

**STRUGGLE AGAINST CORRUPTION:
THE KOREAN AND PHILIPPINE EXPERIENCES**

A comparative study of the anti-corruption strategies, policies, and methodologies of the Anti-Corruption and Civil Rights Commission and the Office of the Ombudsman

By:

Wendy N. Montealto

THESIS

Submitted to
KDI School of Public Policy and Management
in partial fulfillment of the requirements
for the degree of

MASTER OF PUBLIC POLICY

2010

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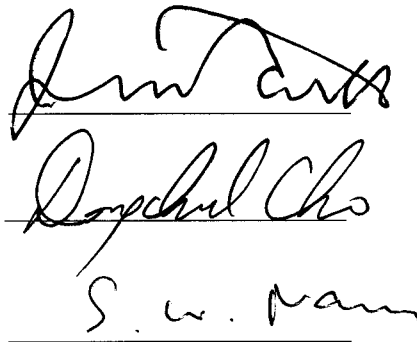
MASTER OF PUBLIC POLICY

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The image shows three handwritten signatures in black ink, each written over a horizontal line. The first signature is for Professor Jin Park, the second for Professor Dong-Chul Cho, and the third for Professor Sang-Woo Nam.

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ABSTRACT

Kang (2002) concluded that corruption, as felt and perceived in the Philippines and Korea, shares similar facets. The Philippines and Korea had the same corruption level in the 1960's, the former during the Marcos era while the latter with Park Chung-hee's administration. However, compared to Korea, the Philippines has yet to make any significant progress in its fight against corruption. This study is an attempt to determine the best practices of the Korea's Anti-Corruption and Civil Rights Commission (ACRC) in fighting corruption that can be applied by the Philippine Office of the Ombudsman (OMB) by doing a comparative analysis of the anti-corruption strategies of both institutions. Results showed that ACRC lacks the prosecutorial powers that OMB has. Even so, ACRC is able to impose concrete prevention and deterrence measures by: reducing government size and regulation; using e-People interactive system that provides for easy detection of corruption behavior of government officials; and adopting a whistleblowing protection system that encourages informants. In these areas, the OMB has much to learn. It must rethink and must aggressively exercise its influence and power in improving its anti-corruption mechanism. It can start from strongly pushing for the adoption of the proposed whistleblowing bill, actively engaging different civic groups in its anti-corruption campaigns, and demonstrating strong political will in combating corruption. It is also important that OMB must identify the priority areas in its fight against corruption. Unless these points are given serious consideration, corruption is and will always get in the way of getting things done for the Philippines.

**Dedicated to my father and mother who had asked me a lot of times
what I wanted to do in my life.
Hope this worth a try.**

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In this time when temptation to just give in to cynicism is always great, it is always a welcome pause to take time to express heartfelt appreciation to those people who had given me more reasons to do otherwise.

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CHAPTER I INTRODUCTION

I. Statement of the problem

The last nine months of 2009 proved to be a tumultuous time for both the Philippines and the Republic of South Korea (Korea hereafter) in their struggle against corruption. During this year, former President Roh Moo-hyun committed suicide amidst allegations of a \$6-million bribery case filed against him. Meanwhile, incumbent Gloria Macapagal-Arroyo had faced severe criticisms from media, rival politicians, and civil society groups over several allegations of corruption involving herself and her immediate family. Suspected bribery cases against a number of Department of Justice (DOJ) prosecutors and Philippine Drug Enforcement Agency (PDEA) agents, the ZTE-NBN broadband project scam, and the alleged rigged bidding on World Bank highway projects are just some of the issues of corruption that had surfaced this year (Pulse Asia, 2009). These instances underscore how two countries of different economic capacities struggle against a common problem of corruption.

As one speaker from the 2009 APEC Anti-Corruption and Transparency Symposium bluntly stated, “no country is totally exempt from the problem of corruption, whether developed or not.” However, corruption is particularly destructive among developing countries like the Philippines. As Kang (2002a) had put it, “the Philippines has a public image of cronyism, corruption, and bad government retarding its development” (p.2). Although, there is no official figure reported estimating the amount of government’s loss due to corruption, there are some rough estimates given (Romero, n.d.). As reported by the Office of the Ombudsman (OMB

hereafter), about US\$48 billion of the government's funds had been robbed for the last twenty years due to corruption. Meanwhile, the Commission on Audit's reported that the money lost is pegged at approximately US\$44.5 million every year. Notably, the World Bank estimated that around 20% of the yearly government budget goes to corruption.

Kang (2002a) concluded that corruption, as felt and perceived in the Philippines and Korea, shares similar facets. In both countries there exists "money politics" which helps in understanding the dynamics of their political affairs. According to him, the Philippines and Korea were characterized by the prevalence of corruption, the former during the Marcos era while the latter during Park Chung-hee's administration. Kang also theorized that "political, not economic, considerations dominated policy making in both countries" (p.3). This implies that policy decisions are not made based on efficiency criterion but on that which serves the self-interests of the country's political actors and business sector. This conclusion is in stark contrast to the findings of other Korean scholars such as Yoo and Lee (1987) and Shin, et. al. (2002). They see eye to eye on claiming that the government had the upper-hand over corporate actors during Park Chung Hee administration pursuing economic development among others.

However, compared to Korea, the Philippines has yet to make any significant progress in its fight against corruption as reflected by its Corruption Perception Index (CPI hereafter) for the last thirteen years as shown below. As designed by the Transparency International, "CPI ranks countries in terms of the degree to which corruption is perceived to exist among public officials and politicians" (Transparency International, 2008, par.25). It is a "composite index" that uses the scale of 0 to 10. Corruption is very high in the Philippines as evidenced by its low CPI

(Transparency International, 2008). For the last ten years since 2000, Philippines has been receiving CPI lower than 3, which clearly shows a grim reality of the general perception of corruption in the country.

Year	No. of Countries Surveyed	The Philippines		Korea	
		Rank	Score	Rank	Score
1997	52	40	3.05	34	4.29
1998	85	55	3.3	43	4.2
1999	99	54	3.6	50	3.8
2000	90	69	2.8	48	4
2001	91	65	2.9	42	4.2
2002	102	77	2.6	40	4.5
2003	133	92	2.5	50	4.3
2004	148	102	2.6	47	4.5
2005	158	117	2.5	40	5
2006	163	121	2.5	42	5.1
2007	180	131	2.5	43	5.1
2008	180	141	2.3	40	5.6
2009	180	139	2.4	39	5.5

Table 1. *CPIs of Korea and the Philippines for the last 13 years.* (Transparency International. Surveys and Indices, n.d.)

This finding supports the World Bank report on its yearly Control of Corruption Index (CoCI hereafter) survey whereby, the Philippines, from 76th percentile in 2006 to 57th percentile in 2007, recorded a failing score of 47th percentile in 2008. Hence, out of the 206 countries that were surveyed, the country was ranked 47th on control of corruption. CoCI is the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as “capture” of the state by elites and private interests” (Governance Matters, 2009, par. 8). The higher the percentile rank, the better control of corruption is in the country. While the Philippines had been given a passing rate until last year, it was recently concluded that the country’s control over corruption has been very insubstantial (Herrling, 2008). Meanwhile,

compared to the Philippines, Korea's CCI scores had been consistently encouraging for the last ten years, never falling below 50th percentile (Kaufmann, et. al, 2009).

Similar off-putting results were published in November 2008 by The Asian Foundation (TAF) and the Social Weather Station (SWS) in its Annual Enterprise Survey on Corruption as follows (Johnson, 2008, par. 5):

- “71% of the businesses were asked last year (1997) for a bribe for a government transaction;
- 20% of a contract is allotted as a bribe for public sector contracts in Metro Manila;
- The perception of government agencies' sincerity in fighting or preventing public sector corruption has stagnated or worsened” [most are anti-corruption agencies].

Meanwhile, according to the Political and Economic Risk Consultancy Ltd. for the year 2009, the situation has improved for the country from being the previous year's rock bottom. It scored 7 in a grading scale of 0 to 10, with ten being the most corrupt Asian country (Perth Now Singapore Correspondents, 2009). But given new allegations of corruption against the incumbent President Gloria Macapagal-Arroyo, it could be expected that the country's ranking this year will not improve, if not reach a new low.

Amidst such daunting reports, the OMB, the Philippines' top graft-buster, is always at the receiving end of heavy criticisms coming from different sectors of society. The OMB is the legally mandated institution in charge of preventing, investigating, and prosecuting graft and corruption cases against public elective and appointed officials.

Over the years, Korea's level of corruption has been significantly lower than that of the Philippines. In light of this, the researcher wants to know what has been the role of the Anti-Corruption and Civil Rights Commission (ACRC hereafter), particularly, the anti-corruption initiatives that it employs, in fighting corruption in Korea. What can the Philippines' OMB learn from the ACRC's fight against graft and corruption in Korea? How can the ACRC anti-corruption strategies and methodologies be applied by the OMB in its similar crusade? Specifically, the researcher seeks to find Korea's best practices in combating corruption that can be adopted in the Philippines to better address the problem.

To achieve the purpose and objectives of this study, the researcher conducted a comparative analysis between the experiences of Korea's ACRC and the Philippines' OMB in curbing corrupt activities of government employees in their respective countries.

The Philippines and Korea bear several similarities that led researcher to conclude that comparative study of both countries is not a far-fetched idea. For one, both countries had suffered similar economic difficulties during the 50's and 60's. Another similarity revolves around the fact that Korea and the Philippines were both ruled by colonial powers prior to World War II, the latter by the Spanish while the former by the Imperial Japan. Thereafter, the United States of America (US hereafter) played an important role in both countries in the cold war times (You, 2005). Both had undergone dictatorship and also been struggling to achieve full democracy since 1980s (Kim, 2003).

II. Objectives of the Study

General Objective:

The general objective of this study is to analyze the anti-corruption mechanisms, strategies, policies, and methodologies of the ACRC, Korea's top graft-buster, in order to determine the best practices that can be applied by the OMB in combating corruption in the Philippines.

Specific Objectives:

The specific objectives of the study are the following:

- To provide an overview of the recent trends of corruption in Korea and the Philippines;
- To examine the role of Korea's ACRC and the Philippines' OMB;
- To determine, analyze, and compare the anti-corruption mechanisms, strategies, policies, and methodologies of the ACRC and OMB; and
- To make recommendations by which the best practices of ACRC can be applied by the OMB in combating graft and corruption in the Philippines.

III. Purpose of the Study

It is the firm belief of the researcher that the Philippines, a corruption-stricken country, has much to learn from Korea in the area of fighting graft and corruption. Central to the main purpose of this study is to set forth areas of improvement by which the OMB can carry out its anti-corruption initiatives in light of the ACRC's best practices in combating the problem.

IV. Significance of the Study

The importance of the study rests upon the much-needed reforms on how the problem of graft and corruption is being confronted in the Philippines. Much of the problem as a result of the increasing number of government officials and employees wantonly committing the act in the face of the seemingly weak anti-graft and corruption strategies initiated by the country's graft buster. Hence, this study could not come at a better time. The researcher hopes to throw light on the strengths of Korea's anti-corruption efforts and recommend ways on how these best practices can be applied by the OMB. Results of the study will also provide significant insights to policy-makers who aspire to strengthen the anti-graft and corruption strategies and mechanisms of the institution.

V. Scope and Limitations

While the fight against corruption is universal among nations, the researcher only focused on the cases of the Philippines and Korea. The researcher chose to limit the study involving the top graft busters in both countries namely, the ACRC of Korea and the OMB of the Philippines, in order to better gain understanding of the similarities and differences in the manner by which they handle and fight the problem of corruption.

CHAPTER II REVIEW OF THE LITERATURE

This chapter surveys previous works on corruption. Firstly, the researcher provides different definitions of corruption according to various international organizations. In the same sub-section, the researcher identifies the various kinds of corrupt behavior punishable by law in both Korea and the Philippines. In the subsequent sub-sections the researcher enumerates the causes of corruption in both countries as determined by previous scholars. These sections also include several accounts of previous incidences of corruption in Korea and the Philippines. Finally, the researcher reviews studies done on the anti-corruption strategies on various Soviet states and other Asian countries considered highly vulnerable to corruption.

Corruption Defined

Since there is no universal definition of corruption, different organizations, policy-makers, and intellectuals have come up with various ways of defining the problem. According to the widely quoted 1997 Source Book of Transparency International (TI hereafter), corruption is a “behavior on the part of officials in the public sector, whether politicians or civil servants, in which they improperly and unlawfully enrich themselves, or those close to them, by the misuse of public power entrusted to them” (p.1). Meanwhile, Buckland of the Center for Applied Studies in International Negotiation (2007) simply defined corruption as “the misuse of public office or entrusted power for private gain” (p.5). This definition provides a wide spectrum of behavior that is considered corrupt. In an effort to offer a more specific definition of corruption, Nye (as cited in Heidenheimer & Johnston, 2002, p.661) postulated that corruption is “a behavior

which deviates from the normal duties of a public role because of private- regarding (family, close private clique), pecuniary or status gain, or violates rules against the exercise of private – regarding influence.” Corrupt behavior under this definition includes bribery, nepotism, and misappropriation of public resources. The lack of an all encompassing definition of corruption merely illustrates its complicated nature and different forms. Hence, too often no universal definition is adopted by the government institutions mandated with fighting corruption as in the cases of Korea and the Philippines.

As stipulated in Korea’s “Anti-Corruption Act” (n.d., p.3), which was enacted by Act No.6494 on Jul. 24, 2001:

“3. The term “act of corruption” means the act falling under any of the followings:

(a) The act of any public official's seeking gains for himself/herself or for any third party by abusing his/her position or authority or violating Acts and subordinate statutes in connection with his/her duties; and

(b) The act of causing damages to the property of any public agency in violation of Acts and subordinate statutes, in the process of executing the budget of the relevant public agency, acquiring, managing, or disposing of the property of the relevant public agency, or entering into and executing a contract to which the relevant public agency is a party.”

Unlike that of Korea, the Philippine Republic Act 3019 or most popularly known as the Anti-Graft and Corrupt Practices Act has a more precise and comprehensive listing of the different forms of graft and corruption as follows:

“**Section 3. *Corrupt practices of public officers.*** In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

(a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or

allowing himself to be persuaded, induced, or influenced to commit such violation or offense.

(b) Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself or for any other person, in connection with any contract or transaction between the Government and any other part, wherein the public officer in his official capacity has to intervene under the law.

(c) Directly or indirectly requesting or receiving any gift, present or other pecuniary or material benefit, for himself or for another, from any person for whom the public officer, in any manner or capacity, has secured or obtained, or will secure or obtain, any Government permit or license, in consideration for the help given or to be given, without prejudice to Section thirteen of this Act.

(d) Accepting or having any member of his family accept employment in a private enterprise which has pending official business with him during the pendency thereof or within one year after its termination.

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

(f) Neglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party.

(g) Entering, on behalf of the Government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby.

(h) Director or indirectly having financing or pecuniary interest in any business, contract or transaction in connection with which he intervenes or takes part in his official capacity, or in which he is prohibited by the Constitution or by any law from having any interest.

(i) Directly or indirectly becoming interested, for personal gain, or having a material interest in any transaction or act requiring the approval of a board, panel or group of which he is a member, and which exercises discretion in such approval, even if he votes against the same or does not participate in the action of the board, committee, panel or group.

Interest for personal gain shall be presumed against those public officers responsible for the approval of manifestly unlawful, inequitable, or irregular transaction or acts by the board, panel or group to which they belong.

(j) Knowingly approving or granting any license, permit, privilege or benefit in favor of any person not qualified for or not legally entitled to such license, permit, privilege or advantage, or of a mere representative or dummy of one who is not so qualified or entitled.

(k) Divulging valuable information of a confidential character, acquired by his office or by him on account of his official position to unauthorized persons, or releasing such information in advance of its authorized release date.

The person giving the gift, present, share, percentage or benefit referred to in subparagraphs (b) and (c); or offering or giving to the public officer the employment mentioned in subparagraph (d); or urging the divulging or untimely release of the confidential information referred to in subparagraph (k) of this section shall, together with the offending public officer, be punished under Section nine of this Act and shall be permanently or temporarily disqualified in the discretion of the Court, from transacting business in any form with the Government.”

As a complement to such law, the Republic Act 6713 or most commonly known as the Code of Conduct of Public Officials and Employees was also enacted in 1989. Based on the Philippine Center on Transnational Crimes (as cited by Obejas, n.d., p.98), the most common forms of corruption in the country include “tax invasion, ghost projects and payrolls, evasion of public bidding in public contracts, sub-contracting, nepotism and favoritism, extortion or giving of protection money (tong, in Pilipino), and bribery (lagay, in Pilipino).” Based on the laws provided herein, it is noteworthy that more diverse kinds of corruption behavior are recognized in the Philippines as compared in Korea.

Causes of Corruption and Its Prevalence: The Korean Case

A unique feature of corruption in Korea is that it has been recognized as one of the major factors that facilitated its economic boom in the past forty years in the form of money politics (Kang, 2002a). Roughly, corruption characterized the administration of Park Chung-hee, which

lasted from 1961 until 1979. He had worked with extensive interaction between the private actors who largely influenced his decision-making. During his administration, money politics had been overwhelming. As Kang (2002b) summarized it, “the basic process was simple: politicians used these political funds to buy votes and to serve basic greed (p.179).” With this scheme, the country was able to move forward and became one of the strongest economies in Asia until the financial crisis of 1997. Korea had recorded a miraculous average yearly GDP rate of 8 percent for the last forty years, from 1962 to 1996 (Sakong as cited in Bhargava & Bolongaita, 2004). However, the financial crisis of the late 90’s badly hit the country and highlighted the weakness of such greed-based scheme.

In his work, Johnston (2008) attempted to differentiate corruption in four Asian countries: Japan, the Philippines, Korea, and China. He contended that there are four syndromes of corruption namely; the influence markets (Japan), the elite cartels (Korea), the oligarchs and clans (Philippines) and official moguls (China). Using this category, he concluded that Korea has an elite cartel kind of corruption whereby, the networks involving “presidents, their families, and their personal entourages; heads of the chaebols (huge family-controlled conglomerates); bureaucratic elites, and military leaders...were bound together in part by corrupt incentives, but also by regional and family loyalties, the threat from the North, and the wish to stave off political and economic competition (Johnston, 2008, p.213).” This arrangement had worked to pull the country up to economic domination in East Asia, until 1997 financial crisis thereby, showing the natural flaws and vulnerability of Korean government to corruption.

The early part of 1997 saw the bankruptcy of one of the Korea's largest chaebol involved in steel manufacturing, the Hanbo Corporation (Kleiner, 2001). A series of investigations that followed uncovered the involvement of Kim Hyun Chul, the son of then President Kim Young Sam, in a bribery scheme that involved many politicians and executives from Hanbo. In spite of his denials, Hyun Chul Kim was prosecuted over bribery allegations and sentenced to be imprisoned for three years (reduced to two years in 1997) in addition to a large fine. With such landmark case, the seemingly sound and developed Korean economy suddenly found itself alongside the Philippines in terms of corruption level (Kang, 2002a).

Former President Kim Young Sam might still be considered lucky compared to the fates of his two predecessors, ex-Presidents Chun Doo-hwan (Johnston, 2005) and Roh Tae-woo (Morriss, 1997), who were both charged for corruption, the former was sentenced to death while the latter was given 22 years time in prison but was cut short to 17 (Marshall Cavendish Corporation, 2008). Both, however, would be later on pardoned by President Kim Young-Sam. Over a decade later, then President Roh Moo-hyun would find himself facing the same fate over series of corruption allegations against him and his immediate family. Accusations revolved around ex-President Roh's brother for taking bribes from wealthy businessmen in exchange of political favors. By the end of the first quarter of 2009, Roh's wife and their son, Geon-ho had been formally questioned for their alleged involvement in several bribery instances that took place at Blue House during Roh's reign (English Chosun, 2009). On April 30, the ex-President, who had been hailed for his democratic ideals, faced prosecutors and was deeply ashamed of the suspicions against him and his family (The Hankyoreh, 2009). Less than a month later, Roh

stunned the world including his political critics, for committing suicide putting a tragic end to his legacy to his nation (The Korea Times, 2009).

According to Jong (as cited in Johnston, 2005), corruption in Korea is not all about money in politics as there are considerable cases of bureaucratic corruption and bribery as consequences of too many unnecessary rules for the business sector to follow. Hence, political corruption had been widespread as politicians sought the monetary support of business tycoons in their campaign. After winning, they, in return, had to “repay” the favor by providing “business opportunities” to these supporters (Bhargava and Bolongaita, 2004, p.146). This way, corruption had actually, as Chang (n.d.) theorized, become an indispensable component of the Korean economic system by facilitating the flows of monetary capital from the private sectors to the government. Hence, this corrupt system had been functional for Korea while the opposite had been true for the Philippines (Kang, 2002a).

In a collaborative work, Bhargava and Bolongaita (2004) cited that, corruption in Korea is “a result of dilapidated systems with insufficient risks and abundant gains for corruption, opaque administrative process, socio-cultural customs, and unclear ethical administration (p.148).” Looking at it using this perspective, Korea, then is not at all different from the Philippines, particularly in terms of having socio-cultural values that seem tolerant to corrupt behavior.

Causes of Corruption and Its Prevalence: The Philippine Case

Meanwhile, in a developing country like the Philippines, corruption occurs due to a variety of reasons including (Obejas, n.d., pp.6-7):

- “1. The quest for individual survival, brought about by poverty, lack of basic needs, low salaries, etc.;
2. Wide disparity between the rich and the poor;
3. The Filipino cultural values of personalism, familism, pakikisama (getting along), utang-na-loob (debt of gratitude) and damayan (sympathy) for another’s misery or problem;
4. Greed or the insatiable desire to amass more wealth, assets or property;
5. Comfort. As corruption provides easy money, the corrupted enjoy the easy life;
6. Convenience and expediency. These causes are particularly applicable to the corruptor who usually desires to facilitate the approval, grant and/or release of request or proposal and avoid the rigors of red tape in the bureaucracy.”

It is worth mentioning that poverty seems to be the prevalent reason for corruption in the country. It is also interesting to note that, as previously discussed, the Philippines is similar to Korea in terms of the socio-cultural values that breed such evil.

Other scholars, however, stress the lack of the rule of law in the country as the main contributing factor to the problem. Beschel (1999) concluded that there is inconsistency in the sanctioning of graft offenders in the country whereby, “the rich, the powerful, and the politically well-connected” (p.8) could easily get away with their corrupt acts. The ideal example of which is illustrated in the most celebrated corruption case against the country’s ex-President Joseph Estrada who was found guilty of plunder and sentenced to life imprisonment in 2008. Thus, within the same year, the country saw its triumph and downfall against corruption. While it had successfully held a high-ranking official accountable for corruption however, his pardon had,

unsurprisingly, given encouragement to even the most low-ranking government officials and employees to commit or continuously execute their corruptive behaviors.

Such inconsistency in applying laws and the fact that there exists low detection rate significantly explains why corruption thrives in the country. Compared to Hong Kong, Beschel (1999) suggested that offenders had a greater chance, about 35 times, to be found out in Hong Kong than in the Philippines. Meanwhile, Quah (2003) concluded that Philippines ranks with Thailand in terms of low detection of corruptive activities among civil servants. In both countries, corruption is considered “a low risk and high reward activity” (p.243). For the Philippines, Senior Minister Lee Kuan Yew (as cited by Quah, 2003) blames it to the “soft, forgiving culture” of Filipinos that until now, Marcos and his allies had never been punished for corruption. Perhaps, part of this culture is the tendency of the Filipinos to easily forget the abuses they received from public officials and affinity to focus on their good deed, if one could call it that.

In his book, Johnston (2005) accounted for the main role of the few powerful elite in the politics of Korea and the Philippines, particularly during the Marcos administration. If, on the one hand, Korea has the towering business people who, with their money, exert their influence on the decisions of the politicians, the Philippines, on the other hand, has the so-called “oligarchs and clans” robbing the country blind since Marcos’ era. To date, the general image of the country is that of corruption and nepotism (Kimura, 2003) and was best described by (Riedinger, 1995, Sidel, 1997, 2000, and Moran, 1999 as cited in Johnston, 2005, p.137) as follows:

“over 84 million people live on the more than 7,000 islands of the Philippine archipelago, but politics and the economy are dominated by only about eighty families.”

In the Philippines, these oligarchs “have engaged in pervasive corruption, inhibiting the growth of democratic forces while enriching themselves in both the public and private sectors” (Johnston, 2008, p. 214). Hence, to understand the context of corruption in the country requires an overview of the role of oligarchs in its political system.

Similar to Korea, the Philippines has its own tale of bringing the highest-ranking public official, the President, to trial over allegations of massive corruption. It was the story of the so-called “darling of the mass” ex-President Estrada, who was voted into presidency with a landslide victory in 1998. He was an actor-turned-politician with a lot of help from his 1961 movie portrayal of “Asiong Salonga” (CNN, 2001) who was considered as the Filipino version of Robin Hood. He was seen as the hero of the poor, much of the reason is attributed to the different way he climbed into power. Under this banner, his party emerged triumphant during the 1998 election, but his term was cut short by a peaceful people revolution two years later. The so-called Second People Power that brought his fall occurred shortly after he was accused by an influential governor, his former bosom-friend, of receiving bribes from jueteng (lottery) lords (Bernardo, 2008). In 2001, Estrada was ousted, charged with several counts of corruption acts involving millions of jueteng kickbacks, and brought under house arrest. Six years thereafter, Filipinos would witness his conviction and sentencing to serve prison for life with most of his assets seized by the government. However, victory for his prosecutors was short-lived with incumbent President Arroyo lifting the sentence by giving him the quickest unconditional pardon in Philippine history (Duka, 2008).

Curbing Corruption

The multi-faceted nature of corruption also implies that it can be addressed in many different ways. Over the years, there had been constant calls to action from various local and international anti-corruption groups to curb corruption at all levels of government. In fact, the creation of many international anti-corruption institutions, anti-corruption efforts from many international pro-development organizations (World Bank 1997, UNDP, 1997 as cited in Landette, 2002), and the conduct of surveys among corrupt-prone states by groups such as Transparency International are all strong indications of such intense concern to fight corruption.

Under the overarching umbrella of anti-corruption strategy, countries make efforts to address the very root of the problem. One popular recommendation under this program is to make corruption “a high-risk and low-reward activity” (Lanseth, Stapenhhurst, and Pope, 2006 as cited in Landette, 2002, p.10).

The OECD (2008, p21) defined anti-corruption strategy as:

“a policy document which analyses problems, sets objectives, identifies main areas of action (e.g. prevention and repression of corruption and public education) and establishes an implementation mechanism.”

Without an action plan, the anti-corruption strategy has no teeth to curb the problem of corruption. It is said that anti-corruption strategies are public declarations of the government commitment and indication of its “political will and policy direction” (OECD, 2008, p. 19). A survey by the OECD (2008) reviewed eight former Soviet countries that are covered by its

Istanbul Anti-Corruption Action Plan. The eight states included Armenia, Azerbaijan, Georgia, Kazakhstan, Russian, Tajikistan, and Ukraine. The study revealed that a “special public policy against corruption” (p.9) is necessary to effectively send the message of strong political will to stamp out corruption among highly-corruption prone countries. It is also recommended in the study that “research and surveys about the extent and patterns of corruption” be conducted in order to determine the real causes of the problem. It is also urged that a more active participation of NGOs be encouraged in order for anti-corruption strategies to produce concrete results. Intensive “awareness-raising efforts” and establishment of “institutional support for anti-corruption reforms” (p.10) are also highly recommended in order to make any significant difference in the area of fighting corruption. Improvements in the area of criminalization of corruption must also be done. These should be done in countries where: there exist parallel systems of administrative and criminal liability for corruption-related offenses; there is no established laws against offering, promising, requesting and soliciting bribes as separate offenses; there is broad immunities for public officials and lack of precise procedures to lift them; and weak implementation of extradition and mutual legal assistance (MLA) legislation.

Meanwhile, studies on the different anti-corruptions strategies in various Asian countries including Korea and the Philippines had been done before by scholars like Bhargava and Bolongaita (2004). These studies broadly surveyed four Asian countries namely: the Philippines, South Korea, Thailand, and Indonesia. While they already offered important lessons in challenging corruption in Asia in light of the cases including the subjects of the present study, the researcher felt the need to update such insights and information. Moreover, the present study is an attempt to focus on the specific cases of the main anti-corruption arms of Korea and the

Philippines. The emphasis is on the lessons that will be drawn upon the similarities and differences between the two agencies.

CHAPTER III METHODOLOGY

This chapter includes discussions on the research designs, methods, and instruments used to achieve the purpose of the study. It also provides a brief explanation of the rationale behind the researcher's choices herein. Meanwhile, the succeeding two sub-sections cover the kind of information used in the study and their sources. This part also offers a succinct description of the selected research subjects.

I. RESEARCH DESIGN

The research is qualitative which provides an in-depth knowledge involving the subjects under consideration. Taking into account the purposes of the study, the researcher decided to utilize qualitative data for it has the advantage of revealing rich information. As described by Amaratunga, et. al. (2002), "such data provide rich descriptions that are vivid, nested in a real life context, and have a ring of truth (pp.21-22)." The researcher's intent is not to put emphasis on breadth but rather on the depth of the data that were gathered. Thus, this study does not aim to capture broad issues on anti-corruption strategies but it does include an intensive discussion on how OMB can modify each of the anti-corruption strategies that ACRC implements. Additionally, the researcher is concerned with data that cannot be captured efficiently by any quantitative methods. Thus, qualitative methods are more appropriate and useful in conducting the study considering that the researcher's purpose is to find patterns, similarities, differences of the two organizations under study.

The study is also a descriptive one whereby, the emphasis is on providing narratives on the crusade against corruption by ACRC of Korea and the OMB of the Philippines. It also contains analytic elements by virtue of the researcher efforts to evaluate how the two organizations as anti-corruption agencies differ from each other.

II. RESEARCH METHODS

For the purpose of the study, the research conducted a *comparative analysis* by examining *case studies* of the policies, strategies and methodologies of ACRC and the OMB in addressing the issue of graft and corruption. An analysis of the similarities and differences of these agencies as their countries' top graft busters was also included.

The researcher had made full use of Internet websites in finding literature and other information about the corruption in Korea and the Philippines and on the histories, organizational structures, anti-corruption strategies and accomplishments of ACRC and the OMB.

III. RESEARCH INSTRUMENTS

The researcher compared the ACRC and the OMB on the basis of their roles, anti-corruptions mechanisms, strategies, policies, and methodologies. This study followed closely the instruments used by Landette (2008) whereby, “the comparison includes a discussion of the background leading to the creation of these agencies, a matrix of their characteristics; internal structure, legal framework, scope of action and other key organizational arrangements”(pp.7-8).

Conclusions and recommendations were based on the main components of all these factors that had been useful for the two organizations in their struggle to achieve the purpose for which they had been created. Interviews were also conducted with the key personnel from ACRC and the OMB to further enlighten the researcher on the key areas of concerns.

IV. SOURCES OF INFORMATION

The researcher relied on the *primary sources of information* such as available documents from the ACRC's and the OMB online resources (websites). Personal interviews of the key personnel from both organizations were conducted only when there are information not readily found in the Internet and other printed data. *Secondary resources* were also utilized in the forms of the previous scholarly works by other policy-makers, academicians, and scholars conducted about the subject.

V. RESEARCH SUBJECTS

As mentioned in the preceding chapter, the study highlighted the role and experiences of the ACRC of Korea and the OMB of the Philippines in fighting corruption. As an anti-graft investigator, the researcher deemed it necessary to learn important lessons from the Korean experience in the area of combating corruption. These lessons she hoped to share with her mother agency.

CHAPTER IV FINDINGS AND DISCUSSION

This chapter provides an overview of the top anti-corruption agencies in Korea and the Philippines, the ACRC and the OMB, respectively. The following discussion includes their brief histories, mandates, organizational structures and general idea of their anti-corruption strategies.

Fighting Corruption: The Korean Experience

As a response to the need for a more harmonized effort to address the problem of corruption in Korea, the ACRC was established in February 1998 (Asian Ombudsman Association, n.d.[a]). It is the result of the integration of Korea's three long-standing anti-corruption agencies namely; Ombudsman of Korea, the Korea Independent Commission against Corruption (KICAC), and the Administrative Appeals Commission (AAC). Thus, tracing the roots of Anti-corruption and Civil Rights Commission of Korea (ACRC) requires an overview of these three organizations.

Ombudsman of Korea

In 1994, the Ombudsman of Korea was created with the aim of protecting the rights and interests of Korean people. The agency handled complaints and reports from those citizens whose civil rights had been violated. It was independent and neutral by virtue of the Framework Act on Administrative Regulation and Civil Petitions (Anti-Corruption and Civil Rights Commission, 2008).

It grew as an agency fully committed to investigation of civil rights violation reports. To further strengthen its institutional capability, a centralized complaint counseling center was also established. Eventually, the Ombudsman of Korea was legally abolished by the Act of Anti-Corruption with the creation of the ACRC on February 29, 2008 (Anti-Corruption and Civil Rights Commission, 2008).

Korea Independent Commission against Corruption (KICAC)

Following the ratification of the Anti-corruption Act and Money Laundering Prevention Act in 2001, the KICAC was launched pursuant to the Anti-corruption Act in January 25, 2002 (Korea Independent Commission Against Corruption, n.d.). KICAC had performed several anti-corruption functions involving coordination of national anti-corruption initiatives, improvement of legal and institutional frameworks, handling of corruption reports, protection of whistleblowers (as well as giving them rewards), increasing public awareness about corruption issues, cooperation with civil society, and participation in the global fight against corruption.

Administrative Appeals Commission

Originally, the Administrative Appeals Commission (AAC) was part of the Ministry of Legislation, which was created along with the founding of the Government of Korean Republic in 1948. The Ministry is tasked with the formulation of rules and regulations governing the administrative legislation of the Korean government. It oversaw the operations of the

Administrative Appeals Commission which was then and still is under the supervision of the Office of the Prime Minister (Ministry of Legislation, n.d.).

In 2008, the Administrative Appeals Commission became part of the ACRC. The commission still maintains its primary functions as the agency that is responsible for helping people gain back their rights that were violated in the process of managing the administrative complaints (Anti-Corruption and Civil Rights Commission, n.d.[a]).

ACRC and its Inception

ACRC is an upshot of the determined effort of the Korean government to create an independent and more efficient anti-corruption organization. The integration of the three pre-existing anti-corruption agencies namely; Ombudsman of Korea, KICAC, and AAC, is depicted below:

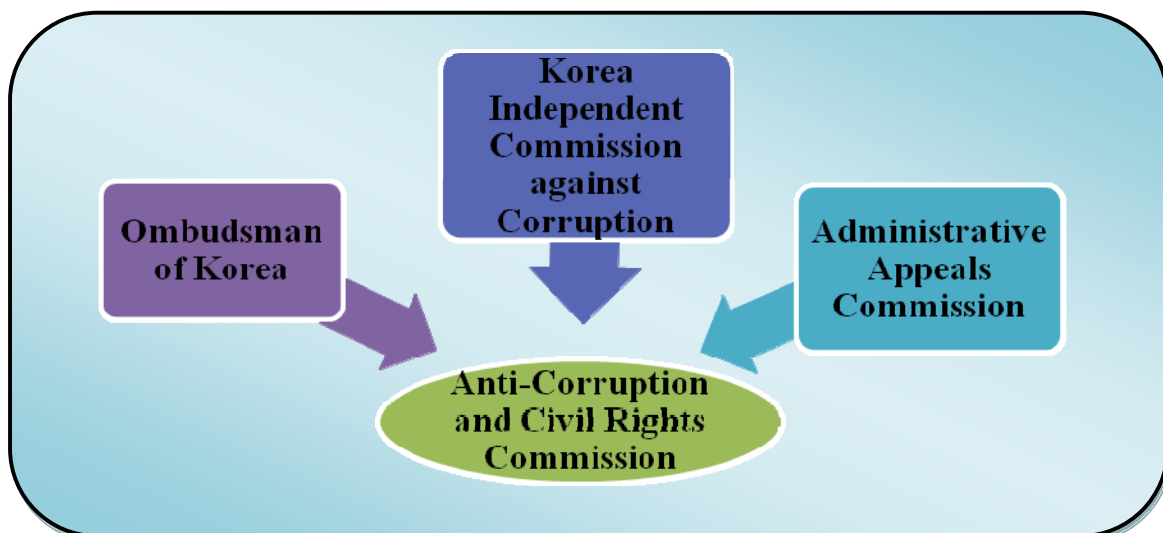


Figure 1. *The Integration of Ombudsman of Korea, KICAC and AAC into one independent agency, the ACRC.*

In a nutshell, the functions of the ACRC can be classified into two: to combat corruption problems and to guard civil rights. The integration of these three agencies did no harm in their original objectives. The Ombudsman of Korea continues to exist as the primary protector of people's rights, while the KICAC retains its main purpose to promote anti-corruption policies. In a similar vein, AAC remains as the main litigator in any disputes involving administrative matters. Hence, combining the three agencies resulted in a one-stop service to the public. Before, the separation of powers often got people confused, so with the creation of ACRC the public can make convenient use of the services that the three agencies provide (Asian Ombudsman Association, n.d.[a]).

More concretely, there are three functions that the agency performs as follows:

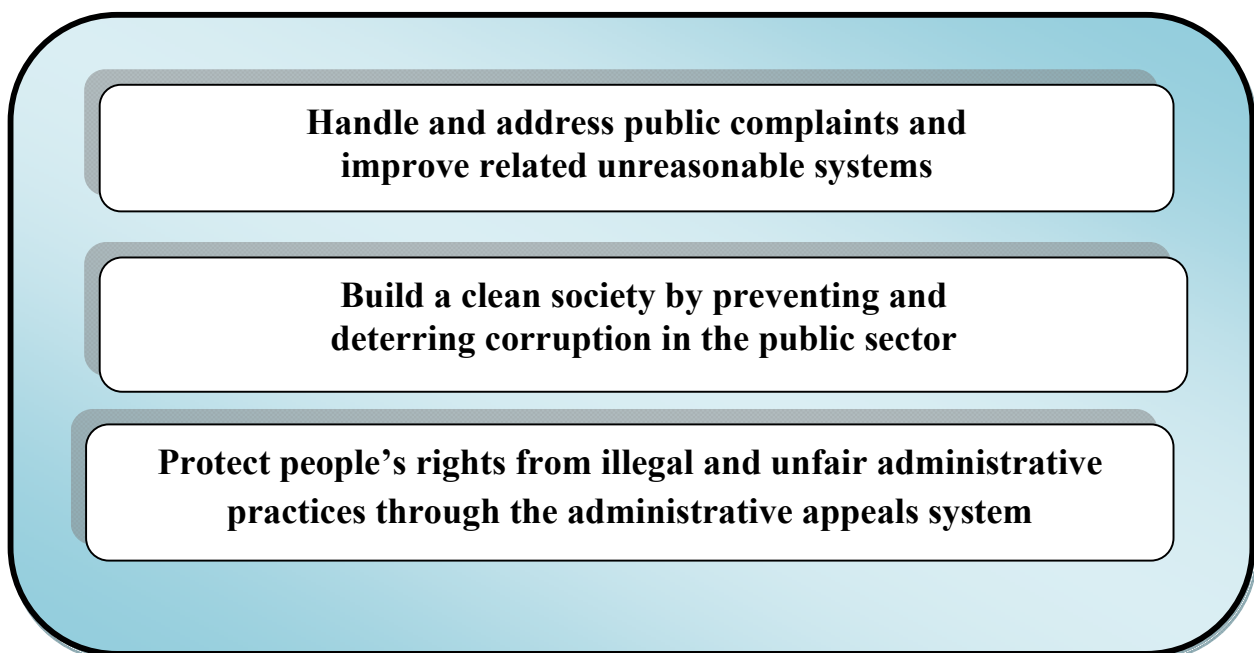


Figure 2. *Three main functions of ACRC (ACRC n.d., p.6.).*

The ACRC has 15 commissioners composed of 1 chairman, 3 vice-chairmen (vice-minister-level), 8 non-standing commissioners, and 3 standing commissioners. All 15 commissioners work independently and their status is protected by the law (See Annex A).

ACRC and its Anti-Corruption Activities

In its Anti-Corruption Annual Report for the year 2008, the Anti-Corruption and Civil Rights Commission (2009) outlined ten major anti-corruption activities (p.9) as follows:

1. Establishing and coordinating national anti-corruption policies
2. Conducting customized integrity consulting
3. Measuring corruption and assessing anti-corruption initiatives
4. Corruption impact assessment
5. Promoting improvement of anti-corruption systems
6. Operating corruption reporting system
7. Protecting and rewarding whistleblowers
8. Enforcing the code of conduct for public organization employees
9. Integrity education, PR and international cooperation
10. Comprehensive management of anti-corruption information

ACRC and Its Accomplishments

Since the ACRC does not have the prosecution power, conviction rate or the ratio of conviction given cases prosecuted is not applicable to gauge its success. Instead, it has the immediate outcome of its various assessment indices that can readily be converted to monetary value (Korean Won or KRW). For instance, as a result of its Corruption Impact Assessment of administrative rules (Anti-Corruption and Civil Rights Commission Korea, 2009, p.25) it was able to isolate approximately 396 areas in need of revisions from the Ministry of Land, Transport and Maritime Affairs (94), Ministry of Knowledge Economy (129), Ministry of National

Defense (80), and Financial Services Commission and the Ministry of Education, Science and Technology (with a combined number of 93). The improvement covering only 33 cases generated 2.74 trillion KRW. As regard its Operating Corruption Reporting System, the commission was able to recover a total amount of 74.3 billion KRW.

Moreover, it had been proven also to be efficient in detecting corruption as shown below: (Anti-Corruption and Civil Rights Commission, 2009, p.33).

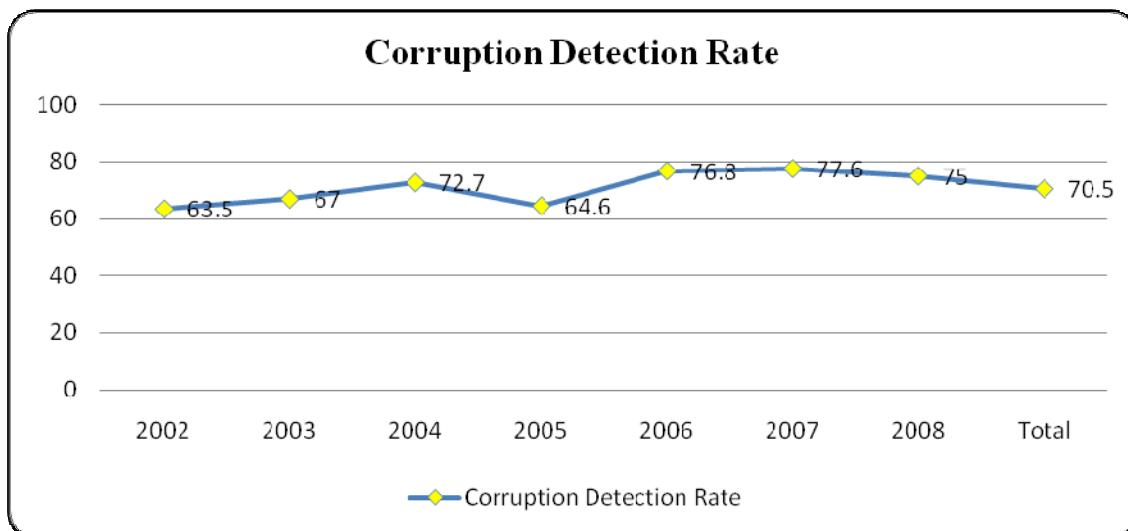


Figure 3. *Corruption Detection Rate of ACRC* (See Annex B).

As shown above, the corruption detection rate of the commission did not falter to below 60%, which indicates that the system is very useful in uncovering cases of corruption.

On the one hand, the succeeding graph revealed the amounts of money that were recovered by the commission via the reporting system (Anti-Corruption and Civil Rights Commission, 2009, p.33).

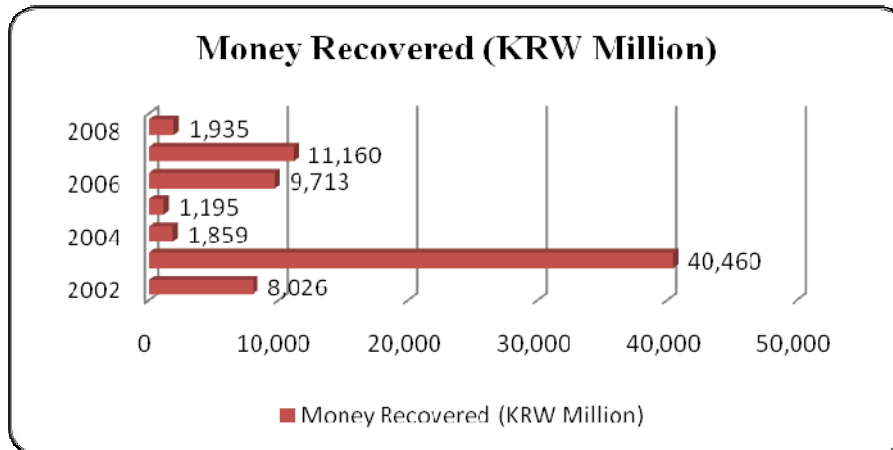


Figure 4. Money Recovered by ACRC (See Annex C).

Meanwhile, one recent study reveals that the overall anti-corruption effectiveness indicator (AEI)¹ shows a fluctuating trend for the past six years which calls for more established and integrated efforts to curb corruption in Korea (Choi, 2009). Nonetheless, similar study also notes that the commission, particularly KICAC, has “fairly good” detection rates however; the inferior prosecution rate undermines the success of the strategies against corruption.

Fighting Corruption: The Philippine Experience

The Office of the Ombudsman: An Overview

The legal framework of the creation of the Office of the Ombudsman is embedded in the 1987 Philippine Constitution and Republic Act No. 6770, also recognized as the Ombudsman Act of 1989 (Office of the Ombudsman, 2004). The Office is created independent and is given specific powers, functions and duties. As mandated by law, the OMB can act on any reports in

¹ According to the economics of enforcement, AEI refers to the product of the probability of detection, probability of arrest given detection, probability of prosecution given arrest, probability of conviction given prosecution, and penalty which is the amount of money imposed on offenders (Choi, 2009, p. 202).

whatever form (news, formal anonymous or named complaint, etc.). It has the legal power to impose administrative, civil, and/or criminal penalties on any public officials or employees who would be found guilty of any corrupt acts. Its power goes beyond prevention of graft and corruption to investigation and prosecution of any suspected corrupt government officials.

Pursuant to the law, the OMB should act on any report with administrative nature that involves (but is not limited to) act or omission that is “(1) contrary to law or regulation, (2) unreasonable, unfair, oppressive or discriminatory, (3) consistent with the general course of an agency’s functions, though in accordance with law, (4) proceed from a mistake of law or an arbitrary ascertainment of facts, (5) in the exercise of discretionary powers but for an improper purpose, or (6) otherwise irregular, immoral or devoid of justification (Asian Ombudsman Association, n.d.[b], par.3).

Specifically, the Office has the duty to subject any government officials at the managerial level and above with a monthly earning of around Php 25,764 to Php 63,525 (roughly \$550 to \$1356). During the investigation phase on any complaint, the OMB has the power to serve a subpoena to any government offices and letter-request to non-government agencies in order to request appearances or any documents deemed necessary. In case of non-compliance from any government officials or employees, it can subject them for contempt of court (Asian Ombudsman Association, n.d.[b]).

The OMB and Its Organizational Structure

As stated in the Republic Act 6770, the Office should have an operational organizational structure (see Annex D). The appointed Ombudsman has the supervisory and managerial command of the entire Office. She/he has the power to organize the overall administrative functions and handles other associated operations as she/he sees fits. Meanwhile the Overall Deputy Ombudsman has the power to supervise and direct how the various bureaus of the Office should operate (Asian Ombudsman Association, n.d.[b]).

The OMB has a branch in each of the three big islands of the country. The OMB Luzon has jurisdiction over all cases and complaints concerning government officials working in Luzon. Recently, a regional office of OMB was opened in Laguna Province. Respectively, the OMB Visayas situated in Cebu covers all corruption cases committed by government officials based in Visayan Island. Meanwhile, OMB Mindanao is mandated to act on cases involving government officials assigned in public offices in Mindanao areas. However, a complaint can be referred to OMB Central depending on its nature. If it is a lifestyle case, the complaint will be forwarded to the Field Investigation Office (FIO hereafter).

An inherent part of the OMB is the Office of the Special Prosecutor. It serves as the prosecutorial body of the Office. Similar to the appointment of the Ombudsman and Deputies, the Special Prosecutor is directly appointed by the President. However, the Ombudsman has the power to manage and oversee the activities of the deputies and special prosecutor. The Office also has a Research and Special Studies Bureau which is mandated to conduct relevant studies on

various laws with the aim of improving them for greater efficiency of delivering government services to the public (Asian Ombudsman Association,n.d.[b]).

The OMB and Its Anti-Corruption Activities

The OMB anti-corruption activities are categorized into five wide areas such as prosecution and deterrence, prevention and public assistance, education and anti-corruption promotion, national anti-corruption program of action (NACPA) and linkages with other government agencies (Office of the Ombudsman, 2008b, par.1).

The OMB and its Accomplishments

A survey of written works on the effectiveness of the OMB in its fight against corruption reveals a wide contradiction. Based on the conviction rate, which refers to the “ratio of conviction of cases prosecuted” (Ramseyer, et. al., 2008: abstract), the efforts of the OMB are largely wanting. One media reports (Abs-cbn. Com, 2009: par. 10-11) that from 1979 to 2008, the Sandiganbayan, the high court which tries cases filed for prosecution by the Ombudsman, have recorded less than three out of each ten criminal cases against corrupt government public officials. Out of 29,531 criminal cases that the court had resolved starting 1979, merely 8,477 cases had resulted in convictions. Simply put, it had just recorded a 28.71 conviction rate since then. The breakdown of cases is shown as follows:

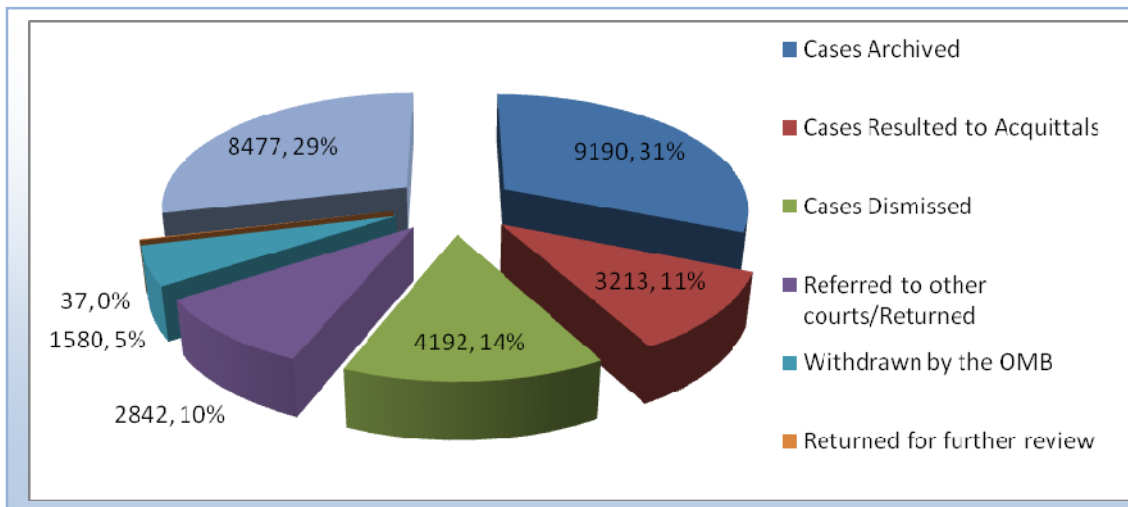


Figure 5. *Cases Resolved by OMB from 1979 to present.*

Legend: 29% - cases resulted to convictions; 31%- cases archived; 14%-cases dismissed; 11%cases resulted to acquittals; 10%-referred to other courts or returned; 5%-withdrawn by the OMB; and less than 0% - cases returned for further review (Abs-cbn. 2009. par. 13)

If the annual conviction rate is analyzed (Enriquez-Geron, n.d.), the findings would present a differing reality. In 2002, the OMB's conviction rate was 6%. In 2005, it increased to 33% to 40% in 2006. In the beginning of 2007, it recorded a conviction rate of 77%. Meanwhile, a report (Philippine Embassy Updates, 2009: par. 1) claims that this year, the OMB has recorded a conviction rate of 73.42% which is in blatant contrast to that of one media group's, 11.86% for the first half of the 2009 (Abs-cbn.com, 2009: par.2).

Similar report summarized the OMB’s accomplishments as follows:

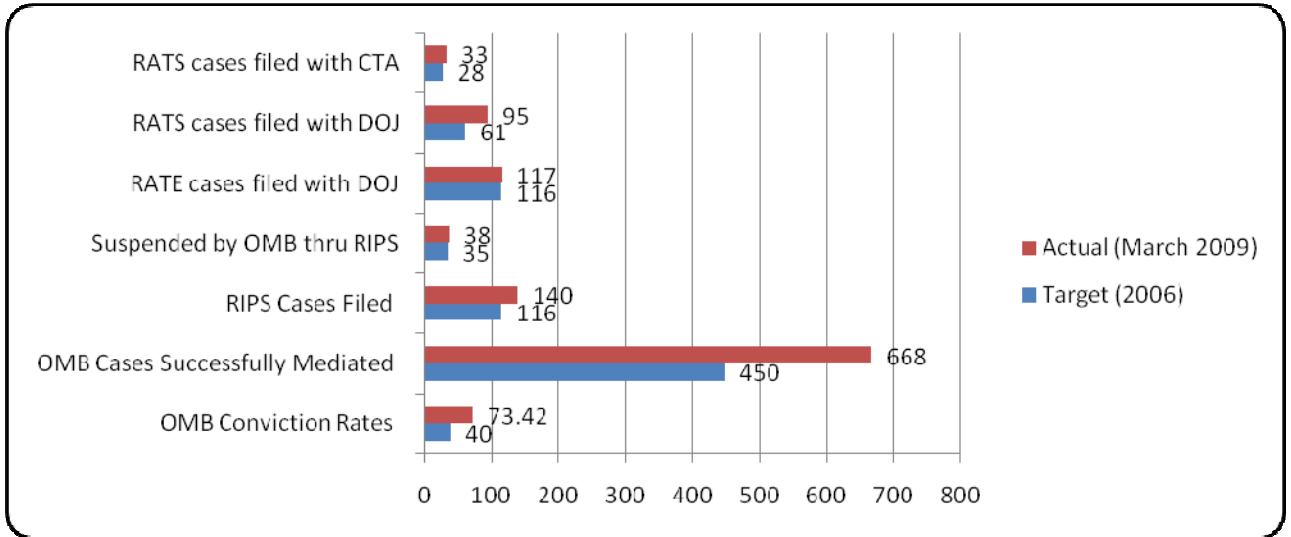


Figure 6. Accomplishment of OMB.

Legend: OMB –Ombudsman ; RIPS – Revenue Integrity Protection Service or “Lifestyle Checks”; RATE – Run After the Tax Evaders; RATS: Run After the Smugglers; DOJ – Department of Justice; CTA ‘ Court of Tax Appeals.

In an unpublished article by the Human Development Network (HDN) (2009), *Is there institutional weakness? By Transparency and Accountability Network (TAN)*, the anti-corruption mechanisms of the OMB were critically challenged. The leadership issues were also put into limelight for evaluation. It cited the results of the survey conducted by the Social Weather Stations (SWS) which highlighted the following:

Year	Net Sincerity Rating (Very Somewhat Sincere – Somewhat/Very Insincere)	Ombudsman
2000	-5	Disierto
2001	+7	
2002	Na	Marcelo
2003	+21	
2004	+28	
2005	+22	
2006	+6	Gutierrez
2007	+9	
2008	+4	

Table 2. SWS Survey Results Perception of the Sincerity of Former Ombudsmen, Disierto and Marcelo and Incumbent Ombudsman, Gutierrez.

Among the three leaders, it appears that the former Ombudsman Marcelo was the most favored. During his time, the priority was to strengthen the OMB, particularly its investigative arm. He then created the FIO which heavily pursued lifestyle cases against high-ranking military officials and bureau officials. He recruited over 100 new investigators, mostly fresh graduates from different fields such as engineering, law, social sciences, and other natural sciences, to man the FIO. Ideally, his vision was to match the capability of the Hong Kong's Independent Commission Against Corruption (ICAC). During his time, he relied heavily on former ICAC former Chairman Tony Kwok and had targeted “big fish” to create deterrence measures for those corrupt officials. His efforts resulted to a significant increase in the OMB's conviction rate from 6% to 14% (Monsod as quoted in Human Development Network, 2009).

While other programs made by Ombudsman Marcelo were retained, such as Lifestyle Checks and the conduct of various training programs for the employees under the leadership of Ombudsman Gutierrez, however, overall, the OMB's direction had been refocused. Priorities were given to activities such as Oplan Red Plate, which is a duplication of work of the Civil Service Commission (CSC), and creation of task forces on issues human trafficking and smuggling which is being also addressed by other investigative agencies. Moreover, it appears that the OMB has unclear focus in terms of its anti-corruption efforts. A lot of task forces had been created depending upon the "hotness" of the issues to the media. The conduct of social services to the marginalized sectors of the country is way out of the OMB's mandates, not to mention the fact that such activities are in the hands of agencies such as Department of Social Welfare and Development. It appears that the OMB has many things in its hands. While there is corruption in the areas of human trafficking and smuggling, it takes time to dig deeper. Meanwhile, there are corruption cases that happen in broad daylight that the OMB can focus on and will certainly provide deterrence measures against erring public officials.

CHAPTER V COMPARATIVE ANALYSIS AND RECOMMENDATIONS

This chapter is divided into two sections. On the one hand, the first section summarizes the major similarities and differences between the two anti-corruption institutions in terms of strategies in combating corruption in their respective countries. While on the other hand, the author focuses on how each of the ten anti-corruption strategies of the ACRC can be applied by the OMB.

Similarities and Differences

Apparently, there exist only few similarities between Korea's ACRC and the Philippines' OMB. Firstly, both the ACRC and the OMB are independent anti-corruption institutions with clear mandates. Secondly, both recognize the importance of having links with the relevant government agencies, private institutions, and civil society in combating corruption. Thirdly, although not central to its focus, the OMB also has a corruption diagnostic tool in the form of Integrity Development Review of corruption-prone government institutions which is similar to the customized integrity that ACRC conducts. Lastly, both recognize the need to cultivate a culture of integrity by involving the youth in their fight against corruption, from educating them to soliciting their participation to their anti-corruption campaigns.

Noteworthy, however, are the major differences between the ACRC and the OMB that are rooted from the very nature of their mandates. The ACRC does not have the prosecutorial powers that the OMB has. ACRC is more focused on enhancing the capabilities of Korean

government offices in addressing their own weaknesses by conducting diagnostic evaluations of these organizations to find areas of improvement in their rules and operations. Thus, ACRC helps the agency in two ways. On the one hand, ACRC helps in strengthening the institutional capacity of each agency to detect corrupt behaviors of its own employees. On the other hand, it helps the government agencies prevent corrupt behavior by reducing opportunities that comes with improving weak areas identified through the various assessment surveys that it conducts.

Meanwhile, the OMB's efforts can be classified as more of reactive strategies as evidenced by the creation of task forces to address corruption reports. Considering this, it can be regarded that ACRC has a clearer focus in performing its mandates particularly, in preventing and deterring corruption than the OMB as manifested by such "extraneous" activities such as the creation of task forces on human trafficking and smuggling and the conduct of various social services. Such issues, as discussed earlier, may involve relevant corruption cases however, there already exists specific agencies handling those issues such as the National Bureau of Investigation, Bureau of Customs, and Bureau of Immigration. Since the OMB also welcomes and acts on corruption reports from these agencies, there is practically no need to create special task forces on such issues. This only inevitably results to "wasted" resources and time given its limitations in terms of manpower and finances.

Moreover, the ACRC has the advantage of having installed a functional whistle blowing protection system. This can explain the strong detection rate of the commission's reporting system. Such is largely wanting in the Philippine anti-corruption system although a bill has already been proposed; it is still pending approval of the Congress.

The study also reveals that one of the major differences of the ACRC and the Ombudsman has to do with the success indicator that can be used in assessing their effectiveness. Although there were some attempts, unlike ACRC, the OMB never had been consistent in translating the benefits of its anti-corruption activities into monetary terms. OMB also lacks any index measures of its effectiveness. Hence, all too often it finds itself in a defensive stance over the poor results of any surveys assessing its performance using the general public perception. Except for the conviction rate, which calculation can be highly controversial to many, it has no other performance index measure.

What lessons can be learned from ACRC Anti-Corruption Strategies?

While there are more differences than similarities between ACRC and the OMB this does not diminish the fact that OMB still stands to benefit from the corruption detection strategies that ACRC implements. Concrete steps on how each of the ten anti-corruption strategies of ACRC can be modified in a way that can be adopted by the OMB are as follows.

1. Establishing and coordinating national anti-corruption policies

At least two major events happened last year that clearly challenged the OMB's institutional capacity and had shown its lack of public trust. Last March 2009, 31 civil society groups joined forces to file an impeachment cases against the current Ombudsman citing inaction, mishandling, and downright dismissal of clear cases of graft and corruption as its grounds (Cabacungan, Jr., G.C. and Dalangin-Fernandez, L. 2009, 2009, par. 4).

As if that was not enough, in June 2009, a predawn bomb explosion rocked the compound of the OMB's office, startling nearby residents and causing some damage to its property (Tubeza, 2009). These are just indications of how badly OMB is being perceived as the so-called "watchdog" of the country against erring public officials; that there are people who are resolve to carry their grudges to such extent. This might be due to simple ignorance or misinterpretation of the general public about the anti-corruption strategies and policies of the OMB. Hence, a forum whereby, each government agency will be kept aware of the functions and recent developments in the anti-corruption efforts of the OMB is seen useful especially if the institution would want to address the issues confronting the country's most corruption-prone agencies. Through said forum the OMB can send the message to these agencies that fighting corruption must not be a "lone-man-battle". The responsibility should be shared by them and the OMB. In conducting said forum, one of the objectives should be for the OMB to be informed of the anti-corruption strategies that these agencies carry out. Said forum must be conducted regularly by the OMB representatives and key personnel of the concerned agencies.

2. Conducting customized integrity consulting

The Integrity Development Review (IDR) is a similar mechanism to ACRC's "customized integrity consulting" that the OMB implements. Not unlike the latter, the IDR is part and parcel of the OMB's corruption prevention mechanism. OMB conducts assessment of subject government agency in terms of its vulnerability to corrupt behaviors. IDR looks into individual (leadership, code of ethics, gifts and benefits policy),

organizational (procurement management, human resource management, corruption risk management, performance management, and the like), and environment (managing interface with external environment) factors that can be sources of corruption in an agency. It also examines the agency's programs and regular performance of its duties and functions, and the internal control system, if there is any (Baliton, 2008).

However, the current mechanism has some inherent weaknesses. Although, there were 18 government agencies that had already participated, the agency admittedly lacks the evaluation and monitoring tool. Moreover, while most of the policy suggestions had already been implemented in agencies subjected to IDR, still no evaluation study is being conducted to determine whether such changes have significant impacts on the reduction of corruption in said agencies.

To better assess whether IDR is an effective tool in preventing corruption, evaluation study on the impact of the changes implemented must be conducted. Such study has to be conducted by a committee composed of representatives from the subject agencies, selected OMB personnel, and chosen members of civil society groups and academe who have the expertise to do so.

3. Measuring corruption and assessing anti-corruption initiatives

Aside from customized integrity consulting considered as an internal integrity evaluation mechanism whereby government agencies are required to look into its own

corruption vulnerabilities, ACRC also conducts a Corruption Perception Survey every year which is considered an external integrity assessment system. The survey was launched in 2002 and is invaluable in providing up-to-date information on the perception of the general public on corruption in various Korean government offices. Results of this survey are useful in guiding anti-corruption policy-making particularly in areas of “enforcement of public officials’ code of conduct” and “promotion of institutional improvement” (Anti-Corruption and Civil Rights Commission, 2009, p.18). ACRC considers that by providing media access to the survey results it is then able to heighten public consciousness regarding the issue of transparency in the government.

Such survey can also be implemented by the OMB but using a different methodology. Due to the sheer volume of people transacting business with different government agencies every day, interview survey through phone is considered costly and time consuming. As of today, the OMB-Field Investigation Office Lifestyle (LSC) and Anti-Fixer Hotline is already installed with an average of 5 and 25 complainants through phone calls and text messages respectively, every day. Using the information in its database, the OMB can conduct similar study. The study will look into the most common government agencies that are subjects of complaints from its customers. Moreover, following points can be addressed:

- *What are the most common complaints received?*
- *Which agencies received the most complaints regarding fixers?*
- *Which agencies received the most complaints regarding employees with excessive lifestyles not at all commensurate to their legitimate income?*
- *What complaints can be addressed through mediation?*

The possible survey/study will differ from the ACRC Corruption Perception Survey since it will be based on actual reports of corruption behavior/acts and not mere perception of the public. Such hotline data is a rich source of information that can be used by the OMB to come up with the most up-to-date and effective anti-corruption strategies for each subject government agency. These data can also be useful in the conduct of systemic studies on government agencies that is part of OMB's IDR program.

4. Corruption impact assessment

Pursuant to the Article 28, Review of Corruption-Causing Factors in Laws, of the “Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption and Civil Rights Commission”, the ACRC conducts a Corruption Impact Assessment starting 2008. This impact assessment has the following objectives (Anti-Corruption and Civil Rights Commission, 2009, p.22):

- (1) Preventing the occurrence of corruption by eliminating uncertain concepts, blank rules, and unrealistic criteria in laws beforehand;
- (2) Preparing an effective base to promote the eradication of corruption by analyzing and assessing the inherent cause of corruption in legal and institutional areas prone to corruption; and
- (3) Enhancing the reliability and predictability of policies through raising appropriateness of discretionary criteria in the course of legislating and executing laws and decrees and increasing transparency in the administration.

With strong determination and consistency, the OMB's IDR will ultimately achieve what ACRC's Corruption Impact Assessment was able to do by far. Reforms introduced in light of the agency's IDR's results had been limited to directing the

participating government agencies, especially, income-generating offices, to reduce the number of their processing days to setting up code of conducts. So far, no attention was ever given to reduction or even eliminating of required fees which will be proven unnecessary. Moreover, no concrete study is regularly conducted to partially, if not fully, account for the amount of government money loss to corruption. It is no wonder then that the gains from anti-corruption efforts are not available, if not totally unknown.

Historian Publius Cornelius Tacitus once said that “the more corrupt the state, the more laws” (Thinkexist.com, 2009). It also seems that its vice-versa holds true; that the more rules exist in any country or agency, the more opportunities for corruption-related activities are there. Philippine government, as a whole, is no exception. More and more government employees come up with different innovative ways to use and abuse their positions for personal gains. So far, the IDR had only looked into the management components of each participating government agencies in the area of procuring supplies and equipment, recruiting and promoting personnel, and the like. Ideally, IDR also covers the functional system, rules and procedures governing such areas but none of the recommendations target improvement and/or elimination of corruption-prone rules and regulations showing the limitations of IDR’s implementation as a diagnostic tool.

5. Promoting improvement of anti-corruption systems

In case there is a corruption issue uncovered in any government agency, ACRC acts as watchdog of the citizens. Specifically, “the ACRC seeks institutional

improvement projects by constantly monitoring press releases, audit reports, reported cases and corruption statistics, as well as conducting basic research.” (Anti-Corruption and Civil Rights Commission, 2009, p.29) It also informs the agency at fault so that it can take appropriate actions. Through this mechanism, the agency passes on the responsibility of addressing corruption to the agency that is directly affected by it.

Again, this can be incorporated to the OMB’s on-going IDR program. OMB has the legal mandates “to direct, upon complaint or at its own instance, any public official or employee of the Government, or any subdivision, agency, or instrumentality thereof, as well as of any government-owned or controlled corporation with original charter, to perform and expedite any act or duty required by law, or to stop, prevent and correct any abuse or impropriety in the performance of duties”(par, 2, Section 15 of RA 6770 in relation to par. 2, Section 13 of the 1987 Constitution).

In light of this, each participating government agency should come up with its own anti-corruption strategies guided by the results of the IDR conducted by OMB. Such anti-corruption plan and appropriate monitoring strategy should be reviewed of the concerned OMB authorities. Recently, anti-corruption efforts had been focused on Anti-Fixer campaign in various government agencies such as Bureau of Internal Revenue, National Statistics Office, Land Transportation Office, Land Transportation Franchising Regulatory Board, and the like. In cooperation of other anti-corruption agencies such as Presidential Anti-Graft Commission, Civil Service Commission, Anti-Money Laundering Council, Commission on Audit, and the Department of Foreign Affairs - Revenue

Integrity Protection Service, the OMB had posted Anti-Fixer posters in each of these agencies nationwide and the Anti-Fixer Hotline was set up. However, random visits to these agencies, specifically, their Metro Manila branches/offices, would reveal that many by-standers, who are obviously fixers by their appearances and dialogues, still exist in spite of such campaign. This only reveals the fact that without proper monitoring, not to mention the lack of any deterrent action, the anti-corruption strategies such as the Anti-Fixer campaign are, ultimately, ineffective.

To address this, the OMB must make efficient use of its Bureau of Resident Ombudsman (BRO) personnel by giving them the duties and responsibilities to review the anti-corruption strategies of government agencies assigned to them as well as monitor and evaluate their implementation. The BRO is a department under the OMB – Public Assistance and Corruption Prevention Office (PACPO) comprised of lawyers called Resident Ombudsmen that are assigned to different government agencies. As the name implies, the Resident Ombudsmen perform the duties and functions of the Ombudsman in their assigned agencies. These duties must be performed with the cooperation of the authorities/representatives from the subject agencies and clients from the public and private sectors. Through involving the subject agencies and civil society, just like the ACRC, the OMB will be able to convey the important message that curbing corruption must be a shared responsibility for a graft-free society to be attainable.

6. Operating corruption reporting system

ACRC categorizes all the complaints that it receives into two types: corruption reports and general complaints. Information regarding any corrupt behavior committed by government employees and officials are reported as corruption reports. These are then handed over to the Division of Deliberation or the Division of Code of Conduct for their initial assessment. Meanwhile, general complaints are usually in the forms of ordinary civil complaints that are handled by the Corruption Review Center. (Anti-Corruption and Civil Rights Commission, 2009, p.32)

This system is similar to the existing OMB-LSC and Anti-Fixer Hotlines. In reality, the hotline entertains any kind of complaints. Each day, an investigator from the OMB-Field Investigation Office (FIO) is assigned as the hotline agent. He/she records in the database reports, via text message and phone calls, on corrupt behavior of certain government officials/employees. At the end of each day, he/she must submit Call Information Sheet (CIS) which contains his/her recommendations regarding the complaints received. Recommendations are subject for approval of the team leaders. While the existence of the hotline is timely and practical for any complainants, it is, however, not devoid of problems. First, the amount of complaints via text messages that the hotline agent averages from 10 to 25, it is overwhelming since usually, it takes an exchange of several text messages before any corruption reports can be fully accounted for. Second, in addition to dealing with text messages, the hotline agent is also responsible for answering phone calls from complainants. This is not a problem for the

agent since, for a day, there are only 5 callers at the most. But this, and dealing with texters, can be overwhelming for one hotline agent. It only makes sense to add one more hotline agent each day to efficiently deal with texters and phone callers. Moreover, it will also be more efficient if two hotline agents will be permanently assigned. The OMB can hire new personnel that will manage the hotline or assign existing personnel from FIO given that they will not be given cases to investigate. This will address the inconvenience that complainant and agent both experience in case of follow-up calls or text messages. The number of personnel in the hotline is not fixed, the OMB may assign more, if it sees fit. The OMB can also consider allowing complainants to send complaints via the Office's e-mail account or equipping its website a real-time messenger.

So far, the existence of the hotline had not been evaluated. It is then relevant that an evaluation be conducted by the OMB- Research and Special Studies Bureau (RSSB) to be able to determine if the hotline is an effective anti-corruption tool for the Office. An evaluation is also necessary to assess its strengths and weaknesses and to find out any improvement areas. Such task is in line with the bureau's central mandate that is, to conduct relevant studies on various laws with the aim of improving them for greater efficiency of delivering government services to the public (Asian Ombudsman Association, n.d.[b]).

7. Protecting and rewarding whistleblowers

Recent stories of known whistleblowers such as Sandra Cam², Boy Mayor³, and Rodolfo Lozada like provide dismal picture of the anti-corruption efforts in the country. Their stories signal the slow progress that the Philippines have been making in passing a functional whistleblowing act. The importance of whistle blowing act as an anti-corruption tool is widely established in countries like Australia, Canada, France, India, Japan, New Zealand, South Africa, the United Kingdom, the United States (Latimer and Brown, n.d.) and South Korea (Korea Independent Commission Against Corruption, 2003). In the Philippines, however, the act was drafted and submitted only in 2007 and still pending action by the Senate as of this date. Hence, often enough, whistleblower like Rodolfo Lozada, who exposed the involvement of President Arroyo's husband in an anomalous contract with a foreign company in 2008, has to rely on religious groups composed of priests and nuns for protection.

Meanwhile, the OMB has already signed the United Nations Convention against Corruption (UNCAC) after ratifications were made in 2006 by the Philippine Senate. Article 33 of the UNCAC, in a nutshell, provides for the adoption of an established protection in favor of any individual and/or party who will expose any corruptive behavior (Public Concern at Work, undated). Ideally, the act signals the unflinching

² Sandra Cam is one of the whistleblowers who revealed the involvement of the President Arroyo's husband, First Gentleman Jose Miguel Arroyo in collecting illegal proceeds from jueteng (a form of lottery). After testifying, Sandra Cam was charged for libel. In 2006, she sought employment in Dubai but had returned to the country after one year (tsikot.yehey.com, 2008).

³ Boy Mayor whose real name is Wilfredo Mayor was ambushed sometime in February 2010 (Salaveria, 2010). Along with Sandra Cam, he was one of the whistleblowers who exposed the involvement of First Gentleman Arroyo in getting jueteng kickbacks.

commitment of OMB to continue and improve its efforts to prevent and criminalize corrupt-related behaviors of government officials by actively pursuing the adoption of a Whistleblowing Act. However, OMB cannot find a parallel commitment in the country's legislative body. As it is, the bill is still pending action of the Philippine Congress. Without such institutionalized law, reporting corruption will be considered more like a taboo and possible witnesses and complainants cannot rely on a secured social safety net in the country. More likely than not, they will choose to remain silent as it is more efficient for them.

In a study conducted by Enriquez-Geron (n.d., slide 19), she identified several explanatory barriers to whistleblowing law such as culture of “pakikisama” or camaraderie, culture of “utang na loob” (a sense of obligation or a feeling of indebtedness to others), culture which rewards the corrupt and punishes the upright, expectation that the government will not take effective action (public institutions that lack credibility), and media sensationalizes whistleblowing cases.

But the ratification of the UNCAC by the Philippine Senate should provide a spark of hope. In the absence of a whistleblowing act in the country, there are other remedies that the OMB can utilize. These remedies include involving the civil society to participate in its successful legislation by lobbying. It is also important that in the OMB annual report, such should be included as one of the recommendations. In the report, the actors and their participation, its coverage and limitations, and provision of rewards should be very clear.

In addition, concerned OMB authorities must be involved in aggressive call for the adoption of the whistleblowing legislation. They can make use of different venues to send this important message. One possible forum is during the annual budget hearing.

Another remedy is for the OMB to strictly monitor its confidentiality and no-contact policies. *Confidentiality* refers to the extent by which and to whom OMB employees can disclose any information involving corruption reports filed before the office. “*No contact policy*” refers to the limitation of any OMB employees, especially field investigators, to make any contact with the subjects and/or respondents of the cases that they handle. Clear messages on the strict implementation of these policies can be made through regular social values formation seminars. Such is helpful in maintaining the confidentiality of each complaint handled by OMB investigators and lawyers and thereby, protecting whistleblowers or complainants.

Until 2008, Ehem!Aha! program was part and parcel of the OMB’s Education and Anti-Corruption Promotion. It is a regular training conducted for the public officials and employees from different government offices pursuant to the Memorandum between the Philippine Province of the Society of Jesus (PPSJ) and the Office of the Ombudsman (Office of the Ombudsman, 2008b, par. 1). For the employees of the OMB, it is mandatory to attend this seminar. It is part and parcel of the OMB’s strategy to create awareness on the importance of cultivating a culture of integrity and accountability in the public sector. In a similar vein, the Public Accountability Seminar is also conducted in cooperation with selected public servants (Office of the Ombudsman, 2008b). Given this,

the OMB must consider offering such seminar training programs again or initiating a different program with similar orientation and objectives.

8. *Enforcing the code of conduct for public organization employees*

Another important activity of ACRC under its customized integrity consulting is monitoring the strict adherence of government employees and official to the codes of conduct of their own agencies. The main features of the code of conduct that ACRC monitors includes “reporting external lectures and conferences, prohibiting private use of position, avoiding the duties related to personal interests, limiting the acts of giving and receiving money and gifts, prohibiting borrowing money and others”(Anti-Corruption and Civil Rights Commission, 2009, pp.40-41). Other key components involve any “process regarding an order that hampers a fair performance of duties, the exclusion of privileges, the prohibition of the use of budget other than its own purposes, the measures against unfair requests made by politicians and others, the prohibition of solicitations regarding employment or nomination, the prohibition of influence peddling, the prohibition of interference with rights and solicitation, the limitation on transactions using information related to duties, the prohibition of using public property for private use and benefiting, etc”(Anti-Corruption and Civil Rights Commission, 2009, p.41).

The Philippines has similar institutionalized legal provisions as embodied in Republic Act No. 6713 otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees (Office of the Ombudsman, 2004) and Presidential

Decree No. 46 which penalizes public officials and employees who receive, and private persons who give gifts on all occasions, even Christmas. But then again, no authority or body monitors whether or not public employees and officials follow and adhere to such provisions.

The OMB must seek the active participation of the other government agencies, through different seminars and re-convening previous linkages with other anti-corruption agencies, in adopting an orientation program for every new recruits in the public service. Through such orientation program, new recruits will be introduced to the expectations, realities, and ideal code of conduct expected from them as public servants.

9. Integrity education, PR and international cooperation

With the aim of cultivating a culture of integrity not only in the public sectors but also among students and private sectors, ACRC conducts Expert Training Courses on Integrity” as well as the “Online Education Course on Integrity”. ACRC also makes promotional videos on integrity for public officials and endeavors to incorporate a course on education curriculum in public education in order to develop and foster integrity among students. In addition, ACRC launched the National Literary Contest and a national essay competition involving students from middle and high schools with integrity as the main theme (Anti-Corruption and Civil Rights Commission, 2009).

In 2008, the ACRC launched various activities such as the “Clean Korea Campaign” and conducted different PR activities. ACRC is also involved in media promotions in its efforts to create popular consciousness and encourage participation from the public in fighting corruption. ACRC sponsored narrative stories on integrity that were shown on national television and broadcasted over radio nationwide. The commission also holds integrity education for public officials, students, general citizens and continuously promotes international cooperation to fight corruption. ACRC also conducts activities promoting collaboration between public and private sectors and building international linkages (Anti-Corruption and Civil Rights Commission, 2009, pp.42-46).

At the outset, the OMB has a lot of things going on under this strategy (Asian Ombudsman Association, n.d.[b]). Yearly, it publishes its Annual Report as well as its journal publication online as part of its public awareness and outreach. It also started distributing Graft and Corruption Prevention Education Teaching Exemplars which is a set of teaching guides for all elementary and secondary teachers in public schools nationwide (par. 35). Its dissemination is a part of the OMB’s efforts to inculcate among students a culture of truthfulness and uprightness and teach them the real essence of doing public service. The OMB also gives public accountability seminars to members of barangay council on a regular basis in order to evaluate their own performance vis-à-vis the existing Code of Conduct and Ethical Standards for Public Officials and Employees otherwise known as Republic Act No. 6713. The seminars also include introducing them to various functional anti-corruption rules and regulations. The OMB also makes efficient

use of the available media (radio, TV, newspapers) to keep the public updated about its relevant anti-corruption campaign programs.

However, a closer scrutiny as provided by the TAN (Human Development Network, 2009) reveals that the current OMB administration falls short of coordinating its anti-corruption efforts with other anti-corruption bodies and civil society groups. In an insider interview by HDN-TAN (2009), it was revealed that the incumbent OMB maintains strained relationships with various civil society groups ultimately causing them to withdraw their supports to the OMB's efforts. TAN was one of the skeptical civil organizations from which the OMB had chosen to distance itself.

In his undated work, Obejas concluded that equally important as the active combat against graft and corruption is the initiative for a moral revolution. It is incumbent then to the OMB, being the country's top graft-buster to take concrete actions to realize this wisdom. Cultivating integrity within the public sector, youth, and private groups and business club is one of the ways this can be achieved. Working along with the most vocal and critical civil society groups is especially helpful in this regard. Instead of considering them as enemies, it will do the OMB a lot of good more than harm, if it will make them partners in its crusade against corruption. The OMB should consider having regular meetings and consultation with them. Corruption is a very complex problem and involved a lot of actors from public and private actors. The OMB can enlist the help and support of these groups to make up for its lack in manpower to deal with such complicated problem.

10. Comprehensive management of anti-corruption information

The integration of the Ombudsman of Korea, the AAC, and the KICAC into one single anti-corruption body also gave way to the creation of a single portal system called e-people designed for more efficient handling of complaints and other administrative concerns from the public. e-People is a sophisticated online system integrating all communication channels of the administrative organizations and the people through which petition, proposal and policy discussion services are taken care of at the same time (Anti-Corruption and Civil Rights Commission,n.d.[a]).

Through such system, a person need only submit a complaint, inquiry or any policy issues online and he/she can receive real-time replies to her/his concerns from the concerned agency. This is made possible by its automatic classification scheme. Once the system had classified the complaint or issue, it will forward such to the closest concerned agency for appropriate action. Results of a recent study tour made by selected officials from the Office of the Ombudsman – Hongkong also made them considered reviewing its feasibility and applicability to their own system (Office of the Ombudsman, Hongkong, 2009).

Notably, Korea is way more technologically-advanced society than the Philippines. This perhaps accounts for the successful integration of e-governance in the country. But such must not serve as a weakness of the Philippine government; instead, it must be treated as an opportunity to exhaust various technological means that could aid

better governance. One way of doing so is to study the feasibility of having an interactive complaint online system whereby, people will be able to submit complaint and receive updated replies regarding their concerns. In this way, people would be able to act proactively against governance lapses and acts of corruption. Securing that the voice of the public is heard and acted immediately upon is one effective way to encourage their participation and boosting their faith to anti-corruption agencies such as the OMB.

Another area of improvement lies in expediting the resolution of cases and complaints filed before the OMB. Say, for instance, in the area of fact-finding and case build-up, the FIO has to issue subpoenae to relevant agencies regarding the complaints particularly, Lifestyle Check cases, which it handles. Each government agency, should under penalty of the law, comply within five days from receipt thereof. Regularly, FIO issued subpoena duces tecum (SDT) to agencies such as the Land Transportation Office (LTO), Civil Service Commission (CSC), Bureau of Internal Revenue (BIR), Bureau of Immigration, Municipal Government Offices, and other government departments and bureaus. The process of verifying the identities, properties, and employment of the subjects of the investigation could be expedited if the OMB can secure access to the databases of these agencies upon request. Access should be limited to OMB personnel with investigative duties and necessary database securities should be implemented and trainings should be conducted to guarantee the confidentiality of all database information. This is possible with the unreserved support from different government agencies to the mandates of the OMB. There are avenues to secure such support. One of this is the established linkage of the OMB with other anti-corruption bodies and government

departments. Until 2005, OMB was the active leader of the Inter-Agency Anti-Graft Coordinating Council which ties the Ombudsman, Commission on Audit (COA) and Civil Service Commission (CSC) for a more solid anti-corruption effort (Human Development Network, 2009). Through this council, the OMB has significant links with other anti-corruption agencies of the country, academic world and civil society (Office of the Ombudsman, 2008b). However, the OMB failed to meet up with members hence; the result is duplication of anti-corruption strategies such as the OMB. Priorities were given to activities such as Oplan Red Plate, which is a duplication of work of the Civil Service Commission (CSC) (TAN, 2009), and the creation of task forces on issues human trafficking and smuggling which is also being addressed by other investigative agencies.

CHAPTER VI CONCLUSIONS

By and large, this study shows that no country is exempted from corruption. Its degree and impact however varies. The solution to such problem also differs from one country to another. In the Philippines, corruption hurts the poor the most thus, widening the gap between them and the rich even more. It also undermines the capacity of the country to develop its full potential as an economy. Similar tale exists in Korea, a developed country no less. It also struggles in its own form of corruption. This study explores how ACRC of Korea addresses the problem and concludes that the OMB stands to benefits in most of its anti-corruption strategies. Although there are inherent differences between the two institutions, most notable of which, is in terms of their focus. The focus of ACRC is on corruption prevention although, it does investigative activities. The OMB, on the one hand, is mandated to conduct corruption prevention, investigation, and prosecution. The OMB has much to learn in terms of preventing corruption from the ACRC anti-corruption strategies.

The study reveals three major strengths of ACRC anti-corruption strategies. Firstly, it is focused in helping government agencies deal with the problems of corruption in their organizations. Secondly, it engages the civil society in actively participating in its anti-corruption campaign. Lastly, it takes advantage of the available technology in enhancing its capacity to effectively address the problem. In a nutshell, the researcher concludes that the ACRC had addressed what were considered important in formulating and implementing anti-corruption policies; reduction of inducement for committing corrupt acts, reduction of likelihood of

committing corruption, and installing an anti-corruption system that will make corruption as a high-risk, low reward activity (B. Kim, n.d.). ACRC does this by the reduction of government size and regulation as manifested by the different corruption assessment reviews of government rules and regulations that they conduct. Moreover, ACRC's system provides for easy detection of corruption behavior of government officials and employees. Through its interactive website and provision of one-stop services, ACRC is able to demonstrate that its openness and responsiveness in acting on corruption complaints. Most importantly, it has established a functional whistleblowing protection system which contributes to its effectiveness in encouraging people to report errant behavior of government officials.

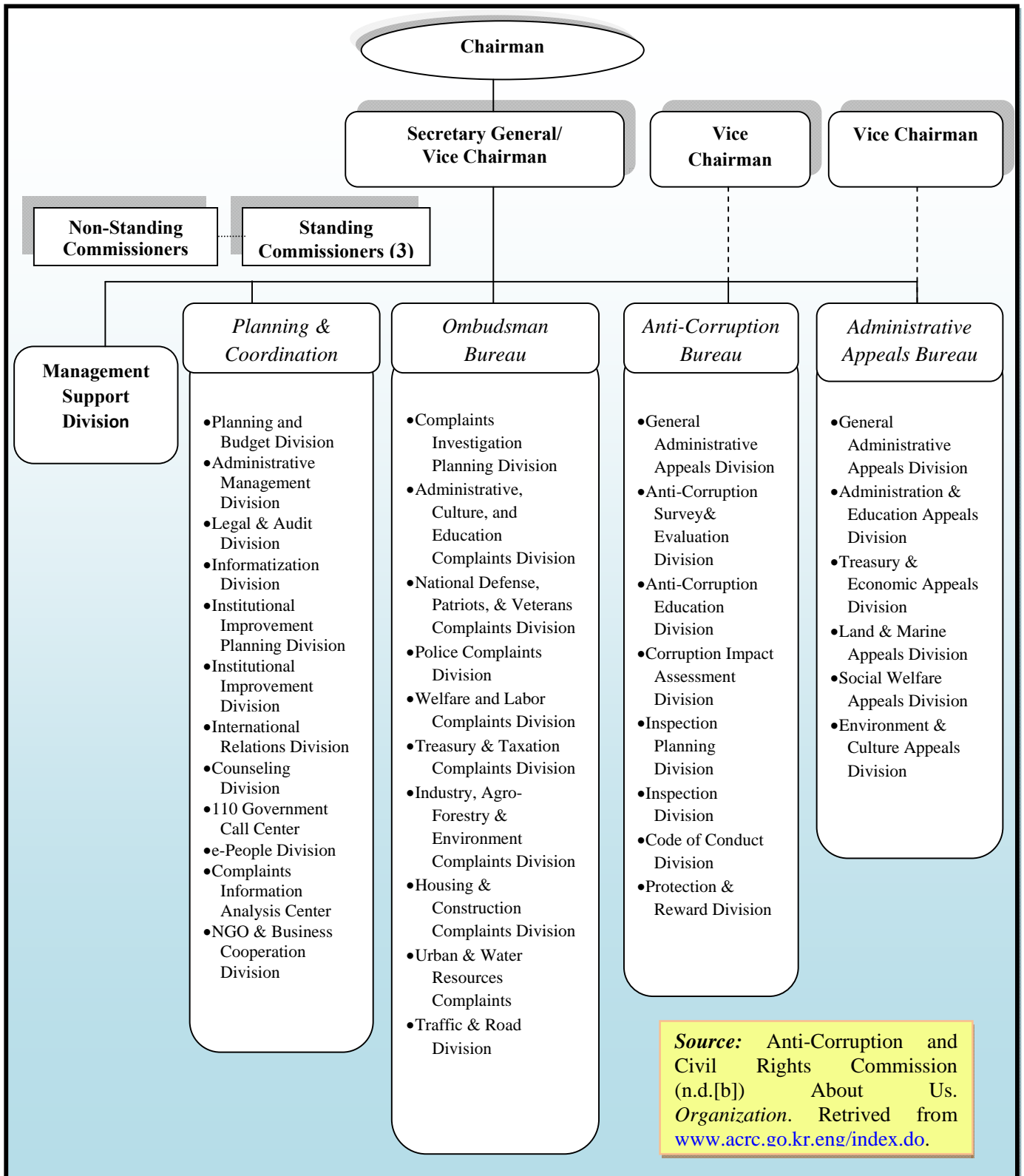
As P. Kim (n.d.), had put it, "strong political will is crucial" in any anti-corruption agency and in promoting anti-corruption reforms (p.26). In the Philippines, as Quah (2006) had pointed out, as in China, India, Indonesia, and Mongolia, fighting corruption in the Philippines is almost made futile with lack of political will and inadequate anti-corruption measures. In Korea, there is a different story. Among others, ACRC's anti-corruption system is a manifestation of Korean government's strong political will to strengthen its fight against corruption. Though lacking in other powers that Philippines' OMB has, it is able to impose concrete prevention and deterrence measures. In these areas, the OMB has much to learn. It must rethink and must aggressively exercise its influence and power in improving its anti-corruption mechanism. It can start from advocating for the adoption of the proposed whistleblowing bill, actively engaging different civic groups in its anti-corruption campaigns, and demonstrating strong political will in combating corruption. It is also important that OMB must identify the priority areas in its fight

against corruption. Unless these points are given serious consideration, corruption is and will always get in the way of getting things done for the Philippines.

For future studies, the researcher recommends that the limitations of this study be addressed. As there are many lessons in Korea's corruption prevention, which is the primary focus of ACRC, it is equally interesting to explore what lessons are there for the Philippine Ombudsman in the area of investigation and prosecution.

APPENDICES

APPENDIX A
ACRC and Its Organization Structure



APPENDIX B

Status Reports Transferred to Investigative Authorities Annually
(Source: ACRC Korea, 2009, p.33)

<i>Classification</i>	<i>Total</i>	Transfer to Investigative Authorities				<i>Under Investigation</i>	<i>Corruption Detection Rate (%)</i>
		<i>Notice of Investigation Results</i>		<i>No Charge</i>			
		<i>Sub-total</i>	<i>Disclosed Corruption</i>				
Total	562	509	359	150	53	70.5	
2002	74	74	47	27	-	63.5	
2003	100	100	67	33	-	67.0	
2004	66	66	48	18	-	72.7	
2005	82	82	53	29	-	64.6	
2006	83	82	63	19	1	76.8	
2007	92	85	66	19	7	77.6	
2008	65	20	15	5	45	75.0	

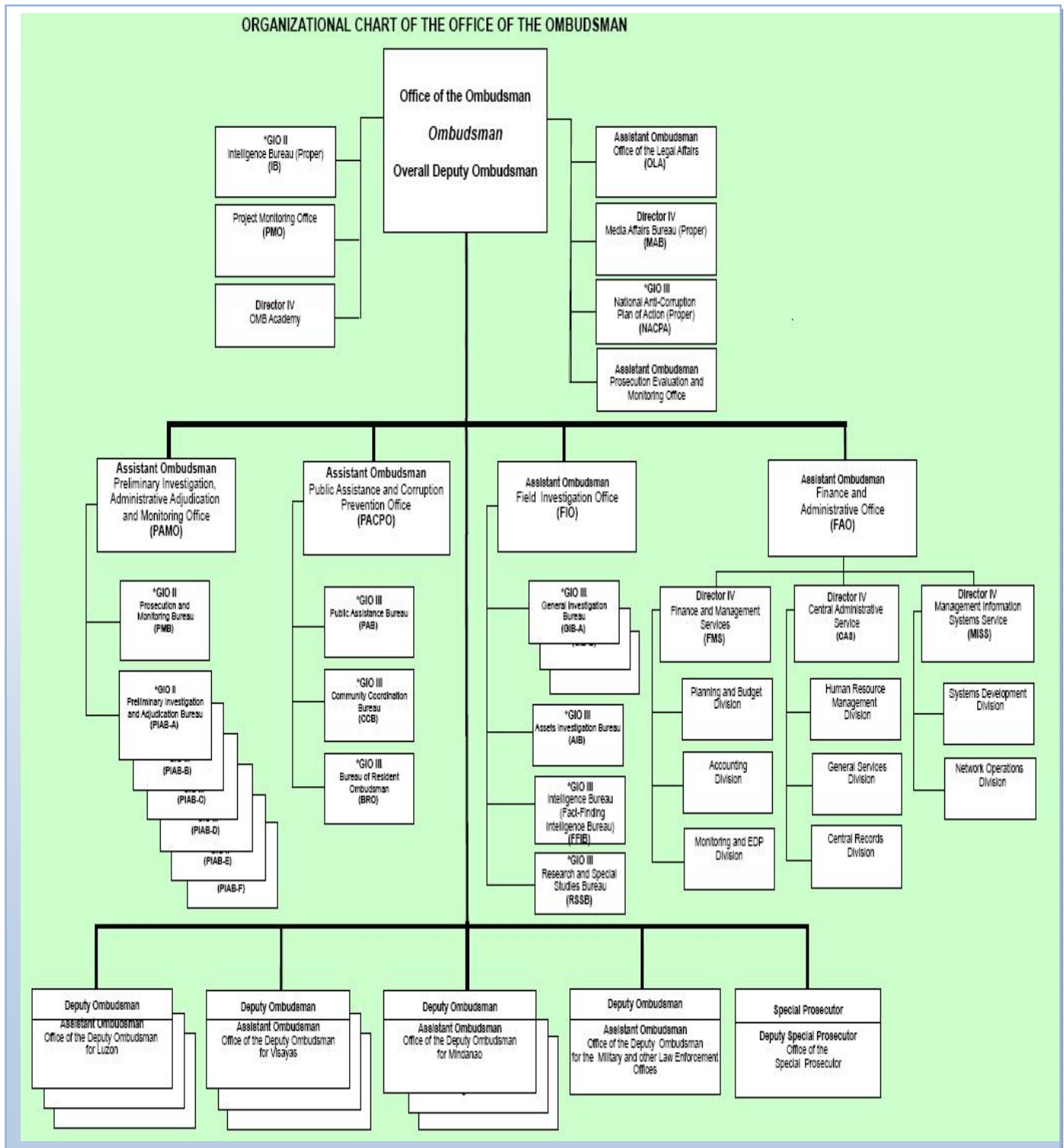
APPENDIX C

Measures Taken against Referred Cases

(Source: ACRC Korea, 2009, p.33)

	Prosecution (person)	Disciplinary Action (person)	Warning/ Notification (person)	Institutional Warning (case)	Others (person)	Total	Money Recovered (million KRW)
Total	738	245	541	90	45	1,659	74,348
2002	54	43	110	14	3	224	8,026
2003	89	26	93	35	15	258	40,460
2004	62	14	92	9	0	177	1,859
2005	103	45	30	5	13	196	1,195
2006	147	23	133	4	5	312	9,713
2007	233	94	74	14	6	421	11,160
2008	50	0	9	9	3	71	1,935

APPENDIX D
The OMB and Its Organizational Structure



Source: Office of the Ombudsman. (2008a). *Organizational Structures*. Retrieved from <http://www.ombudsman.gov.ph>.

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