

KEYNOTE ADDRESS

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I was about to retire as Chairman of the Civil Service Commission when I received your invitation to keynote this national convention. I was, of course, properly impressed. After all, the National Academy of Science and Technology is not your neighborhood club or association which is perpetually on the lookout for somebody to fill a lunch-hour meeting. More than that, I was being invited almost six months ahead of time! Talk about forward planning and excellent organization. But the more I thought about it, the more I was convinced that a mistake had been made. I thought then that some absent-minded professors and scientists who might have constituted the Invitation Committee might have forgotten that my term as Chair of the Civil Service Commission was about to end. Eventually convinced that this was in fact the case, I wrote a letter that said I was about to leave my post and would they like to invite my successor instead. I thought that was the end of what would have been a once-in-a-lifetime opportunity to lecture the honorable men and women of the science and technology community. Thereafter, I forgot all about your invitation. About a week before my formal liberation, I got a call from Dr. Perla Santos Ocampo who happens to be a friend and with whom I share membership in an all-women organization. She said I should accept. And so I did and here I am.

For starters, let me tell you that I hold no office except that of citizen even if I now teach for a living in a government university. My views on politics and ethics in the public service do not proceed from a serious, scientific study of the subject. Instead, I will draw insights from about twenty years of government service and my own personal and continuing interest in the mechanisms for principled governance.

Politics and Ethics

Politics and ethics are usually seen as a contradiction of terms. There are those who say that to mention the two concepts in the same breath is a good example of an oxymoronic phrase. Probably as good an example of an oxymoron as the more widely used characterization of the civil servant. I hold that nothing is farther from the truth. We have simply been conditioned into thinking that politics is what politicians -- particularly elected politicians -- do. And because we have not always been happy with what politicians do or do not do, we dismiss politics as a bad word and hold it as an antonym to ethics. But politics is not just what politicians do. It is what we do -- we who are involved in the allocation of resources. Wherever resources or something of value is allocated and whenever somebody participates in that process, with some measure of power, influence or discretion, that is politics. And precisely because politics is a process that bestows or confers a right or privilege, it cannot be value-free or value-neutral. The exercise of politics must

have an explicit value bias. It must be subject to universal standards of right and wrong. Politics, the practice, must yield to an assessment by ethics, the yardstick. I further submit that those of us who are not professional politicians but who are in politics nonetheless must be mindful of the ethical dimensions of the things that we do and the decisions that we make. That because the politics we exercise and the power that we wield do not correspond to the traditional notion about what is political, we have to ensure that what we condemn, we do not perpetuate, wittingly or unwittingly in our little corners of the national community.

It is hard to disagree with the proposition that ethics and politics are necessary companion pieces. It is equally true that in the past few years, this proposition has been more frequently affirmed and there seems to be a genuine effort on the part of governments and the private sector to make ethics an operative reality in the workplace. There are many reasons for this.

In part, this is a backlash or reaction to the emphasis of an earlier generation on a whatever-it-takes exercise of power that seemed to operate outside of the accepted moral boundaries. In the United States, this is perhaps best exemplified by Watergate whose participants reached up to the highest levels of governance. In the Philippines, many illustrative examples may be found but perhaps the easiest to understand is the extension of behest loans to favored groups and individuals. Whether these loans were domestic or foreign, most of them carried government guarantees which on default by the original borrowers became the government's responsibility and has since bloated the country's debt obligations.

World-wide, there has also been a shift from the cold-war focus on independence to one which emphasizes interdependence. In much the same way, there has been a de-emphasis on rugged individualism and the movement towards the concept of a shared community. There is growing recognition of a mutual responsibility for each other, a keener realization of a "we are all in this together" kind of world-view. Nowhere is this best illustrated than in the global campaign for sustainable development and the fairly recent concern for a more balanced ecology.

The contraction of resources, best exemplified by the oil crunch of the 70s and the 80s similarly underscored a demand for prudent management of resources and a hierarchy both in resource utilization and expenditure-cutting. Because ethics-deviating practices have been identified as a primary cause of resource-leakage, there has also been pressure to install accountability mechanisms in many bureaucracies.

Amidst all these, a spiritual revival has been noted which features a back-to-basics approach, harkening to the perceived good, old-fashioned values of an earlier age. The net result of all these is a growing concern for the institutionalization of ethics as a decision-making criterion. This has, of course, deepened the moral dilemmas faced by people whose job it is to allocate scarce goods services.

Modern-day Dilemmas

Moral dilemmas have been with us through the ages. They are not a modern age invention. When Adam had to make his decision about whether or not to

partake of the forbidden fruit, he had to make a moral choice. We all have to make moral choices. But changes in modern living mainly brought about by scientific and technological advances and the perceived breakdown in civic society have complicated the process of moral choice. There are celebrated cases, for instance, in the United States that highlight these. Should a person who has been determined to be medically brain-dead be kept alive by artificial life-support systems? Conversely, should people who are in terrible pain or who suffer from progressive degeneration of their faculties that rob them of their dignity be allowed to end their miseries with medical assistance? The debate in the Philippines about family planning methods is precisely controversial because the issues are not so much technical as they are moral.

We are taught in school that there are many ways to solve a problem. When problems yield to a technical solution, we are spared the dilemma that comes with a moral choice. It is when ethical considerations are invoked that decisions become complicated and difficult. For these difficult times, we can certainly use some guidelines. This morning, I will bravely suggest some of these guidelines for those among us who have to deal with politics and ethics at the same time. Let me make my caveat clear once more: I proceed from no scientific study or survey when I make these suggestions. I draw from the experience of the past twenty years and the opportunity since 1990 to head the agency principally responsible for administering the Code of Conduct and Ethical Standards for Government Employees.

The first rule, to me, is clear and commonsensical: Stay within legal limits. For instance, the legal and moral mandate about the protection of life is very clear: Thou shalt not kill. The law admits of exceptions. You are allowed to kill in self-defense such as when your very life is threatened. You might have heard or read of the case of an American storeowner who wired his ceiling with active electrical charges after having his store broken into repeatedly in the past. When a thief broke into the store again and died from electrocution, the judge decided in favor of the thief whose family brought charges against the storeowner. The law is clear, said the judge. You may kill to defend your life. You may not kill to defend your property. Life will always take precedence over property. You may also be forgiven, I am told, if you kill to defend your honor as when a husband catches an adulterous wife in bed with another man. I do not know if the reverse is true, i.e., if a wife finds her husband in bed with another woman is given the same legal benefit of a doubt. I most certainly hope so. The law must provide for equal protection, regardless of the gender involved.

But suppose it is not life or honor that is involved. How is the moral calculation to be made? Assume for the moment that you are a ranking police officer who is genuinely concerned about your country and who has not succumbed to the indifference or callousness that plagues many of your colleagues. You are worried about the state of things. In the year just past, 35 bank robberies had taken place, many of which resulted in the loss of innocent lives. The community is, to some extent, held hostage by this terrifying turn of events. Foreign investments which had earlier seemed to be on the rise have started to wane again. By a stroke of luck, you have in your custody the members of the gang that have principally perpetrated

these crimes. If they go through the usual judicial processes, you feel that these criminals will be back on the streets again to continue their unholy activities. Besides, they have the money with which to buy good legal support and by your experience, conviction or acquittal usually rests on who has the better lawyer. You are in a position now to abbreviate that process and to teach criminal elements the lesson that indeed, crime does not pay. What will you do?

Let us look at things from another angle. You are another police officer. You have been assigned to an anti-bank-robbery task force. On superior orders, some people who have been identified as bank robbers have been executed, obviously as part of an effort to teach syndicates that they cannot get away with their crimes. You realize that this is standard practice among some law enforcers, particularly against groups that are perceived to be hardened criminals and recidivists. Yet, you are bothered by this and have in fact been bothered by it for sometime now. What do you do?

I do not presume to have recreated the moral turmoil that some people who may have had to make similar decisions in the past had to go through. But I assume that anybody who has not become amoral, who retains some notion of good and evil may have had to struggle with the kind of dilemmas that I have just outlined to you. You and I know how the dilemma was resolved in a real-life case known to almost all of us. But this retelling has to do with one basic guideline in moral decision-making: when in doubt, stay within the legal parameters. There is a reason for laws -- beyond making work for elected officials. Laws hold civil and civic society together. They indicate the basic standards by which we covenant ourselves to be ruled. Where laws do not operate, something else will. Perhaps might may become preeminent. Perhaps superior intelligence. Perhaps wealth. But we have chosen laws by which to even our different circumstances. It may be slow, sometimes tyrannical in its letter but in the absence of something better, it is what saves us from anarchy and chaos.

Not all decisions have life and death consequences. But those who hold public office have to regularly confront situations with implicit ethical dimensions. About a week ago, I woke up and found twenty nurses in my living room. Part of the reason I've never considered running for public office is because I have a very small living room. But the truth is, I like to be able to walk to the gate early in the morning, face unwashed, hair uncombed, and check for the morning newspapers. Well, the visiting nurses had a very simple problem. They resigned from their jobs in three of Manila's biggest hospitals after signing a contract to work in Saipan for \$1,200 a month. They had gotten their visas and had been booked for their departure flights but POEA refused to process their contracts because their standards stipulate that Saipan-bound nurses must be paid at least \$1600 per month. I was being requested to intercede in their behalf, on the assumption that having been a POEA administrator in another life, I would be able to exercise some moral suasion on whoever decides about those things. I acceded and later in the day, made some phone calls. I was turned down. The nurses were duly informed; one of them is a neighbor. They were back the next day asking if I could refer them to Executive Secretary Ruben D. Torres for one final appeal. I obliged as well. Torres interceded,

also to no avail. What has happened since then? The hospital owner in Saipan, impatient about the non-deployment of the workers that he needed, chose to go to another recruitment agent who promptly promised to send his own nurses to Saipan at only \$900 per nurse, without going through POEA and within the next ten days. The nurses who came to my house are now without jobs. Government has lost the processing fees that are collected from those who leave the country legally. About twenty nurses will leave Manila without the protection of a contract that is enforceable in the Philippines and at a lower salary. Why do these things happen? Because, according to the POEA person I talked to, people must be protected even from their own greed. Because, according to the nurses, the rules are enforced to the letter and not according to the spirit in which they were formulated. They said: The salary being given us was double that being given to those who are going to the Middle East. We are less vulnerable to abuse in Saipan because this is an American territory. Now we can't go to Saipan and we don't have jobs.

There are decisions and there are decisions and in the realm of public service, decisions like these will be made, day after day after day. Their moral or ethical dimensions may not be immediately obvious to us but they do have moral and ethical dimensions which we must always be conscious of.

Where the issue is not so much legal or ethical, where do we begin? I submit that we begin by asking the question of whether our tentative judgment is balanced and fair, is equitable, and just. There are always two sides to a moral decision and perhaps, it is not always right for one party to completely win and another party to completely lose. Where there is room for accommodating both sides without doing an injustice or sacrificing a principle, effort must be exerted towards a win-win situation for all parties concerned. I submit that there are many situations that can be decided on this basis. Conflicts, for instance, which revolve around the setting up of employment-generating industrial plants which also have pollution potentials probably need to be looked at from this perspective. There are problems which have the possibility of technical solutions which may then obviate or mitigate the ethical or moral dilemma. Those of us who make these decisions owe it to ourselves and to our constituency that we give these decisions the benefit of sound analysis. Since no technical problem admits of only one solution, alternative options may emerge from a dispassionate and objective evaluation of available data. This is an approach that, I am sure, the scientific community will find easy to understand and support.

In terms of a hierarchy of decision-making possibilities, we have identified that a first-order decision is one that can be solved on the basis of legal strictures, including pertinent rules and regulations. A decision of the second-order admits of a technical solution that may render the moral judgment easier to make. But a third-order decision is the one that is always most difficult. Where there is no legal or technical issue involved but where there is only an ethical or moral consideration that has to be decided, the choice is really most difficult.

Let us take a leaf out of current events and look at a possible third-order decision. Let us assume that we are all elected legislators. By practice, we are allowed a pork barrel fund, sometimes known as a country-wide development fund

or CDF to finance projects that are important to us. Funds are scarce and the country is experiencing a contraction of resources at a time when the economy is starting to take off. There are now appeals for us to give up this fund which, admittedly is helpful, perhaps even critical in our bid for reelection. If we give up the money, then it will likely go to a kitty, the use of which will be centrally determined and will go to poorer provinces or districts. On the other hand, if we hold on to it, the judgment of what is important goes back to requests from our constituents which we are always pressured to honor. It is clear that the inability to honor these requests may lead to electoral defeat. Remember that the CDF is not illegal; it is authorized by the General Appropriations Act. While the issue of whether legislators should dispense with it or not may admit of technical solutions, the solutions may be a matter of yielding part of the fund or allowing people who are so inclined to surrender it. What are you going to do if the continuance of the CDF as a legislative prerogative were put to a vote?

A third-order solution may perhaps be approximated by asking these questions: Can I be proud of a decision like this? If my decision came up for public scrutiny, can I defend it without equivocation or a feeling of shame or embarrassment? If the real circumstances behind my decision were known or can be known, can I own up to it and face the judgment of people I love and respect? What principle is behind my decision? Third-order decisions, it must be stressed, are just that: principle-centered and value-based determinations of what is important and prior to us.

Conclusion

I think it was Socrates who said that doing the right thing begins with knowing the right thing. Adequate knowledge should precede a sound decision. People from the academic and scientific community probably know this better than most others would. But Socrates also asks, will the reverse be true? If doing the right thing comes from knowing what the right thing is, will knowing the right thing lead us to do the right thing? This Socratic conundrum must have an answer but the answer cannot be determined for us by others. In the end, the final frontier is not really outer space but that which lies within us: our hearts and minds and that nebulous but very real inner voice called conscience. That which decides beyond what is legal, scientific, or technical. That which uses as its final test, not just personal interest but the public good. I had earlier said that by virtue of our participation in the allocation of goods and services, we are all, by that token, politicians. It would be nice to say, after all of this is over, that unlike some politicians we know, and despite the limitation of our reach and our grasp as public officials, that we have all been, really and truly, ethical politicians.

Thank you.