

‘Making money from the dead’

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Several months ago, sitting on a bench at home in our village in the Philippines, I was listening to the complaints of my brother-in-law about his corrupt manager. He worked as a security guard before his death in a motorcycle accident, and for years, his manager deducted a quarter of his USD 113 monthly salary as commission for ‘helping him be employed’. To ensure the manager gets his ‘commission’, he kept my brother-in-law’s ATM card, so he could withdraw the money himself on pay day.

In our village, where most of our neighbors are unemployed, most people would agree to this arrangement. With the lack of employment opportunities, knowing someone who could help you get a job, whether you have the professional qualifications or not, is very important. These persons are called ‘*backers*’.

In the following months, I was again sitting on the same bench, but this time listening to my brother-in-law’s long time neighbor, a police officer, talk about how much money he needed from his family. My brother-in-law was dead at this time, and could not voice his dissent and disgust at this police officer’s attempts to make money from him. At the time of my relatives’ mourning, the police officer was asking for money to pay for his transportation and meals to follow-up the case of my brother-in-law’s death.

At that time, the police had temporarily released the truck driver, who tried to escape after he hit my brother-in-law’s motorcycle, but were keeping in their custody at the police station the truck involved in the accident. My brother-in-law was with his 8-year-old cousin when the accident happened. The boy had to be admitted in a hospital for days as he suffered severe injuries. Here, the police were supposed to follow-up the financial liabilities of those who owned the truck and the driver that are due to my brother-in-law’s family for his death.

Police duties and obligations as part of the State are hardly known in our village. This is not because villagers are ignorant, but because they barely have any experience with the police that would give them a sense of their working habits. All they know is that any traffic accident, killing, fight due to drinking, or someone being threatened, needs to be reported to the police. They usually have no idea what comes after this reporting however.

For most of their adult life, unless they were to encounter any of the problems above, villagers may never have to deal with policemen or visit police stations. Police stations are predominantly seen as places where criminals are held, and thus a place one should stay away from. On the other hand, survival requires one to know a police officer or persons working for the police who could be approached with any problem. It is therefore necessary to establish relations with the police as a form of protection, particularly for businessmen.

The policeman responsible for investigating my brother-in-law’s death had not only known him since they were children, but also knew his entire family, as my brother-in-law’s parents were ‘godparents/wedding sponsors’¹ at the policeman’s parents’ wedding. There was a feeling of assurance and confidence that he would assist them and do his job. My in-laws’ concerns of not knowing how to deal with the case were mitigated by them knowing the police. Unfortunately, instead of them making use of their police connections to obtain justice for my brother-in-law, the police officer made use of their neighborliness to extract money from them.

¹ The role of ‘ninong’ (‘godfather’) and ‘ninang’ (‘godmother’) in Filipino society, is to take responsibility and care of a couple’s married life. It is a strong relation, akin to that of blood relations.

How police make money

Traffic accidents resulting in deaths are a very common occurrence not only in my village, but throughout the Philippines, due to death trap road conditions. Basic traffic rules are commonly ignored, even by traffic enforcers themselves. In some parts of the Philippines, driving licenses can be obtained without taking any exams or driving lessons, without any medical examination of one's eyesight or health condition. They are literally bought and paid for from people working in government offices where the licenses are issued.

In fact, it is often hard to determine which of the licenses drivers are carrying are valid, fake or fabricated. There are many shops whose business is solely to fabricate driving licenses that look like originals. They operate openly, with the full knowledge of the police. And yet, they are neither arrested, nor are their shops closed for falsifying public documents.

The reason is that the more widespread the illegal and arbitrary activities, the more money the policemen could make. In the same way, traffic police enforce law to make money, not to arrest, detain or prosecute those who commit traffic violations. While this is common knowledge, the events of my brother-in-law's case and how the investigating police officers dealt with it, tell me far more explicitly how fast my country is deteriorating. Not only did the policemen involved extract money from his death, but they also acted as 'brokers', deciding how much life is worth.

Shortly after his death, my brother-in-law's family was summoned to the police station. There, the police told them to settle out of court for Php100,000 (USD 2,371), without making any pretence at investigating who was responsible for my brother-in-law's death and the injuries of his cousin. They were told it is better to settle than to pursue charges in court as it would take years. The police's behaviour raise serious questions regarding their role, particularly regarding the dominant perception that the police are there to detain, investigate and record offenses committed against the State. In my relatives' experience, police officers themselves were committing crimes at the very place where crimes should have been investigated. Who would investigate this? [insert pic1]

For days, the police kept telling my relatives that they needed money for transportation, meals and so forth in following up those meant to pay for my brother-in-law's death. All this occurred inside the police station, with the full knowledge of the investigating officer, and yet, none of this can be found in any police records; on record, they never happened. For helping them to settle the case, the investigating officer expects that he should get some 'blood money' in return.

The living can be 'officially dead'

In the Philippines, burying the dead requires death certificates. These certificates supposedly contain information as to the person's cause of death. Usually, local authorities do not allow any burials in public or private cemeteries without the issuance of this certificate. My brother-in-law's death revealed that we would be wrong to assume that what is written in these certificates is always the truth. The chances are quite high that the information is false and inaccurate. This leads to the assumption that many public records could be inaccurate, and it would be foolish to believe otherwise. In our village, even the living could be recorded officially dead.

Whether the dead is rich or poor can be seen by the type of tombs and where these tombs are situated—either private or public cemeteries. The poor ones do not have names properly engraved in tablets on their tombs. These tablets often appear worthless; however, somebody makes money on them too. During elections, there is anecdotal evidence that some are paid money only to copy the names written on these

tablets to be written in official election registers. Yes, even the dead can vote in elections, at least their names could. Burying the dead had become expensive; my brother-in-law's family agreed on the settlement amount so they could purchase a small lot for his burial.

In my brother-in-law's case, there were two death certificates: one on which the police had entered false information, and another that I have with me, containing accurate information on his cause of death. My accurate copy was never officially recorded however.

When the police sensed I had been asked to intervene in the case, and when they were told by some relatives that I had been providing paralegal assistance to the needy, they became concerned. The overly delayed issuance of death certificates—which also caused a delay in scheduling the burial—were suddenly issued in no time, the out of court settlement was also settled quickly, with the policeman by now not asking for any 'commission'. However, it is in exchange of my in-laws having to tolerate and accept, for lack of choice, the inaccurate recording of my brother-in-law's actual cause of death. Writing this article is one way for me to record what really happened to him.

Ambulance driver, not doctor, declared death

In the Philippines, securing a death certificate in order to officially record the death would depend on the jurisdiction—city or municipality—the person died in. When I was helping in securing these certificates, to speed up the processing of his insurance claims and burial, I learnt—heretofore unknown details—that it was the ambulance driver, and not the doctor, who declared him 'officially' dead.

What I was told after the accident, as well as what I gleaned from the police records, was that my brother-in-law was taken to a private hospital outside the municipality where the accident occurred, as the municipality had no hospital where patients could be taken for emergency treatment. His case was no different to that of other road accident victims in that area, who would also be taken to the same private hospital owned by a couple, both medical practitioners. According to the police records, my brother-in-law and his cousin were "immediately brought to [name of hospital is withheld for security reasons] for medical treatment but later [my brother-in-law] was expired as pronounced by the attending physician".

In fact, the doctor reported to have given my brother-in-law "medical treatment", was gravely shocked at the inaccuracy of the police records. As argued by the female doctor, my brother-in-law was already "visibly dead" when he was brought to the hospital, and could not have been treated in any way as the police claimed. One of the doctors asked me, "Their [police report] is wrong. Can you ask the police to make corrections?" In fact, making corrections is easy, but the records I had were already 'certified correct'. So I asked them, "You're asking me to tell the police to make corrections to what they had 'certified correct'?"

When I asked who examined and declared him to be dead, as this is required to be written in the certificate, the doctor could not tell. She also refused to put her name on it, nor was she willing to write the cause of my brother-in-law's death.

It was then that I learnt that the person who declared my brother-in-law dead, in reality, was the ambulance driver who took him to the hospital. This information created more problems, as there was no way now to issue a medical cause of death, which was required for the death certificate, as well as other related legal insurance claims issues. The doctor's husband then asked me to ask the embalmer what injuries he had seen while embalming my brother-in-law, which he later wrote in the certificate on behalf of his wife.

Thus, not only did an ambulance driver and not the doctor declare him to be dead, but it was also the embalmer who certified my brother-in-law's cause of death rather than a doctor. No one would ever know this version of reality however, because the inaccuracies and false information were stamped as 'truth' by the doctor's signature. In this manner, it seems that anyone could die or be declared dead officially for any 'cause of death'; no one takes responsibility. On the other hand, it is sometimes impossible to get true details to be officially recorded.

Before we knew it, the police had already secured their own version of 'death certificates' from another municipality to cover up their neglect of this case. My relatives now kept quiet, not because they do not see it as wrong, but simply so they can survive, by not challenging the doctor or police and creating 'trouble'.

Subtle threats

The doctors involved indirectly warned and threatened me from commenting on their medical neglect. He told me, "You have a tongue like that of a snake. Your [comments] strike". To this doctor, I have no right to comment simply because "this is not your territory. Slow down". Such indirect threats are a common practice. In many areas of the Philippines, those who are powerful, influential and part of the government, have deeply territorial and aggressive mindsets. It is not whether what you say is right or wrong that matters; what is important is where you come from, your social standing. If you are an outsider, you have no right to criticize.

When doctors could do this, it gives you a sense of what the police, army and those working for the security forces, could do to harm. People survive and live their daily lives back home understanding this. In fact, not only doctors, but even teachers and journalists establish connections with the police and soldiers for their own protection. The police and the army give them arms for their protection, and in turn they extract money and information from them.

Anyone working for social and political change in the Philippines must understand how the local power structure operates in reality. To merely condemn and critique on society's ills is naïve, if not ignorant. The challenge is to understand how the security forces and the power structure operates, resulting in people's oppression and silence, and then to articulate this to inform and educate others.

This article describes not only the corrupt practices of the police, medical practitioners and government employees, but also how the status quo in society thrives as a result of a largely unchallenged power structure. This story is not just about my brother-in-law's family, but also about the lives of all those ordinary people who live in the country without protection. 