

Susceptibility to Corruption¹

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Introduction

Corruption, although a worldwide phenomenon, is considered to occur more extensively in developing countries because of a marked discrepancy between legal norms which call for rationality and universalistic principles of action, and cultural norms which emphasize reliance and obligation toward kinship, friendship, and primary groups (Bautista 1982:241). However, within countries, corruption is not equally spread in all sectors of the polity. Even in the bureaucracy, there are agencies considered to be more corrupt than others and sectors more corruption prone (Tapales, Enriquez, Trinidad 1995:407). According to Briones (1979:261) corruption “tends to be concentrated only in areas where boundary exchange processes take place and in positions where a bureaucrat can exercise power and discretion.”

The exercise of power and discretion is greatly manifested in the judiciary. The discretion of the major players makes them highly susceptible to corruption. The Filipino administrative culture depicts “the conflict between culture, values, and norms of western bureaucracy, and the culture, values, and norms of the Filipino people” (Varela 1995:176).

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The Philippine government has enacted several laws to fight graft and corruption. With the 1987 Philippine Constitution providing the legal framework against corruption, the anti-graft court, *Sandiganbayan* and an Ombudsman called *Tanodbayan*, are created. The other more important legal provisions are RA 3019³ passed in 1960, the 1987 Constitution particularly Article XI; Accountability of Public Officers, EO 292⁴, RA 6713⁵ passed in 1989, and RA 6770⁶, among others.

In response to allegations that the Judicial and Bar Council (JBC) is one of the sources of corruption in the judiciary, Transparency International (TAG) reported in November 2008, a judicial oversight body, *Bantay Korte Suprema* (BKS) or “Watch the Supreme Court”, composed of lawyers and business leaders to ensure transparency in the appointment of seven Associate Justices to the Supreme Court in 2009 was created. BKS was tasked to spearhead an information campaign to “raise awareness and encourage participation by the public; call for change in the current selection process of the Judicial and Bar Council (JBC) to promote transparency and accountability; monitor the screening and actual selection of the appointees; and, provide information to the JBC about the nominees.”

Recognizing that the “court personnel, from the lowliest employee to the clerk of court or any position lower than that of a judge or a justice, are involved in the dispensation of justice” and are looked upon as part of the Judiciary, the Supreme Court issued A.M. No. 03-06-13-SC which prescribes the norms of conduct specific to personnel in the Judiciary.

In the Davao Region alone, there are backlogs of 22,980 pending cases in the RTCs, 9,559 in the MTCCs, 1,411 in the MTCs, and 1,806 in the MCTCs. Recognizing the problem of clogged dockets, the Supreme Court implemented several projects, which includes the Justice on Wheels Project, the Philippine Mediation Center for court cases and the training of voluntary arbitrators for labor cases, and the *Katarungang*

³ See RA 3019, “The Anti-Graft and Corrupt Practices Act”.

⁴ See EO 292, “The 1987 Administrative Code”.

⁵ See RA 6713, “Code of Conduct and Ethical Standards for Public Officials and Employees Act”.

⁶ See RA 6770, “Ombudsman Act of 1989”.

Pambarangay in every *Barangay* that provides a very good avenue to possible compromises so that the case need not reach the courts.

Yet, despite these efforts, graft and clogged dockets persist. Why do graft and clogged dockets continue to happen? Are there significant differences in the work ethic of the different stakeholders of the judiciary? How does the work ethic of the different stakeholders in the Judiciary tend to influence their susceptibility to corruption? How do the institutional factors of the Philippine Judiciary tend to influence their susceptibility to corruption? What factors, aside from those associated with work ethic and institutional factors, tend to influence the susceptibility to corruption of the stakeholders in the Judiciary?

Research Tool

The researcher used a research framework that studied underlying patterns and linkages between resources residing within the person's self, social resources and his work ethic in relation to his susceptibility to corruption. A researcher-made questionnaire was used to obtain the following information from the respondents: work ethic (23 items); institutional resources (5 items); employers' involvement in their lives (7 items); discretion in doing their tasks (4 items); self-concepts (8 items); time concepts (10 items); response to discipline (8 items); apathy (8 items); and susceptibility to graft (7 items). Each of these items was measured on a five-point scale where the maximum scale value of 5 refers to *Strongly Agree* and the minimum scale value of 1 refers to *Strongly Disagree*. An additional 11 biographical variables were included in the questionnaire to obtain their background information.

Respondents' Demographic Profile

Three hundred seventy nine respondents participated in the study. From this number, 221 were females and 158 were males; 289 were married, 70 were single, and 20 were widowers/widows; 146 were Cebuanos; 108 Davaoenos; 38 Boholanos; 22 Ilonggos; 19 Tagalog; 18 Ilocanos; five Moslems; two Warays; and 21 from the other ethnic groups.

One hundred three of the respondents have no more dependents while 87 have three dependents, 78 have one, 57 have two, 37 have four, 12 have five, three have six, and one has 13 dependents.

The shortest tenure was one year and the longest was 58 years; the age range was from 20 to 83. The most common age was 33 years old. Among the personnel, the average age was 45.59, for the judges, 54.91 and for the lawyers, 41.90. The highest monthly salary was PhP90, 000.00 and the lowest was PhP5, 000.00.

Yearly, 180 respondents attended seminars/ trainings at least once, 77 at least twice, 36 at least thrice, nine four times, two five times and another two 17 times. One attended as many as 40 seminars in a year, another one attended 10, and third attended eight times in a year.

As regards length of service, the average mean for the personnel is 14.51, for the judges, 10.96 and for the lawyers, 11.34.

Discussion

Systems theory views social organizations as a complex, dynamic and often unknown set of dynamically intertwined and interconnected elements which include inputs, processes, outputs, feedback loops and the environment where it operates and within which it continuously interacts (Shafritz and Borick 2008:52).

As a system, the Philippine Judiciary tends to be affected by the work ethic of its human component and by the institutional factors surrounding it. In this paper, the researcher used a research framework that studied underlying patterns and linkages between resources residing within the person's self, social resources and his work ethic in relation to his susceptibility to corruption. Further, in relation to the study of Tapales, Enriquez, and Trinidad in 1995 which looked into the psychological factors that might cause people to be corrupt, the author aimed to find a correlation between the values held by the personnel in the judiciary with those values previously found to be indicative of a predisposition to corruption or the opposite thereof.

Bautista's study on a regulatory agency showed the tediousness and ambiguity of rules as a cause of corruption. In his case study on supply management, de Guzman documented increased cost through overpricing, short deliveries, insufficient deliveries, purchases in excess of quantity required, among others. Carino and associates studied revenue raising, regulatory and purchasing agencies classified by it as corruption prone. Its results showed that propensity and propinquity caused the high incidence of corruption in those types of agencies.

The University of the Philippines College of Public Administration research team that studied corruption during Martial Law considered corrupt practices to be a combination of propensity and propinquity. In other words, a person may have a propensity for corruption but may not have the opportunity to commit graft. That same person, given an opportunity that consistently tempts, may yield to his propensity (Tapales, Enriquez, Trinidad 1995:408).

Tapales, Enriquez, and Trinidad in 1995 looked into the psychological factors that might cause people to be corrupt. They started with the hypothesis that there were differences in value profiles among government employees in corruption prone and less corruption prone agencies which predisposed them either to corruption or resistant to temptation thereof. They concluded that there were noticeable differences in values and behavior among personnel in corruption prone and less corruption prone agencies. Respondents from less corruption prone agencies were more ambitious, regarded incentive and recognition higher, were more cautious, more spiritual, more concerned about others, more sensitive, more critical, more easily offended, more easily embarrassed, more humble, more industrious and had more initiative, more service-oriented and more involved with people and causes. Also, the values of discipline, adherence to cultural norms, inquisitiveness, respect for others, and sense of responsibility, self-respect, spirituality, involvement with people and causes and perseverance were considered by civil servants to be important. They concluded that with their initial findings, there was a possibility of determining corruption propensity through a test of values. However, they acknowledged that the sample

was still small and there was a need for further study of larger samples of government bureaucrats.

Tadiar (1999) described human failings as weaknesses of the men and women administering the judicial system, which include judges, lawyer-advocates, court personnel, prosecutors, sheriffs, defense counsel, process servers, and others connected to, or with the system. Delayed resolution of cases emanates from inefficiency, incompetence, sloth or laziness, corruption or conflict of interests of these officials.

Results of the Study

The study shows that in the area of work ethic, there is a significant difference between the attitudes of the judges and lawyers and the personnel and judges but none between the personnel and lawyers. There is a significant difference between the behavior of the judges and lawyers, personnel and lawyers but none between the personnel and judges. There is a significant difference between the beliefs of the judges and lawyers, personnel and judges, but none between the personnel and lawyers. There is a significant difference between the norms of conduct of the judges and lawyers, personnel and judges but none between the personnel and lawyers. There is a significant difference between the job engagement of the personnel and lawyers but none between the personnel and judges and judges and lawyers.

Among all the independent variables, the components of work ethic, which are significantly related to susceptibility to corruption in terms of graft, are attitude, behavior, belief and norms of conduct. On the other hand, none of the components of work ethic is significantly related to susceptibility to corruption in terms of clogged dockets.

The components of institutional factors, judiciary resource and superior's involvement, are significantly related to the dependent variable susceptibility to corruption in terms of graft. All the components of institutional factors are not significantly related to the dependent variable susceptibility to corruption in terms of clogged dockets.

Aside from work ethic and institutional factors, the individual-related factors of self-concept, time-concept, apathy, monthly salary and length of stay in job of the stakeholders of the Judiciary, have a significant relationship with susceptibility to corruption in terms of graft of the same stakeholders of the Judiciary.

After conducting the study, the author submits that it is to graft that the stakeholders of the judiciary are most susceptible. Work ethic, institutional factors and individual related factors do not have any significant influence with susceptibility to corruption in terms of clogged dockets.

Recommendations

Since the work ethic components of attitudes, behavior and beliefs have a significant relationship with susceptibility to corruption in terms of graft, and the individual-related factors, time-concept and apathy, have a significant influence on susceptibility to corruption also in terms of graft, a test of the values of attitudes, behavior and beliefs of the personnel applicants for the judiciary has to be done during the screening process. Further, for those who are already in the service, regular values formation emphasizing the desirable attitudes, behavior and beliefs should be done.

Since the work ethic component of behavior has a significant influence to susceptibility to corruption in terms of graft, more safeguards against behavior indicative of corruption should be institutionally put in place.

Since the institutional factor component, superior's involvement, are significantly related to susceptibility to corruption in terms of graft, the judiciary should strengthen its involvement in the lives of the stakeholders by creating more avenues for interaction.

Since the institutional factor component, judiciary's resources, and the socio-economic factor, monthly salary, are inversely related to susceptibility to corruption in terms of graft, efforts to increase the salaries of the personnel and judges should be done by the judiciary and by the Department of Justice for the public attorneys and public prosecutors.

Considering the finding in the study that there is no significant relationship among all the independent and moderating variables and the dependent variable susceptibility to corruption in terms of clogged dockets, further study should be made to find out what factors significantly influence susceptibility to corruption in terms of clogged dockets.