



# *Policy Forum*

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## **The Maguindanao Massacre and the Making of the Warlords**

### **Introduction**

November 23rd is now etched in the history of the province as the day of shameless ignominy.

On that day, a convoy of women of the Mangudadatu clan accompanied by media people and their women lawyers headed for the provincial capitol in Sharif Aguak municipality was stopped by forces of the Philippine National Police. These police forces were accompanied by hundreds of armed civilian volunteer organizations (under the command of the PNP) along the national highway in Ampatuan municipality.

The convoy was instructed to take the farm road leading to a deep hole meant to be the mass grave of the entire convoy members, including occupants of other vehicles that happened to follow the convoy.

I am beginning to piece the story of the tragic massacre.

It all began about three weeks ago with a Commission on Elections (Comelec) Resolution directing the transfer of the Comelec Satellite Office from Cotabato City to the Provincial Capitol in Maguindanao. Then another resolution was issued, this time directing all candidates in the province to file their certificates of candidacy at the provincial 'capitol.'

These resolutions looked innocent when read and seen outside the provincial's concrete political context. Anyone in the place knows that the said resolutions follow the logic of the local politics and the control over the Comelec on the ground. Comelec cannot feign ignorance of these realities nor wash its hands in the ensuing massacre in Maguindanao.

The concrete experiences of 2004 and 2007 elections and the participation of Comelec in the province are too gross to ignore.

There is a reason and definitely politics in the physical shifting 'capitol' sites in the province. There is a need to locate the 'capitol' in a place to ensure total control.

For this reason, Maguindanao can qualify to put the capitol building on wheels.

It began in Cotabato City; then Datu Udtog moved it to Pagalungan; post-Datu Udtog, it was moved back to Cotabato City; then it was moved to Maganoy (Sharif Aguak); Zacaria Candao moved it back to Cotabato City; then he moved it to a new site in Sultan Kudarat.

The Ampatuans moved the 'capitol' back to Maganoy where it now stands.

The total control of the capitol ensures absolute control over all government machinery in the capitol site, including the Comelec, the PNP, and the Armed Forces of the Philippines (AFP).

Months ago, the buzz in the province and in Cotabato City has been the looming political contest between the Ampatuan clan, the present unquestioned ruler of the province and the ARMM (Autonomous Region in Muslim Mindanao), and the Mangudadatu clan.

Everybody in town is actually surprised by this challenge coming from the four Mangudadatu young, daring, and dazzling brothers (two mayors, one vice mayor and one assemblyman of the Regional Assembly of the ARMM). The leader of the clan and the main challenger is the present Vice Mayor of Buluan, Datu Ismael 'Toto' Mangudadatu.

The challenge came as a big surprise, because the Ampatuan clan is 'intimately' connected to President Gloria Macapagal Arroyo and the Lakas-Kampi-CMD Party both in 2004 and 2007 national elections. The convergence of the political and electoral agenda of President Arroyo and the Ampatuans is well known both in the national and local levels.

The challenge emerged when talks that the 'senior' Ampatuan is no longer qualified to run as governor of the province.

The name of the 'junior' Ampatuan has begun to surface as the clan bet for who they thought would run for the uncontested governorship in the province come May 2010.

This development sparked talks and counter-talks of contesting the governorship, which led to shifting political alliances, especially with the waning of the star of Malacañang and her official candidates.

The relations between President Arroyo and the Ampatuans hinged on a symbiosis of political and electoral interests as demonstrated by the clan's 'outstanding' delivery capacity in all electoral exercises held in the province of Maguindanao.

When we speak of captive electorate, I refer to 'managed' and 'owned' elections.

Political parties and candidates also refer to the entire ARMM as 'captive' electorate. This is not a simple perception but the 'actual ballot' counts' attest to this 'winner take all' elections.

This fact is known also to the Comelec.

No doubt, if electoral anomalies happen, the people who manage and secure the elections are equally controlled. In most instances, the teachers and officials of the Comelec, including the PNP have little or no choices at all because their lives and their families, as well, are in jeopardy.

The Comelec resolution transferring its satellite office in Sharif Aguak and the requirement to file the certificates of candidacy in the 'capitol' is NOT as innocent as it looks unless Comelec as born yesterday!

This Comelec decision has forced the Mangudadatu to go into the heartland of the Ampatuan clan.

The Vice Mayor Toto Mangudadatu decided to go and file his certificate of candidacy but he was prevailed upon by the mother to let the women do the filing. The clan believed that Toto's presence in Aguak may lead to actual bloodshed.

The mother and the religious leaders believed that an all-women delegation accompanied by media people and women lawyers would be respected since Islam strongly enjoins believers to respect women and children even during times of war.

As a double insurance for the delegation, the Mangudadatu has asked for police escorts from the PNP Provincial command. It refused to do so.

Understanding the perceived partisanship of the Maguindanao PNP, the clan asked for military escort from the 601st Brigade that has an operational responsibility for area however they were told that the AFP does not provide security escorts for politicians.

The clan appealed to the highest military command in the region for a security escort for the women. They were assured by the highest military command that the 'road is safe and there will be no need to worry.'

With that assurance, the all-women delegation began the trek to Sharif Aguak.

Upon crossing Salman along the national highway in broad daylight in Ampatuan municipality, the convoy was stopped, including other vehicles that happened to be passing by at that time. Their journey was halted by hundreds of armed groups believed to be CVOs (civilian volunteer organizations) that included some provincial PNP officials and a local mayor positively identified by the Mangudadatu.

The entire convoy was led to an open pit dug by the provincial engineering equipment.

There the carnage began with brutality and no mercy for women, children, and the members of the media.

The last vehicle in the convoy, delayed by few minutes, saw the whole gang that stopped the convoy and made positive identification. It turned back with speed and asked for help. But alas, the help came too late.

There were no survivors!

The first count was 21 fatalities in the afternoon of the same day. These were the bodies left on the ground and in the vehicles because of the haste.

On the second day, the body count reached 46 as investigators began to dig the mass graves. On the third day, the number has reached more than 60. They were all murdered with so much brutality that can only be compared to victims of savage animals in the wild.

The digging went on and the body counts continued to rise. The Mangudadatu could only account for 40 members of their convoy. Beyond that number were innocent passersby who happened to be traveling the same road at that particular moment.

They buried the whole vehicles with the murdered passengers. Seemingly, the intent was to bury all the vehicles and all the victims in that big hole dug by the provincial 'backhoe.' But there was news that the troops were coming so the perpetrators hurriedly left the scene without completing their evil intent.

Today, the people of Maguindanao and Cotabato City continue to be in a state of total disbelief whenever they hear news about the massacre as it continues to unfold. They are stunned and shocked! The real word is feeling of revulsion for how things stand in the province and the community.

The Comelec has now allowed the filing of candidacy in Cotabato and in Sultan Kudarat without filing for an exception. It has also returned the satellite office in the city.

Comelec shares the blame for this massacre. Ignorance can never be an excuse! It is a very costly political decision!

Knowing the close ties between the President Arroyo and the Ampatuan, the Presidency and the national government are directly held accountable!

People ask, will there be immediate arrests of the identified perpetrators of the massacre?

Three days have passed by and there is not a single arrest made yet...! Will there be honest and objective investigation of the massacre?

While we debate over the massacre, the perpetrators and the hundreds of CVOs, bearing high-powered firearms, and identified leaders of the massacre roam freely and with impunity. Onli in da Pilipins!

### **The making of the warlords**

The Maguindanao massacre brought to the fore the issue of ‘warlordism’ in Muslim Mindanao.

Warlordism in the Philippines, especially in Muslim Mindanao, is primarily based on a feudal system that continues to characterize the power relations not only between clans and families but also between the central power (Manila) and the periphery.

Warlordism is often associated with two major issues. The first issue involves the control over the machinery of the state that includes the security sectors (PNP and the AFP). The second issue is about lawlessness with impunity.

The ‘warlords’ are sort of ‘sui generis; and ‘the rule of law’ is understood as the execution of their whims and caprices. The traditional basis of the power of the warlords had been their ancestry to royalty, whether perceived or real.

The Datus, in times past, would hold sway over their ‘sakop’ in a typical feudal structure known in medieval times. In modern times, the power basis of the warlords is no longer measured by the blood ancestry but by the actual ‘connection’ of the warlords to the all powerful Presidency of the Republic.

People cite the infamous three “Gs” – guns, goons, and gold – in the making of the warlords. But the sad tragedy is that these three “Gs” are government’s ‘properties’. Take guns. A local warlord who is properly ‘connected’ would have unlimited access to firearms as the government’s courtesy in the fight against insurgency.

The second ‘G’ refers to goons, which have many faces on the ground. Some belong to the Philippine National Police (PNP) while others come from the Armed Forces of the Philippines (AFP). Others also belong to so-called civilian volunteer organizations (CVOs) subsumed under local government units or the Cagfus [Civilian Auxiliary Forces Geographical Units] under the AFP. Again, the ‘proper’

connection to power in Malacañang spells unlimited access to ‘goons,’ some of whom incidentally wear uniforms of the state’s security forces.

The third ‘G’ stands for gold, which also comes in many forms. In many areas in Mindanao, particularly in the ARMM [Autonomous Region in Muslim Mindanao] where accountability and transparency are almost nil, the internal revenue allocation or IRA is the unlimited source of gold. In other places, drugs and numbers game have, of late, been also lucrative sources of gold.

Many actually opine that the war against drugs and illegal gambling is a big joke in this country, particularly in the ARMM, when politicians and law enforcers are perceived to be the real ‘operators’.

Under the present dispensation, particularly in the ARMM, people speak in whisper of yet another ‘G’. That fourth ‘G’ refers to Gloria or President Gloria Macapagal Arroyo.

The ‘unlimited’ access to this fourth ‘G’ is the all that distinguishes the small time ‘warlord’ to a paramount warlord of a province or a the entire region.

In Maguindanao, as in other provinces of the ARMM, the ‘rule’ over areas or territories is closely linked to families and clans. To cite a few examples, there is the Ampatuan clan that is recognized as the ‘ruler’ in the former municipality Maganoy that is now subdivided into four municipalities (Aguak, Unsay, Mamasapano, and Hofer).

There is the Mangudadatu clan that is a recognized ruler of the former municipality of Buluan in Maguindanao and the Municipalities of Lutayan and Palembang in Sultan Kudarat or the territories around the Lake of Buluan.

The more familiar clans that are similarly situated are the Sinsuats in the former Dinaig, the Matalams in the former Pagalungan, the Midtimbangs in the former Talayan, the Masturas in the former Nuling, and the Tomawis-Aratuc families in the Iranon towns of Barira and Buldon. They are all rulers by rights and blood in their traditional ‘domain’ or fiefdom.

These ‘rulers’ enjoy both the authority of traditions (agama and customary law) and the state laws, because they are the ‘elected’ local officials in their own domain.

The rise of a paramount ‘warlord’ does not come often. Usually, the rise and fall of a paramount warlord depended on the whims and caprices of the real paramount LORD that resides along the Pasig River.

The Ampatuan clan was able to venture outside their traditional ‘domain’ (Maganoy) with the ‘blessing’ of the paramount LORD in Malacañang. Datu Andal Ampatuan, Sr. was already the ‘ruler’ of Maganoy during the time of Ferdinand Marcos, however, President Cory Aquino in 1986 removed him from office and deprived him of access to the security forces of the state after EDSA 1.

But in the first election under the 1987 Constitution, Datu Andal Sr. became the undisputed Mayor of Maganoy. His rival, Datu Surab Abutazil, also of the Ampatuan clan, was assassinated in broad daylight in a cafeteria right in the market place of Maganoy. Mayor Andal was charged for the murder of Datu Surab but later the case was dismissed for lack of witnesses.

The turning point for the Ampatuan clan happened during the 2001 local elections. With the full support of the PNP and the AFP, Datu Andal had beaten the incumbent Maguindanao Governor and the first ARMM Governor, Zacaria Candao. The decision to shift support to Datu Andal was the perception that Gov. Candao was MILF or sympathetic to the MILF.

Datu Andal became the 'avid' supporter of President Gloria in her decision to run for the Presidency in 2004. He "delivered" the whole province to Gloria against the more popular Fernando Poe, Jr.

This electoral 'feat' made Datu Andal the new 'anointed' one not only for the province but also for the entire ARMM.

It was no accident in 2005, when the Ampatuan made a run for the head 'honcho' of the ARMM.

It was an invitation to the government and President Gloria to shift to a more 'manageable and predictable overseer' over the ARMM after almost nine years of disarray under the rule of the MNLF (more than five years under Nur Misuari and 3 years under Parouk Hussin).

With the ARMM falling into the hands of the Ampatuan clan and under the total patronage of Malacañang, the hold of the clan over the ARMM and Maguindanao has become undisputed. It is a steady and phenomenal rise to almost absolute power.

The last known paramount Lord of the Cotabato Empire province was Datu Udtog Matalam in the 50's and early 60's.

During the 2007 elections, the Ampatuan clan had proven, beyond doubt, their complete control of all government machineries including the Commission on Elections and the security forces in the area by the delivery a 12-0 results in the senatorial slate for the administration. This was also mirrored in the 'no contest' election in the province. From the provincial slate to the municipal slate in 30 towns in Maguindanao out of 32, all the positions were not contested.

In the past, the national government was the 'check and balance' vis-a-vis local warlords. The government in Manila made sure that the warlord's control remains within his family or clan domain. Even during the height of martial law, President Marcos made sure that no one family or clan dominated the whole region.

This equation has changed completely during the Presidency of Gloria Macapagal Arroyo following the 2004 national elections. There evolved a sort of symbiosis in the political agenda between the central government and the Ampatuan clan gaining control over the province of Maguindanao and the ARMM.

The shifting national politics after the death of President Cory, however, begins to impact the local politics. Malacañang is no longer seen as the power that makes or unmakes local leaders. In fact, this is the first crack in the hold of the Ampatuan clan over the province. This is further exacerbated by the fact that the Sr. Ampatuan CANNOT run anymore for the top post.

On the other hand, the Mangudadatu clan is telling the new emerging national leaders that the time has come for new ‘stewards’ in the province.

New political alliances begin to take shape in the province, when the Mangudadatu clan made known their intention to challenge the younger Ampatuan for the gubernatorial post.

These were the actual arrangements in the political chess board when the Massacre occurred in the Province of Maguindanao that fateful morning of the 23rd of November 2009.

### **The government’s response**

When we speak of government, we refer, mainly, to the Executive branch. It may sound preposterous, yet the sequence of events tell us that the government’s initial responses to the November 23rd massacre of 57 people in Maguindanao have followed the people’s immediate reactions – shock and disbelief!

We begin with news from the grapevine that began to be distributed through text-messaging at about 10:30 am of that fateful day.

The text messages – in various versions – announced the tragedy as it unfolded.

It began with the news that the Mangudadatu convoy on the way to the provincial capitol was stopped by the PNP [Philippine National Police] and CVOs [Civilian Volunteer Organizations] under Ampatuan Jr. in Barangay Salman within the Ampatuan municipality.

A second text message later said that the victims were women of the Mangudadatu clan, including Ismael “Toto” Mangudadatu’s wife, Bai Genalyn, his two sisters, and the journalists and women lawyers. Reports from the grapevine also said that one car at the tail end of the convoy was able to make a sudden U-turn and sped toward municipality of Esperanza to report the incident and seek immediate assistance.



But the tragedy was that the urgent assistance sought for was NOT arriving despite the proximity of the AFP [Armed Forces of the Philippines] checkpoints and the headquarters of the 601st Brigade, just a half hour and one hour away respectively, from the scene.

There was an SOS call from the Mangudadatu clan, but the immediate intervention to save lives of the entire convoy – including vehicles that were merely passing by – was not arriving.

On that fateful day, in a mysterious way, there was NOT a single helicopter in Awang Airport, the home of the 6th Infantry Division and the Philippine Air Force. It all looked rather odd since on ordinary days, there would be two to four helicopters in the said airport.

Awang is the ‘frontline and forward’ airfield in the war against MILF [Moro Islamic Liberation Front] and the so-called renegade commander, Ustadz Amelil Ombra aka Commander Kato.

The Mangudadatus had to reportedly seek the assistance of their kin, the Mangudadatus of Sultan Kudarat province, for personnel and a helicopter to reach the place now known as the ‘mass graveyards’ prepared for the entire convoy.

Reports from the grapevine also indicate that the perpetrators reportedly scampered away without finishing the ‘burial’ of other victims. They reportedly thought that the incoming helicopter belonged to the AFP that flew in from Awang airfield.

Since the helicopter came rather late, the entire convoy was murdered.

There were 21 bodies sprawled on the ground and the rest of the victims and their vehicles were already ‘backhoed’ and buried in three common pits.

The ground troops reportedly arrived about 3 hours after the killing, so people say.

One of the reports had it that President Arroyo herself asked when briefed of the massacre why there was a delay of ‘four hours’ before the ground troops could go to the massacre scene.

The perpetrators, including the provincial PNP leadership, were reportedly identified by the victims and some witnesses.

### **Defense officials arrive at the scene, receive massacre briefing**

On Day 2, November 24th, the ‘bigwigs’ of Imperial Manila from the Departments of National Defense (DND), Interior and Local Governments (DILG), the PNP, and the AFP arrived at the scene as the horror of the massacre unfolded.

Officials were then briefed by the AFP at the 601st Brigade Headquarters, located in Tacurong City, about an hour and a half away from the massacre scene.

During the briefing, the Mangudadatus saw some of the ‘bigwigs’ to narrate their version of the massacre.

The massacre involved and ally of the President, the powerful Ampatuan family. The Mangudadatus and witnesses identified Datu Andal Ampatuan Jr. as the leader.

The government then decided to assign Secretary Jesus Dureza, the Presidential Adviser for Mindanao Affairs, to head a task force to talk to the Ampatuan clan. He was told that Ampatuan Jr. would be willing to submit himself to due process.

On Day 3, November 25th, the Ampatuan clan ‘surrendered’ Ampatuan Jr. to Dureza for inquest proceeding by the Justice Secretary Agnes Devanadera in General Santos City. From there, the younger Ampatuan was flown to Manila and detained in a cell at the National Bureau of Investigation (NBI).

Day 4, November 26th, after Ampatuan Jr.’s ‘detention,’ the government declared a state of emergency in Maguindanao province of Sultan Kudarat and Cotabato City. The Provincial PNP, the Shariff Aguak police chief, and other police officers reportedly involved in the massacre, were relieved and placed under preventive suspension.

Military checkpoints were then deployed along the highways and at the entry and exit of Cotabato City.

Overnight, firearms disappeared in public, including those in Cotabato City.

### **‘Toy guns’ collected, AFP commanders relieved of posts**

On Day 5, 26th November, the state of emergency proclamation was followed by a show of ‘collecting’ the ‘toy guns,’ World War II vintage M1 Garand and M1 Carbine rifles which prompted people to wonder “where the real guns were.”

The area’s top two AFP commanders were also relieved after the state of emergency declaration. They were Major Gen. Alfredo Cayton of the 6th Infantry Division and Col. Medardo Jeslani of the 601st Brigade who both had operational control of the area.

Similarly, military personnel in the area were also relieved and new soldiers from other brigades and battalions were deployed in the area.

On Day 6, the 27th of November, the media reported that the Department of Justice (DOJ) placed eight members of the Ampatuan clan in the Bureau of Immigration's 'watch list' since they would be invited for the massacre investigation.

The list includes the Maguindanao Governor Andal Ampatuan Sr., Autonomous Region for Muslim Mindanao Gov. Zaldy Ampatuan, Nords Ampatuan, Akmad Ampatuan, Saudi Ampatuan Jr., Bahnarian Ampatuan, Sajid Islam Ampatuan, and Akmad "Tato" Ampatuan.

On November 28th, seven days after the massacre, the DOJ filed a multiple murder charge against Ampatuan Jr. and several 'John Does.'

DILG Secretary Puno was designated to supervise all the Local Government Units (LGUs) within the Autonomous Region in Muslim Mindanao (ARMM) and if need be 'suspend' local officials involved in the massacre.

He was also tasked to designate 'officers in charge' or administrators to take the place of the suspended local officials.

There were so many uncertainties on the ground from the first day and people were wondering what would be the next move.

The government through Sec. Dureza spoke of 'plan of actions' that would unfold in the coming days. The 'climax' of the said action plan came on the early morning of December 5th though the grapevine was already abuzz about the impending Martial Law on the evening of the 4th.

Lt. Gen. Raymundo Ferrer, a military officer known for his peace advocacy and good relations with Civil Society Organizations, was designated as the 'decent' face of the Martial Law in Maguindanao.

The declaration was followed by entry into the premises and 'houses' of the Ampatuans, the 'invitations' of the leading members of the clan for investigation, and the collection of real arms, referring to M14, M16, M60, and M40 and a cache of ammunitions bearing the Department of national Defense (DND) markings.

The declaration of Martial Law in Maguindanao province was met with mixed emotions.

Some welcome it with exhilaration, believing that extraordinary means are needed to meet the extraordinary realities in the province, particularly the warlords' tight grip over the people and government, including offices of the Commission on Elections (Comelec) and the PNP. Others would like to observe its effectiveness in restoring the rule of law and peace and order in the province with watchful eye. They believe that Proclamation 1959 under the 1987 Constitution is a different animal from Proclamation 1081

under the 1973 Constitution. Though 1959 and 1081 may have the same sound bytes, they are essentially different as the former is strictly regulated with defined parameters by the Constitution.

Still, others feel that realities on the ground do not warrant Martial Law and that a government with political will can decisively act on the massacre's perpetrators. The suspicion is basically grounded on the fear of a 'creeping' Martial Law that may eventually spread throughout the country.

The other basis for fear is the trust deficit of President Gloria Arroyo.

In a recent conversation regarding Maguindanao realities, what has emerged are two viewpoints – the bird's eye view and that of the frog's. The former is from the top or from Imperial Manila and the latter is from the ground.

The Supreme Court will soon decide on the merit of the Martial law in Maguindanao.

I believe that people, including the SC should seriously consider not only the text of the Constitution nor the views of solely of Imperial Manila – a sort of the bird's eye view. Fears, perceptions, and realities on the ground must be factor in the decision, also known as the frog's eye view!

Both views are two factors that need to be considered in ruling on the merits of the Maguindanao Martial Law proclamation.

For most people in the province, the basic question is whether Martial Law in Maguindanao can

- Dismantle all structures of warlordism in Maguindanao;
- Implement a total ban on the public display firearms as well as the seizure of all illegal firearms;
- A halt to all forms of lawlessness committed with impunity in the province;
- Make all LGUs and courts systems in situ work; and
- Restore the rule of law in the province.

The people are desperate and are gripped by their collective fear. They beg for desperate solutions!

Notes:

1. The President lifted Martial Law or Proclamation 1959 on the evening of the 12th December.
2. The State of Emergency remains enforces in the City of Cotabato and the Provinces of Maguindanao and Sultan Kudarat.