

# Clemency for Erap - An Efficiently Wasted Opportunity

Sunday 18 November 2007, by [LERO Cecilia Pe](#) (Date first published: 30 October 2007).

September 12<sup>th</sup>, 2007 was a momentous day in Philippine history. That was the day Joseph "Erap" Estrada was convicted of plunder, sending a message of warning to corrupt government officials and a message of reassurance to the Filipino people that money and prestige are not vaccines for justice. On that day it seemed the Philippines justice system had potential - and I urged that we not waste the opportunity.

On October 25<sup>th</sup>, 2007, that potential and opportunity - not to mention 6 ½ years of tense anticipation for the conclusion of a legal battle costly to taxpayers - were completely wasted. Just three days after Erap withdrew his motion for consideration and announced he would seek presidential pardon, President Gloria Macapagal Arroyo issued executive clemency.

Much has been written about how the issuance of clemency is devastating to the rule of law, how President Arroyo is attempting to divert attention and forge new alliances in the wake of the ZTE scandal and her rift with House Speaker Joey de Venecia, and what this decision will mean for the future of the opposition, especially in the Senate. However, let us for a moment step back from these broad ideas and truly examine how the events these past three days have played out, so that we can truly appreciate how ridiculous and damaging they truly are.

On Monday, October 22<sup>nd</sup>, 2007, Estrada's lawyers announced they would seek presidential pardon. That night there were reports that President Arroyo was "elated" at the news and instructed acting Department of Justice Secretary Agnes Devanadera to act on the matter right away. On Tuesday, October 23<sup>rd</sup>, 2007, Secretary Puno formally announced President Arroyo was ready to grant pardon and acting Secretary Devanadera had prepared a recommendation for executive clemency and was simply waiting for an official order from the Sandigbayan on Estrada's withdrawal for reconsideration. On Thursday, October 25<sup>th</sup>, 2007, President Arroyo officially extended clemency to Estrada. The next day Interior Secretary Ronaldo Puno delivered a copy of the clemency order to Erap's guest house in Tanay, Rizal. Erap was a free man by Friday afternoon.

The extreme efficiency with which these events took place is strikingly uncharacteristic of the government, as demonstrated by its actions in other situations. As anyone who has attempted to obtain a driver's license or has had a case in court can testify, going through official procedures within one government agency can be hard enough. Government officials constantly state to the media, "I'd like to take action A, but my hands are tied by agency B and required procedures C, D and E. One week after the tragic explosion in Glorietta 2, there are still no definite answers. However, the events leading to Estrada's pardon passed through three government agencies (the Sandigbayan, the Department of Justice and the Office of the President) and began and ended within five days. Expedient government action is not a bad thing, in fact, government is meant to facilitate people's lives, not hinder it with sluggish movement and arduous requirements. However, as the pardon itself demonstrates that there is inequality before the law, the government's expedient actions demonstrate that the government can be efficient, but it only chooses to be efficient for VIP's.

The reasoning behind granting executive clemency is such: the government has a policy of extending pardon to convicts age 70 and up, and Estrada is 70 years old, Estrada has already spent of 6 years in house arrest, and Estrada has “publicly committed to no longer seek any elective position or office.” The palace further informally rationalized the pardon by stating that surveys showed 80 percent of Filipinos support pardon. [1]

First, it is true that the Arroyo administration has a policy of granting clemency to inmates aged 70 and above. However, previous reports of invoking such a policy indicate that prison record and health conditions are supposed to be taken into consideration. [