

## Neri's SSS appointment: Because we allow it

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MANILA, Philippines—When Romulo Neri's appointment as administrator of the Social Security System (SSS) was reported in the early evening news, our house help, who was watching, exploded and let loose a torrent of untranslatable expletives. "Ayy p\_\_\_, pera namin 'yan ah!" she shouted. More than the reality of rising prices, what flashed in her mind was the nightmare of losing her lifelong SSS pension.

Like the rotten regime he serves, Neri has a gigantic perception problem. He has little credibility left—as a public official, as a technocrat, and as an academic. His name will forever conjure images of cowardly cluelessness in the face of high-level corruption, a failure of nerve in the existential battle with dishonesty and pretense. And now he is put in charge of the P248-billion fund belonging to millions of ordinary workers. One wonders which is worse—putting him at the helm of the SSS, thus placing in his care ordinary people's savings, or appointing him head of the Commission on Higher Education, where he was, in effect, in charge of the nation's brains.

A Supreme Court ruling upholding executive privilege has saved him from having to reveal details of his conversation with President Gloria Macapagal-Arroyo on the now-aborted national broadband network contract with China's ZTE Corp. But, the ethic of transparency that binds all government officials is, in the public mind, not something that can be suspended by legal maneuver. Neri may have avoided going to prison for withholding vital information, but he will never escape the searing indictment of a public that feels betrayed.

Beyond the public perception of his unsuitability as administrator of a major fiduciary institution, however, there are valid constitutional grounds for objecting to his recent twin appointments as head of the SSS, a government financial institution (GFI), and as chairman, with Cabinet rank, of a newly formed National Social Welfare Council. Sen. Manuel Roxas II has raised the issue of conflict of interest. "Who will Romy Neri serve? Whose interest will be paramount in his mind? The instructions of the President, or the interest and welfare of all SSS members... There is a great deal of moral hazard in the situation that Romy Neri has been put into," Roxas said in a television interview.

We have learned enough of how Neri behaves in morally hazardous situations to appreciate the soundness of Roxas' statements. The possibility that the funds being managed by the SSS for the country's workers may be squandered for political purposes or invested with a view to enriching some people is not idle speculation. It has happened before.

Let us be clear about the implications of these appointments. The position of SSS administrator is not a Cabinet position. Romulo Neri is being given a Cabinet rank by virtue of his appointment as chair of a so-called National Social Welfare Council. "In that capacity," Executive Secretary Eduardo Ermita told the press, "it doesn't mean that Neri is taking over the job of certain Cabinet members. He is an oversight over these people to bring them together." Ermita's stilted description of Neri's duties as a Cabinet member is symptomatic of the acrobatics that the executive department under Ms Arroyo has routinely resorted to in order to shield its people from congressional hearings.

The question remains: Can Romulo Neri sit as a member of the Cabinet, coordinating a Cabinet cluster, and simultaneously assume the position of SSS administrator without violating Sec. 13, Art. VII of the 1987 Constitution? The Constitution states: "The President, Vice President, the members of the Cabinet, and their deputies or assistants shall not, unless otherwise provided in this Constitution, hold any other office or employment during their tenure. They shall not, during said tenure, directly or indirectly, practice any other profession, participate in any business, or be financially interested in any contract with, or in any franchise, or special privilege granted by the Government or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries. They shall strictly avoid conflict of interest in the conduct of their office." The intent of this provision seems clear enough.

But, of course, the legal acrobats of Malacañang are not above arguing that Neri's principal appointment is as SSS administrator, and that he sits in the Cabinet merely as presidential adviser on social welfare with Cabinet rank. If that is the case, why put him on top of the regular members of the Cabinet belonging to this cluster: the secretary of health and the secretary of social welfare? Shouldn't the secretary of social welfare be coordinating the National Social Welfare Program of the government?

As a collective body, the Cabinet is liberally mentioned in the Constitution. Yet, the composition of the Cabinet, as far as I know, is not clearly defined in the Constitution or by law. The Directory of Government Officials published by the Department of Budget and Management lists only 22 members of the Cabinet. With the exception of the executive secretary and the press secretary, all are heads of line agencies. No other president perhaps has exploited this organizational ambiguity more than Ms Arroyo. As a result, the number of people sitting in the Cabinet, sporting the title "Secretary," has increased exponentially in her administration. She creates positions and appoints people without any regard for institutional rationality.

Why does she do it? Because she can, and because we allow it.

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**P.S.**

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