight/09/27/21/read-what-has-been-uncovered-so-far-at-senate-probe-on-pharmally>>

³⁰ Personal Protective Equipment

³¹ “DOH probes Pharmally sale of substandard face shields,” Sheila Crisostomo, The Philippine Star, 28 September 2021, <<https://www.philstar.com/headlines/2021/09/28/2130212/doh-probes-pharmally-sale-substandard-face-shields>>

³² Management Letter was issued, in lieu of an Annual Audit Report, as the COA Audit Team was unable to express an opinion on the financial statements of the PS-DBM, which had not submitted its year-end (2021) financial statements by 23 June 2022. Found in the 29 June 2022 Transmittal Letter of the Management Letter of the Audit on the Procurement Service for the period 1 January to 31 December 2021, from Daria B. Sison, Director IV of the National Government Audit Sector, Cluster 2 – Oversight and Public Debt Management Agencies, addressed to Atty. Jasonmer L. Uayan, Officer-in-Charge of the Procurement Service.

In response to the COA's findings³³ on the questionable laptop procurement, the DepEd essentially "passed the bucket" to PS-DBM for an explanation on the matter,³⁴ while the latter agency just caused the issue to be more muddled, with the confusing and inconsistent testimonies of its officials before the Senate.³⁵

Another government agency vital to the Covid-19 response that has been equally, if not more, hounded by corruption allegations is the DOH attached agency, PhilHealth. Not long after the start of the state of national emergency, there were already allegations of overpricing in its Covid-19 testing package, which cost around double the package cost that other facilities could offer.³⁶ The dust on this matter was far from even settled³⁷ when new corruption allegations were levelled against the agency, by no less than one of its officials who had resigned over such corruption issues, among other reasons.³⁸ Questions were raised on the matter of the Interim Reimbursement Mechanism (IRM),³⁹ prompting various calls for investigation on the alleged corruption in PhilHealth. Both the Senate and the House of Representatives held several investigative hearings on the matter, wherein several issues, beyond the IRM matter, were uncovered, such as: (i) bloating of PhilHealth's proposed information technology budget for 2020; (ii) a proposal to procure 15 Cisco network switches that was grossly overpriced, which had already been flagged by COA; (iii) "doctored" financial statements intended to cover up losses and inconsistencies that would have been otherwise difficult to explain; (iv) use of the "case rate package" as a scheme for fraud / unjust enrichment by hospitals; (v) additional burdens to Overseas Filipino Workers (OFWs); and (vi) existence of a "syndicate" or "mafia" comprised of high-ranking PhilHealth officials that perpetuated illegal operations in the agency.

³³ There were also corresponding findings in the 2021 Annual Audit Report for the DepEd.

³⁴ Official Statement of the Department of Education: "On the COA report on the procurement of laptops," 5 August 2022, <<https://www.deped.gov.ph/2022/08/06/on-the-coa-report-on-the-procurement-of-laptops/>>

³⁵ "New PS-DBM head: DepEd's laptop procurement may be illegal," contributed by Marvin Joseph Ang, Yahoo! Philippines (News), 3 October 2022, <<https://ph.news.yahoo.com/new-ps-dbm-head-deped-laptop-procurement-may-be-illegal-062916112.html>>

"DepEd laptops procurement process 'defective,' says senator," Hana Bordey, GMA News, 15 September 2022, <<https://www.gmanetwork.com/news/topstories/nation/844970/deped-laptops-procurement-process-defective-says-senator/story/>>

"Gatchalian flags inconsistent statements of PS-DBM execs on legal basis of DepEd laptop procurement," Hana Bordey, GMA News, 29 September 2022,

<<https://www.gmanetwork.com/news/topstories/nation/846419/gatchalian-flags-inconsistent-statements-of-ps-dbm-execs-on-legal-basis-of-deped-laptop-procurement/story/>>

³⁶ "'Overpriced': Drilon urges DOH to review PhilHealth's P8,150 COVID-19 testing package," Dona Magsino, GMA News, 19 May 2020, <<https://www.gmanetwork.com/news/topstories/nation/738872/overpriced-drilon-urges-doh-to-review-philhealth-s-p8-150-covid-19-testing-package/story/>>

³⁷ "Duterte wants probe on PhilHealth's COVID-19 test price issue," Krissy Aguilar, Inquirer, 22 May 2020, <<https://newsinfo.inquirer.net/1279348/duterte-wants-probe-on-philhealths-covid-19-test-price-issue>>

³⁸ "3 PhilHealth officials resign over alleged widespread corruption in agency," BAP/KBK, GMA News, Published and updated on 24 July 2020, <<https://www.gmanetwork.com/news/topstories/nation/748272/3-philhealth-officials-resign-over-alleged-widespread-corruption-in-agency/story/>>

³⁹ The Interim Reimbursement Mechanism or IRM is an emergency cash advance measure applied by PhilHealth to provide hospitals with an emergency fund to respond to unanticipated events like natural disaster and calamities. Found in "Philhealth issues official statement on Interim Reimbursement Mechanism (IRM)," By BMPLUS, Business Mirror, 26 May 2020, <<https://businessmirror.com.ph/2020/05/26/philhealth-issues-official-statement-on-interim-reimbursement-mechanism-irm/>>

While PhilHealth disavowed the purportedly false and/or baseless accusations against it and its executives,⁴⁰ the various agencies looking into the myriad corruption issues PhilHealth was embroiled in came out with findings to the contrary. The Philippine Anti-Corruption Commission (PACC)⁴¹ had already uncovered loopholes and systemic flaws in PhilHealth's system⁴² and correspondingly submitted its report⁴³ to the President.⁴⁴ Both the Senate and House of Representatives came out with findings adverse to PhilHealth as a result of their respective investigations.⁴⁵ A special task force ordered by then President Duterte to investigate the PhilHealth anomalies recommended the filing of charges against top officials of the agency, which the President duly approved.⁴⁶ But while the agency remains mired in corruption controversies that are subject of ongoing investigations and/or formal complaints, it decided to "add insult to injury" when it went ahead with the imposition of the increase in its premium collection rate just this year.⁴⁷ While the increase in contribution rate was supposed to be implemented long before, the corruption issues that had been uncovered (and continue to be uncovered) in relation to the agency certainly make the imposition of rate increase at this point in time an even greater burden to bear, as if the paying PhilHealth members are being made to shoulder the responsibility for the iniquities of the corrupt.

Although it hasn't been slapped with as many (or as severe or as major) corruption issues as the previously mentioned agencies, the Department of Social Welfare and Development (DSWD), being the primary implementing agency for the distribution of assistance to the sectors of society hardest hit by the pandemic, cannot escape the "spotlight" of corruption entirely. Issues stem, however, mainly from DSWD's "partner" in the distribution of assistance, the various Local Government Units (LGUs). The DSWD had explained that it would be the LGUs, particularly the *barangay* leaders (Barangay Captain / Punong Barangay), who would identify the target beneficiaries. The LGUs were also tasked with the door-to-door distribution of the Social Amelioration Card (SAC), limited to one card per household, to be filled up by the household head. The list of beneficiaries comes from the LGUs, subject to validation by the DSWD. As with previous and similar cash assistance distribution programmes of the DSWD, such as the Emergency Shelter Assistance (ESA) for the victims of super typhoon

⁴⁰ "OFFICIAL STATEMENT ON ALLEGATIONS OF IRREGULARITIES AND CORRUPTION," From PhilHealth News Archives, 31 July 2020, <https://www.philhealth.gov.ph/news/2020/on_allegations.php>

"PhilHealth bucks corruption issue," SunStar / Baguio, 6 August 2020, <<https://www.sunstar.com.ph/article/1866140/Baguio/Local-News/PhilHealth-bucks-corruption-issue>>

⁴¹ Now abolished by virtue of Executive Order No. 1, Series of 2022, signed by President Ferdinand R. Marcos, Jr. on 30 June 2022.

⁴² "PACC uncovers loopholes, systemic flaws in PhilHealth system," Leila B. Salaverria, Inquirer, <<https://newsinfo.inquirer.net/1315424/pacc-uncovers-loopholes-systemic-flaws-in-philhealth-system>>

⁴³ "PACC initial report: Fire or charge 36 PhilHealth officials over corruption," Cathrine Gonzales, Inquirer, 5 August 2020, <<https://newsinfo.inquirer.net/1317111/pacc-initial-report-fire-or-charge-36-philhealth-officials-over-corruption>>

⁴⁴ Then President Rodrigo Roa Duterte

⁴⁵ "Senate recommends criminal, admin cases vs PhilHealth execs," Bella Perez-Rubio, The Philippine Star, 1 September 2020, <<https://www.philstar.com/headlines/2020/09/01/2039382/senate-recommends-criminal-admin-cases-vs-philhealth-execs>>

"House panels recommend charges vs. Duque, Morales over PhilHealth mess," Erwin Colcol, GMA News, Published and updated on 27 October 2020,

<<https://www.gmanetwork.com/news/topstories/nation/761593/house-panels-recommend-charges-vs-duque-morales-over-philhealth-mess/story/>>

⁴⁶ "Duterte approves corruption charges vs PhilHealth officials," Gillian M. Cortez, Business World, 15 September 2020, <<https://www.bworldonline.com/the-nation/2020/09/15/316769/duterte-approves-corruption-charges-vs-philhealth-officials/>>

⁴⁷ "PhilHealth hike amid corruption," Philippine Daily Inquirer Editorial, 19 May 2022, <<https://opinion.inquirer.net/153095/philhealth-hike-amid-corruption>>

Yolanda,⁴⁸ issues and questions abound with the “SAP” (as the financial assistance in relation to the Covid-19 pandemic is commonly called), particularly the delay in the distribution of assistance, allegedly selective (and even politicized) distribution of not just the assistance itself but even the forms for application for assistance (the SAC), and the questionable selection of target beneficiaries, wherein lists either excluded otherwise qualified beneficiaries or included unqualified persons as beneficiaries. DSWD had explained the process of distribution of SAP⁴⁹ and also undertook to discuss issues on the distribution (such as delay) with the LGUs.⁵⁰ DSWD even set up a grievance mechanism which would allow it to address such issues.⁵¹ Guidelines were also issued for those who received more than one form of Covid-19 financial assistance or were otherwise ineligible to receive such assistance to refund such amounts.⁵² The refunding of such amounts, of course, banks on the “*honesty and adherence to the law*” of the recipients thereof. Despite all these, anomalies in the distribution of financial assistance still could not be quelled, such that the Criminal Investigation and Detection Group (CIDG) of the Philippine National Police was tapped to investigate the irregularities in the SAP distribution.⁵³

Another issue that was brought up against DSWD, however, concerned its distribution of SAP through digital / electronic channels. Particular attention was called to the inclusion of “Starpay Corporation” in the Financial Service Providers (FSPs) tapped to administer the electronic payment and distribution of SAP to beneficiaries. An investigation was sought on the matter in both the Senate⁵⁴ and the House of Representatives.⁵⁵ Both Starpay and DSWD denied the allegation of “missing funds” resulting from the failure to distribute to beneficiaries the funds downloaded by DSWD to the FSP for that purpose.⁵⁶ The Bangko Sentral ng Pilipinas (BSP), which had accredited Starpay as an Electric Money Issuer (EMI) only in 2018, nevertheless stated that it would look into the issue.⁵⁷

The above-discussed matters are merely just the tip of the iceberg. These are just some of the most publicized corruption-related matters that came up from the time the country was placed under a state of national emergency. These barely scratch the surface, yet are already alarming in and of themselves, given the billions of government funds involved. It is no wonder then that corruption in the time of the Covid-19 pandemic has been characterized as another

⁴⁸ International name: Haiyan.

⁴⁹ “DSWD clarifies issues, updates progress on cash aid,” Christopher Cudis, Philippine News Agency, 9 April 2020, <<https://www.pna.gov.ph/articles/1099315>>

⁵⁰ “DSWD vows to discuss social aid distribution issues with LGUs,” Gabriel Pabico Lalu, Inquirer, 29 April 2020, <<https://newsinfo.inquirer.net/1266906/dswd-vows-to-discuss-social-aid-distribution-issues-with-igus>>

⁵¹ “DSWD sets up mechanism for grievances and appeal on SAP,” by Social Marketing, DSWD, 24 April 2020, <<https://www.dswd.gov.ph/dswd-sets-up-mechanism-for-grievances-and-appeal-on-sap/>>

⁵² “DSWD explains SAP refund process,” by Social Marketing, DSWD, 8 June 2020, <<https://www.dswd.gov.ph/dswd-explains-sap-refund-process/>>

⁵³ “CIDG to probe irregularities in SAP distribution,” Christopher Lloyd Caliwang, Philippine News Agency, 5 May 2020, <<https://www.pna.gov.ph/articles/1101896>>

⁵⁴ “Pacquiao seeks probe of missing P10.4-B aid,” Kyle Aristophere T. Atienza, Business World, 15 July 2021, <<https://www.bworldonline.com/the-nation/2021/07/15/382972/pacquiao-seeks-probe-of-missing-p10-4-b-aid/>>

⁵⁵ “House probe sought over SAP funds flagged by COA,” RG Cruz, ABS-CBN News, Posted on 19 August 2021, <<https://news.abs-cbn.com/news/08/19/21/house-probe-sought-over-sap-funds-flagged-by-coa>>

⁵⁶ “Statement of Starpay Corporation on the Issue of Ayuda Distribution,” Journal Online, 5 July 2021, <<https://journal.com.ph/starpay-issue-ayuda-distribution/>>

“DSWD wants to see data on 1.3 million SAP unserved beneficiaries due to use of Starpay app,” Charissa Luci-Atienza, Manila Bulletin, 5 July 2021, <<https://mb.com.ph/2021/07/05/dswd-wants-to-see-data-on-1-3-million-sap-unserved-beneficiaries-due-to-use-of-starpay-app/>>

⁵⁷ “Bangko Sentral to probe complaint on e-wallet Starpay: Diokno,” ABS-CBN News, Posted on 18 October 2021, <<https://news.abs-cbn.com/business/10/18/21/bangko-sentral-to-probe-complaint-on-starpay>>

pandemic. Prevalent in the myriad corruption issues are problems with procurement, management and/or accounting (e.g., internal controls) of Covid-19 funds, and irregularities in the giving of financial and even non-monetary assistance. These forms of corruption do not appear to be anything new. So rather than call the various forms of corruption that appeared during the Covid-19 pandemic as “new and emerging” forms of corruption, it would, perhaps, be more appropriate to say that the Covid-19 pandemic brought *new (and grander) opportunities for corruption*, as well as a *fresh new excuse for it*.

One “new” form of corruption unique to or which emerged during the Covid-19 pandemic, however, was the alleged *selling of Covid-19 vaccines and even vaccination slots and vaccination cards*. Linked to the LGUs, who were responsible for implementing the Government’s Covid vaccination programme in their jurisdictions, there were reports that persons were selling the Covid-19 vaccines, which were either donated to or purchased by the Government and supposed to be administered to the citizens free of charge under the programme. As the vaccine rollout was scheduled based on a classification or grouping system, some took advantage of this to sell vaccination “slots” to those who wanted to avail of the vaccination earlier than their supposed schedule based on their classification / grouping. The police were deployed to crackdown on the perpetrators of these scams.⁵⁸ As the transactions were conducted mostly online, the crackdown involved not just the CIDG of the PNP, but also the Cybercrime Division of the National Bureau of Investigation (NBI).⁵⁹ “Fixers”⁶⁰ involved in such illegal operations were also investigated by the CIDG.⁶¹

IV. CORRUPTION IN THE TIME OF COVID: THE “LOCAL” EXPERIENCE

In the Office of the Ombudsman – Visayas (OMB-Visayas, for brevity), the corruption cases dealt with cover three Regions in the country: Region VI, Region VII and Region VIII. While the OMB-Visayas covers the fewest regions out of all the Ombudsman offices, it is also the only one that has a “Regional” office in each of its covered regions, stemming mainly from the fact that the 3 Regions under its territorial jurisdiction are separated land masses. Travel to each of the three regions would entail travel by sea or air. The main office of OMB-Visayas is located in Cebu City, part of Region VII, which was one of the hardest-hit by super typhoon Odette⁶² last December 2021. Before the typhoon wreaked havoc in Cebu City, the Covid-19 response of the LGU had already been assailed for various irregularities and anomalies. Flagged by the COA in its Annual Audit Report on the City of Cebu for the Year Ended 31 December 2020 were the following Covid-related matters: (i) Distribution of SAP which included persons ineligible for such financial assistance; (ii) The award of several purchases of rice for Covid-19 relief operations to unqualified suppliers; (iii) Irregularities in the procurement process for the Quarantine Building constructed at Block 27, North Reclamation Area, Cebu City; (iv) Procurement of KN95 masks at a price in excess of the maximum retail price set by the DOH; (v) Non-compliance with various documentary requirements and procedures in the procurement of rapid anti-body test kits; (vi) Non-submission of the

⁵⁸ “Eleazar orders crackdown on people selling vaccine, vaccination slot,” Aaron Recuenco, Manila Bulletin, 22 May 2021, <<https://mb.com.ph/2021/05/22/eleazar-orders-crackdown-on-people-selling-vaccine-vaccination-slot/>>

⁵⁹ “CIDG, NBI go after online sellers of jab slots,” Dexter Cabalza, Philippine Daily Inquirer, 23 May 2021, <<https://newsinfo.inquirer.net/1435371/cidg-nbi-go-after-online-sellers-of-jab-slots>>

⁶⁰ “A person who intervenes to enable someone to circumvent the law or obtain a political favor,” <<https://www.merriam-webster.com/dictionary/fixer>>

⁶¹ “CIDG probes fixers behind sale of vaccine slots,” Christopher Lloyd Caliwan, Philippine News Agency, 29 June 2021, <<https://www.pna.gov.ph/articles/1145286>>

⁶² International name: Rai.

Summary / List of Donations Received, Distributed and Balance, and its supporting documents, as well as the required one-time report for cash and in-kind donations; and (vii) Grant of Special Risk Allowance (SRA) to non-public health workers.

What the Annual Audit Report did not reveal, however, were other issues in relation to the City's Covid-19 response in 2020, such as the controversial "sardines" procurement (among other items) which was priced at PhP22.00 per 155g can, when the price freeze imposed by the DTI at the time pegged the price of a can of sardines of the same weight at PhP13.25 (for the least expensive brand in the market) to PhP17.00 (for the most expensive brand in the market).⁶³ Another issue that the audit could not reveal was the allegedly politicized distribution of aid (such as the questionably procured rice) from the City. Even with the distribution of "quarantine passes",⁶⁴ there were already arguments regarding the interference of the "MILO"⁶⁵ when the Barangay LGUs were supposed to take charge of it.⁶⁶ Considering the fact that the number of quarantine passes issued by the City could not suffice for the number of households in the City, these MILO personnel taking a portion of that already limited number of passes for their own "distribution" activities resulted in even more households not getting any quarantine pass and some households having more than one. With the MILO also taking charge of distributing the rice assistance from the City, reportedly in Barangays belonging to the "opposition party",⁶⁷ the issue of politicizing aid became all the more prominent. While then Mayor Labella ordered a probe into the matter of distribution of rice assistance, which he claimed he had instructed particularly to be coursed through the elected Barangay officials and not the MILO,⁶⁸ one of his allies in the City Council was quick to pass the bucket to the Department of Social Welfare and Services (DSWS)⁶⁹ in relation to the MILO's involvement in the distribution of rice.⁷⁰

The COA was able to note, in its 2020 Annual Audit Report, the failure of the City to submit the required documents pertaining to cash and in-kind donations. Even after Management commented on the finding, COA still found that, due to the lack of required documents submitted, it would be hard to prove total donations and that they were used for the places and/or persons they were intended. A clear demonstration of this is the "missing chickens" case, wherein chickens donated by a private company for the City's Covid relief operations went "missing" but turned out to be (allegedly) sold off by unscrupulous persons, purportedly linked to the MILO, instead of being given, free of charge, to the qualified and intended beneficiaries thereof. While the City Council member in charge of said donation for the South district of the City "explained" regarding the chickens and how they were not

⁶³ "At P22 per can: CH sardines overpriced?", Mary Ruth R. Malinao, The Freeman, 8 May 2020, <<https://www.philstar.com/the-freeman/cebu-news/2020/05/08/2012601/p22-can-ch-sardines-overpriced>>

⁶⁴ A document that allows the holder to leave his / her residence for allowed purposes during the implementation of the Enhanced Community Quarantine.

⁶⁵ Mayor's Information and Liaison Office, an office created by then Cebu City Mayor Edgardo Labella to serve as his "liaison" office within each of the 80 Barangays of Cebu City.

⁶⁶ "Barangays complain vs. passes distribution by Milo," JJJ, SunStar / Cebu, 2 April 2020, <<https://www.sunstar.com.ph/article/1851040/Cebu/Local-News/Barangays-complain-vs-passes-distribution-by-Milo>>

⁶⁷ Not allied with then Cebu City Mayor Labella's party, Barug-PDP Laban.

⁶⁸ "Labella orders probe on rice distribution in Inayawan," Delta Dyrecka Letigio, Cebu Daily News, 2 July 2020, <<https://cebudailynews.inquirer.net/323636/labella-orders-probe-on-rice-distribution-in-inayawan>>

⁶⁹ The local government unit's version of the DSWD; a department of the local government unit, and not a part of the DSWD, which is a national government office.

⁷⁰ "Barangay vs MILO, who holds the turf in the barangays?", Delta Dyrecka Letigio, Cebu Daily News, 1 April 2020, <<https://cebudailynews.inquirer.net/299145/barangay-vs-milo-who-holds-the-turf-in-the-barangays>>

“missing”⁷¹, some city residents still lodged a complaint with the City Mayor, having reason not to believe the proffered “explanation”.⁷² Now, rather than the chickens, the outcome of that complaint may be what is truly “missing”.

In addition to the foregoing, the corruption issues plaguing the previously discussed national government offices also trickled down to the local level. Officials from the PhilHealth Region VII office, together with officials and employees of some hospitals in the City, were charged by the NBI – Central Visayas, over anomalous or fake Covid-19 claims (for payment).⁷³ The matter of selling of vaccines and vaccine slots was also encountered. While there was no mention of which specific LGU or LGUs was or were involved in the reported incidents, the CIDG was also asked to investigate the matter.⁷⁴ The issues in the distribution of financial assistance by the DSWD coursed through the Local Government Units, were also present in Cebu City, as well as throughout Regions 6, 7 and 8. Even while the distribution of aid was ongoing, the number of complaints received by the CIDG from these 3 Regions already ranked in the top 5 most number of cases received, among all the Regions in the country.⁷⁵

The onslaught of super typhoon Odette brought a fresh wave of problems to the City, as well as new opportunities for corruption. Financial aid came from the national government for the victims of the typhoon, while the City also allocated an amount from its own funds intended as financial assistance for every house damaged by the typhoon (basically, for repairs).⁷⁶ While the funds from the national government were distributed by the City, under the supervision of the Department of Interior and Local Government (DILG), the list of recipients still came from the DSWS, which purportedly validated the list that was prepared and forwarded by the “barangay officials”.⁷⁷ In the end, whether it be the financial assistance from the national government or from the city’s coffers, the same problem of who made it into the list of recipients (and how they made it into the list) attended the distribution of both. While an

⁷¹ “Case of ‘missing chickens’ solved,” JIL, SunStar, 24 June 2020, <<https://www.sunstar.com.ph/ampArticle/1861342>>

⁷² “Residents file formal complaint over ‘sale’ of donated chicken,” Gregg M. Rubio, The Freeman, 24 July 2020, <<https://www.philstar.com/the-freeman/cebu-news/2020/07/24/2030244/residents-file-formal-complaint-over-sale-donated-chicken>>

⁷³ “Philhealth 7, hospital officers charged for ‘false’ Covid-19 claim,” JOB with ANV, Yahoo! News, 9 February 2021, <<https://ph.news.yahoo.com/philhealth-7-hospital-officers-charged-152100306.html>>

“PhilHealth, PSH employees charged for ‘anomalous’ Covid-19 claims,” Wenilyn Sabalo, Yahoo! News, 29 October 2020, <<https://ph.news.yahoo.com/cases-filed-vs-8-philhealth-073600943.html>>

⁷⁴ “Cebu City to CIDG: Investigate selling of vaccines,” Dyrecka Letigio, Cebu Daily News, 13 August 2021, <<https://cebudailynews.inquirer.net/394134/cebu-city-to-cidg-investigate-selling-of-vaccines>>

“CIDG-7 asks public to report selling of vaccination slots and cards,” Pegeen Maisie M. Sararaña, Cebu Daily News, 16 August 2021, <<https://cebudailynews.inquirer.net/394655/cidg-7-asks-public-to-report-selling-of-vaccination-slots-and-cards>>

⁷⁵ “Cases handled by CIDG on cash aid anomalies reaches 300,” Anna Felicia Bajo, GMA News, 13 July 2020, <<https://www.gmanetwork.com/news/topstories/nation/746656/cases-handled-by-cidg-on-cash-aid-anomalies-reaches-300/story/>>

⁷⁶ “CH disburses P179 million for Odette victims,” Caecent No-ot Magsumbol, The Freeman, 14 February 2022, <<https://www.philstar.com/the-freeman/cebu-news/bottom-article-list/2022/02/14/2160744/ch-disburses-p179-million-odette-victims>>

“EXPLAINER: P5,000 per-house/household for Cebu City’s typhoon victims, ‘rich or poor.’ What we know about Mayor Rama’s plan, the kinks to watch out for.”, Pachico A. Seares, SunStar / Cebu, 7 January 2022, <<https://www.sunstar.com.ph/article/1917434/cebu/local-news/explainer-p5000-per-househousehold-for-cebu-citys-typhoon-victims-rich-or-poor-what-we-know-about-mayor-ramas-plan-the-kinks-to-watch-out-for>>

⁷⁷ “‘Odette’ victims in Cebu City get P22-M cash aid,” John Rey Saavedra, Philippine News Agency, 3 February 2022, <<https://www.pna.gov.ph/articles/1166974>>

investigation⁷⁸ was ordered by then Mayor Michael Rama,⁷⁹ the controversy has obviously died down with no clear resolution of the matter as there are still qualified beneficiaries and actual victims of the typhoon who have not received any financial assistance up to the present. One can only hope that investigations by other bodies (e.g., NBI, CIDG) on the issue yield actual results.

V. BATTLING THE CORRUPTION PANDEMIC: CHALLENGES AND BEST PRACTICES

The Philippines is not short of anti-corruption legislative measures. Even during the pandemic, the various agencies of Government involved in some measure with pandemic response and recovery efforts had various guidelines, rules and regulations that included some form of assurance of transparency. Even as efforts were made to streamline processes and requirements, as time was of the essence in such an emergency situation, there was still some measure of documentation and reportorial requirements imposed, penalties provided for violations, and even a review mechanism in place. But none of these seemed to deter the proliferation of various corrupt schemes during the height of the (Covid) pandemic.

Perhaps the greatest challenge in the implementation of the various anti-corruption measures in place before and during the pandemic was *time*. The urgency of the situation brought about by Covid-19, given that lives were at stake with every passing second, coupled with the fact that no part of the country remained unaffected by the crisis situation, posed a massive challenge for all the agencies of government at the forefront of the country's Covid-19 response, but at the same time provided the greatest opportunity for the unscrupulous and corrupt to take advantage of. Despite the attempts to streamline the usual processes and practices, it is noticeable from the audit reports of various agencies (e.g., DOH, PhilHealth, DSWD, DepEd, PS-DBM) for 2020 that a number of findings concerned the failure to submit various documentary requirements for transactions, resulting not just in a failure to properly account for the funds involved in such transactions but also to questionable legitimacy of and inadequate transparency in the same. Due to the nationwide extent of the situation, the sheer volume of transactions involved and the massive amount of funds being expended, documentary and reportorial requirements, even if streamlined, took a backseat to the most pressing and immediate concern of life and death. With the constant influx of policy issuances from key agencies, and the limitations in communication (e.g. slow and inconsistent internet connectivity) prevalent in the country and varying travel restrictions imposed based on the differing quarantine statuses of different parts of the country, the rules and requirements to be followed by the various local offices or operating units of national government agencies, and even local government units, would change either significantly or minimally at a speed that far outpaced the actual implementation thereof. If anything, the pandemic highlighted the various defects and weaknesses in the internal controls and management, or systemic flaws, of several agencies. With such plausible “excuses” in place, any system of checks and balances would be hard-pressed to keep up with, much less detect and/or prevent in a timely fashion, corruption wherever and whenever it struck. While investigations abound, actual results (and actions on the results, if any) are far and few between. Investigative work itself is hampered by the same

⁷⁸ “Mayor orders probe into ‘bogus’ Odette aid beneficiaries,” by PIO/jsb/rhm, Cebu City News and Information, 9 June 2022, <<https://cebucity.news/2022/06/09/mayor-orders-probe-into-bogus-odette-aid-beneficiaries/>>

⁷⁹ Although Michael Rama is the Mayor of Cebu City at present, the period of time being referred to pertains to the time when Michael Rama became Mayor by succession, serving the remaining term of deceased Mayor Edgardo Labella; hence, the use of the term “then”, to distinguish that period from his incumbency now by virtue of being elected to the office.

limitations that have allowed corruption to be rooted more firmly during the pandemic. Even reporting or filing complaints with concerned offices has also been made difficult by the restrictions brought about by the pandemic. While various government agencies have websites and social media pages containing information on how to contact them, how many people actually avail of these or actually persist in their grievances when they remain unresolved remains to be seen. Further, while a survey / study result showed that internet usage and “obsession” with social media surged during the pandemic, it seemed that people utilized digital platforms more for activities meant to assuage the social distancing and “stay at home” measures imposed on them during the period.⁸⁰ As quarantine restrictions and the rising number of Covid cases also hampered the work of non-frontline (or not Covid-related) government offices (e.g. Office of the Ombudsman) involved in anti-corruption efforts, the challenge for a timely response to the “second pandemic” mounted, as there was only so much one could do in a work-from-home situation. Field work (such as in fact-finding investigations) was brought to a virtual standstill for around two years due to travel restrictions and office safety protocols.

As most of the corruption issues that arose during the pandemic were similar in nature, though greater in scale or magnitude, to previous or already existing corruption issues, such as irregularities in the procurement process and questionable distribution of aid, investigation, adjudication and prosecution practices that have garnered positive and/or successful results find worth in the pending and upcoming investigations and possible prosecution of cases arising from pandemic-related complaints.

For instance, in the Office of the Ombudsman-Visayas, the input from our Fact-Finding Investigators was that corruption schemes at the local level were not committed through particularly sophisticated or novel means, albeit there was more creativity in the execution. In previous investigations on anomalous distribution of aid, it was found that the identification of beneficiaries and distribution of aid was done through the LGUs, particularly through the LGU’s own social welfare and services office, which in turn devolved the task to the *barangay*. The same system of aid distribution has been utilized during the pandemic, in which case the same types of cases are expected to be (or have been) filed, the same or similar “excuses” from respondents are expected to be raised, and the same types of evidence are expected to either make (if present) or break (if absent) the cases thus filed before the Office.

From investigators of our Office who have dealt with previous similar cases (e.g., the typhoon Yolanda-related cases) for preliminary investigation and/or administrative adjudication, the favourite “scapegoat” of accused local government officials / employees was the DSWD. Because DSWD supposedly “validated” the list of beneficiaries prepared and submitted by the local government unit, the local government officials and employees accused of manipulating the list they submitted, that resulted in ineligible persons receiving government aid while qualified beneficiaries did not, usually pointed out that the list they prepared was still subject to and (supposedly) in fact validated by the DSWD. It is, thus, important for complainants to implead or include in their complaint the validation team involved so as to lay bare the entire process and determine at which point corruption possibly occurred, and who should be indicted for what offence (or administratively penalized), if any.

⁸⁰ “Internet: Overcoming pandemic lockdowns,” Cristina Eloisa Baclig, Inquirer, 21 June 2021, <<https://newsinfo.inquirer.net/1448837/internet-overcoming-pandemic-lockdowns>>

Another favourite excuse in cases where complainants, supposedly qualified beneficiaries, did not receive any financial aid, was that “the funds were not enough for the number of beneficiaries”. In such situation, documentation plays an important role. Not only would it be important to know the amount of funds available for that particular distribution of financial assistance, and the intended number of beneficiaries thereof, proof of ineligibility of those who received the financial aid in lieu of the rightful qualified beneficiaries is also just as, if not more, important.

A unique form of “corruption” in the matter of distribution of financial assistance that was brought out in previous similar cases was how some local government officials, in charge of identifying the beneficiaries and preparing the corresponding list, would promise to include persons in the list (whether or not eligible to be beneficiaries) in exchange for a promise of payment from them of a certain portion or amount from the financial assistance they would receive. Testimonial evidence, by way of sworn statement or affidavit, of witnesses and victims would certainly form a crucial part of case evidence in such a situation.

Given the onslaught of typhoon Odette in various areas under the territorial jurisdiction of the OMB-Visayas, there is now a fresh new excuse (on top of Covid) that may be employed by respondents (or would-be respondents, as the case may be). With super typhoon Odette causing extensive property damage, it presents a convenient excuse for parties, where the case involves failure to submit or present certain documents or requirements, in establishing their cause of action or their defence. In fact, even with cases that were already pending before typhoon Odette struck, some respondents have already utilized the excuse of “lost due to typhoon Odette” for their failure to present controverting evidence in the cases filed against them. As there may indeed be cases where such excuse is tenable, the Office will have to carefully scrutinize the particular circumstances attending each case where such an excuse may be employed by the parties.

On the national front, Ombudsman Samuel R. Martires had ordered probes on some of the corruption issues with far-reaching effects and great significance to the country’s Covid response and recovery efforts. While the Ombudsman had expressed the desire of the Office to work quietly and away from the limelight,⁸¹ it was also revealed that the Office had been conducting its own investigations on some of the more prominent issues, such as the government’s deals with Pharmally.⁸² As the Office of the Ombudsman is the central corruption prevention arm of the government, its own (corruption-targeted) investigation (which complements the investigation of other government agencies) into such matters of national concern can only serve to benefit the country’s anti-corruption efforts. The Ombudsman also did not hesitate to impose preventive suspensions on officials and employees of various agencies, who may have been involved in the anomalous and irregular Covid-related transactions, so that they would not be able to impede the investigations thereon.⁸³ In these

⁸¹ Office of the Ombudsman Press Release: “PRESS RELEASE/STATEMENT,” 20 August 2021, <<https://www.ombudsman.gov.ph/press-releasestatement/>>

⁸² “Ombudsman Martires reveals probe on Pharmally transactions for COVID-19,” Jel Santos, Manila Bulletin, 26 October 2021, <<https://mb.com.ph/2021/10/26/ombudsman-martires-reveals-probe-on-pharmally-transactions-for-covid-19/>>

⁸³ “Ombudsman suspends 8 PhilHealth, 5 DOH execs over fund issues,” Rio N. Araja, Manila Standard, 29 October 2020, <<https://manilastandard.net/news/top-stories/338102/ombudsman-suspends-8-philhealth-5-doh-execs-over-fund-issues.html>>

“Ombudsman suspends DOH, BI officials,” Rhodina Villanueva, The Philippine Star, 28 October 2020, <<https://www.philstar.com/headlines/2020/10/28/2052796/ombudsman-suspends-doh-bi-officials>>

investigations where documentary evidence would be crucial to case build-up, the Ombudsman's exercise of the power of preventive suspension in order to safeguard evidence needs to be both swift and timely. Indeed, the preventive suspension of 89 Barangay Captains (or Punong Barangays), in relation to the anomalies in the SAP distribution,⁸⁴ was a welcome move to prevent these officials from possibly prejudicing the investigation of the cases against them. As the second tranche of SAP distribution was still ongoing at the time, abuse of power was a very real possibility to discourage witnesses to and/or victims of the anomalies to pursue and/or persist with their complaints.

The Office of the Ombudsman has also been implementing, for years now, various anti-corruption programmes geared towards educating different sectors about corruption and public accountability, fostering integrity and social responsibility, and promoting good morals and ethical conduct. Of the different anti-corruption programmes of the Office, three programmes have been rolled out to and implemented by the OMB-Visayas to date, namely: (i) Integrity, Transparency, Accountability in Public Service (ITAPS) Programme;⁸⁵ (ii) Anti-Corruption Laws Lecture Series (ACLS);⁸⁶ and (iii) Training and Leadership for Campus Integrity Crusaders (TLC)⁸⁷ Programme.⁸⁸ Even with the restrictions imposed by the Covid pandemic, these programmes had been adapted to an online / digital format so that the Public Assistance and Corruption Prevention Bureau (PACPB) of the OMB-Visayas could continue to implement them, whether from their homes or from the office, when face-to-face implementation was not possible or allowed. In the national Office, there are some programmes that are in their pilot stages / initial roll out, such as the Values Education Campaign that has been implemented in some pilot areas.⁸⁹ Hopefully, the Office would be able to implement / roll out these other programmes nationwide, to better strengthen the Office's corruption prevention campaign. After all, "*an ounce of prevention is worth a pound of cure*",⁹⁰ and this applies not only to Covid but to corruption as well.

"Ombudsman orders suspension of 13 PhilHealth officials," Daniel Manalastas, PTV News, 19 August 2020, <<https://ptvnews.ph/ombudsman-orders-suspension-of-13-philhealth-officials/>>

⁸⁴ "89 barangay chairpersons suspended over SAP anomalies," Third Anne Peralta – Malonzo, SunStar / Manila, 13 September 2020, <<https://www.sunstar.com.ph/article/1870052/manila/local-news/89-barangay-chairpersons-suspended-over-sap-anomalies>>

⁸⁵ The ITAPS is a corruption prevention programme of the Office of the Ombudsman wherein seminars are held for various government officials and employees, with the aim of providing "a venue whereby public service values are internalized and to enhance a deeper understanding of the role of public servants and the accountability attached to the positions in the government." <[⁸⁶ A corruption prevention programme of the Office of the Ombudsman for government officials and employees, which aims to educate and raise awareness on the anti-corruption laws, as well as the consequences for their violations](https://www.ombudsman.gov.ph/transparency-in-government/programs-projects/education-anti-corruption-promotion/integrity-transparency-and-accountability-in-public-service-itaps/#:~:text=Integrity%2C%20Transparency%20and%20Accountability%20in%20Public%20Service%20%28ITAPS%29,accountability%20attached%20to%20the%20positions%20in%20the%20government.></p>
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⁸⁷ Formerly, the Campus Integrity Crusaders Programme.

⁸⁸ Campus Integrity Crusaders (CIC) refers to any non-partisan school-based youth organization recognized by a secondary or tertiary educational institution and duly accredited by the Office of the Ombudsman. Found in Sec. 3, Office of the Ombudsman Memorandum Circular No. 04, Series of 2012.

Under the programme, the Office of the Ombudsman and a CIC may jointly undertake activities that aim to: (a) Cultivate the virtues of uprightness, responsibility, honesty, respect for authority, and love of country; (b) Instill a sense of good citizenship and responsible leadership; (c) Inculcate the basic principles of human rights and civic duties; and (d) Promote the integration of corruption prevention education (CPE) teaching modules in the school curricula.

⁸⁹ Office of the Ombudsman Press Release: "OMB rolls out values education campaign in pilot areas," 28 June 2021, <<https://www.ombudsman.gov.ph/omb-rolls-out-values-education-campaign-in-pilot-areas/>>

⁹⁰ By Benjamin Franklin.

VI. CONCLUSION AND RECOMMENDATIONS

The Philippines is not the only country battling corruption. Corruption is global. This highlights the need of establishing effective and enduring linkages with other countries to effectively combat corruption worldwide. Too often have persons subject of corruption cases either fled to other countries or, at the very least, transferred away to other countries the effects of their corrupt practices. Inter-country activities, such as the present Seminar on Good Governance, will aid vastly in coming up with new and/or enhancing existing inter-country mechanisms of anti-corruption cooperation / participation, through the exchange of ideas and experiences.

But in order for the Philippines to be an effective global partner / participant in the war on corruption, it must first improve or enhance its internal mechanisms of anti-corruption cooperation / participation. As the nation struggles to adapt to a “new normal” and pick up the pieces left in the wake of the Covid-19 pandemic (which isn’t even entirely over yet), it is vital for us to learn, and learn well, the lessons brought by this experience and similar ones before it, in order to prepare a better response to future emergency situations and in order to keep at bay, if not totally eradicate, the other pandemic that has plagued us alongside the coronavirus. In this regard, cooperation is vital between the various agencies involved in the implementation of anti-corruption measures. Communication and mutual respect for the roles each one plays in the fight against corruption are crucial if we are to succeed in some measure. Everyone needs to be on the same page when it comes to battling this second “pandemic”, rather than being focused on saving face and covering up the ugly flaws being uncovered. The commitment to cooperate in investigations to expose and put an end to corrupt practices needs to be more than just mere lip service. Each and every public official or employee plays a critical role in the fight against corruption. No role is too small or unimportant. While the public accountability / transparency measures imposed by existing laws, rules and regulations may seem tedious / time-consuming to comply with in such an emergency situation, one must always keep in mind that putting in the extra work to comply with these measures may save more lives, even one’s own.

The fight against corruption is a battle that belongs not just to the different agencies of government, but also to each and every citizen of the nation. In this case, education is key. The public must know not just their rights, but also how they can safeguard or vindicate them when trampled upon by others. They need to learn how to avail of the grievance mechanisms in place, as well as how to report (and what is needed to support a report of) incidents of corruption that either victimize them or those around them. In order to accomplish this, government must find a viable method to make the citizens actively involved in the anti-corruption response. Programmes and measures that increase and improve the relationship between government and citizens are vital, in order to enhance the people’s trust in the government and gain their sincere cooperation in the seemingly never-ending battle against corruption. Existing programmes and measures need to be periodically reviewed and correspondingly enhanced and improved, in order for their implementation to be both appropriate and adapted to ever-changing and/or sudden situations, such as the Covid-19 pandemic. The citizens must know and understand the importance of their roles in this battle, to help them feel invested in not just their present but also in their future, by playing their part in the fight against corruption, hand-in-hand with the Government.