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## ***Controversy Rocks Malaysia's Razak and Philippines' BS Aquino***

**By Ado Paglinawan**

A n old Tausug saying goes “An kusog ko, ha raayat ku”, translated to English as “Our power comes from our people!”

What Ferdinand Marcos and his 20-year rule failed to complete, that is the liberation of Sabah from the Malaysians, Jamalul Kiram

III  
is achieving in a flash of events, acting in the name of the Sultanate of Sulu and without support from the government of the  
Philippines

As a result, two heads of state feebly crams to consolidate foothold in their respective governments -- Prime Minister Najib Razak who is facing Malaysian parliamentary elections this June and President BS Aquino who is presently campaigning for a clear majority in both houses of Philippine Congress for local and senatorial elections a month earlier in May.

### LETTERS LOST

Sultan Kiram III had sent the Philippine president three letters since he was inaugurated last July 2010, which BS Aquino admitted had been lost in what he termed as “bureaucratic maze”.

Intelligence reports that from what Manila coffeehouses are filtering today indicate that communists of Saul Alinsky-Akbayan orientation in the present Aquino cabinet, with the names of both Teresita Deles and Ronald Llamas surfacing, deliberately lost in transit the letters of the Sultan. These two “yellow” celebrities, Llamas as national security adviser and Deles as presidential adviser on the peace process, are in control of all negotiations with insurgency groups.

Civil society was therefore taken in complete surprise when in an obvious display of classic damage control Secretary Albert del Rosario confessed that one letter was marooned in his Department, albeit conveniently alleging receipt before he took office. Instead of placating the coffee habitués, it reminded them how the Americans, in collaboration with the British, recently fast-tracked the signing of the Framework Agreement for a Bangsamoro Entity with a faction of the Moro National Liberation Front (MNLF) - the Maguindanao-based Moro Islamic Liberation Front (MILF).

The Framework was merely an edited redux of the Memorandum Agreement for Ancestral Domain (MOA-AD) that the Supreme Court had already declared as “unconstitutional” under the Gloria Arroyo administration sending then US Ambassador Kristie Kenney to puke an abrupt disavowal even if she was the most visible one of the dignitaries who made it to Kuala Lumpur to witness its aborted signing.

The embassy row in Washington DC however understands that this is just one of the United States’ prestaging strategies to transfer its security impetus from the Middle East where it has experienced great setbacks and massive budget reversals, to Southeast Asia in view of a recent series of low-level maritime confrontations in disputed waters in and around the South China Sea, but covertly in search of partners for cheaper Almighty oil.

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Najib Razak was just more than willing to go along with the deal with the MILF first with Arroyo and now with Aquino, thinking it would buffer any retaliation of the larger and more potent MNLF whose chairman Nur Misuari whom the Malaysian government repatriated back to the Philippines in 2001 to be incarcerated until 2008 while using the same single stone to push back further into oblivion the claim of the Sultanate of Sulu to Sabah.

### **PULAU PANGKOR**

What is not being said here is that after the late Benigno Aquino Jr. exposed President Marcos' covert plan in the late 1960s to send Tausug commandos to Sabah acting as trojan horses to seed insurgency there, Malaysia began training, arming and financing its own insurgent proxies beginning with the MNLF first and then the MILF, in its island of Pulau Pangkor, to sow low intensity warfare in southern Philippines, prominently in the Muslim dominated areas in Mindanao.

Abaraham Julpa Idjirani, secretary-general and spokesman of the Sultanate of Sulu, said "The Framework Agreement was consummated without any mention of the historic and sovereign rights of the Sultanate over Sabah. We thought that President Aquino gave weight to ancestral domains, we were utterly wrong."

Even before thrice corresponding with the incumbent administration, Idrijani added that the Sultanate's "desire" and intentions to be part of the Peace Process was expressed in an April 13, 2009 letter to former President Gloria Macapagal Arroyo.

The heirs, completely left out of the peace process and feeling betrayed, moved towards their own unification late last year, forgetting personal and policy differences and deciding to proceed with the Sabah claim on their own, superseding a 1962 accord with the government of the Philippines. The once feuding royals who joined Jamalul Kiram III, were led by Rajah Mudah Agbiruddin Kiram, Sultan Bantilan Esmail Kiram II, Datu Alianapia Kiram, Datu Phugdall Kiram and Datu Bagurddin Kiram.

Shedding light on why Aquino is scandalously tardy in his appreciation of the Muslim concerns in the very county he

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heads

, former Washingtonian

Amina Rasul, now leading advocate for women and Muslim rights in Manila, blamed that Marvic Leonen, who the president peddled to the public as a “genius and expert in Filipino Muslim affairs” and later on appointed to the Supreme Court, miserably shortchanged all Filipino-Muslims with his haphazardly crafted Framework,

She said: “the late Muhammad Esmail Kiram officially transferred the Sultanate’s sovereignty over Sabah to the Philippines on Sept.

12, 1962

, through a written instrument

signed by himself and Foreign

Affairs Secretary Emmanuel Pelaez, after the

*Ruma Bechara*

(literally “House of Talk,”

equivalent to Council of Advisers or Cabinet) passed a resolution authorizing the same.

By assigning its sovereign rights, Razul said that the Sultanate however retained proprietary rights over Sabah, subject to a provision in the same Ruma Bechara resolution that

“  
in the event the government fails or refuses to protect its sovereignty and proprietary claims, the Sultanate of Sulu reserves the right to prosecute its claim over Sabah, in whatever manner it can think of.”

## STANDOFF

Thus on February 11, 2013, Sultan Jamalul Kiram III issued a royal decree despatching more than 200 of its Royal Security Force in speedboats from Sumunul Island in Tawi-Tawi, under the leadership of his younger brother Crown Prince Rajah Mudah who announced upon arrival in the village of Tungduao at Lahad Datu in Sabah their intent to reclaim their homeland: “We come in peace. We are not here to wage war. This is not an act of aggression but a journey back home. We will never bring war to our own territory, much less to our own people.”

A bizarre border drama ensued as the Malaysian police immediately surrounded their

“un-invited” guests.

Randy David writing for the *Inquirer* noted, “The ‘invasion’ led by the brother

of the current Sultan is clearly an attempt to shove the issue into the faces of the two governments (Philippines and Malaysia), neither of which relishes being dictated upon by the heirs of an archaic sultanate. A messy end to this impasse could stoke ethnic resentments and needlessly inflame nationalist sentiments.”

Mel Sta. Maria, resident legal analyst of InterAksyon TV5, wrote: “The context of this action of the Sultan of Sulu and his followers is beyond question. It is not a power grab. It is a reassertion of their historic, legal and moral right to be in Sabah... It was for them the pursuit of a noble cause.”

But President Aquino, who may be credited to have already sold-out to Malaysian best interests as early as the signing of the Framework Agreement, appeared more concerned about saving face before his foreign patrons rather than being wise.

Last February 26, BS Aquino called for a press conference where he appealed to the Sultan in an even more bizarre manner, “These times require you to use your influence to prevail on our country to desist from this hopeless cause.”

The statement immediately drew all kinds of retort from every media organization in the country. Mel Sta. Maria issues a rejoinder that “hopeless cause” may be construed as “lost cause that implies surrender, capitulation or even abandonment of interest.”

## BASELINES

UNA senatorial candidates Richard Gordon and Mito Villareal said the president may be impeachable for betraying public trust. Villareal was graphic: “ If Sabah is a hopeless

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cause, then it means Aquino is not fighting for our sovereignty despite the fact that we have a legitimate claim...”

G

ordon said the president violated a law recognizing

Sabah

as part of Philippine territory citing Section 2 of Republic Act 5446:

“The definition of the baselines of the territorial sea of the Philippine archipelago as provided in this Act is without prejudice to the delineation of the baselines of the territorial sea around the territory

of

Sabah

, situated in

North Borneo

, over which the Republic of the

Philippines

has acquired dominion and sovereignty.”

What is unfortunate is that Aquino’s propaganda machinery has consistently missed its mark, as its official pitbull, Presidential Spokesman Edwin Lacierda twatted “I don’t know where Senator Gordon is getting his legal knowledge but the law that he is invoking has already been repealed by the new baselines law” (referring to RA 9522).

Manila Times columnist Rigoberto Tiglao returned the twat to Lacierda by asserting he is “lying, ignorant or plain dimwitted”. Affirming Gordon, he clarified that on July 16, 2011, the Supreme Court unanimously upheld RA 5446 in its decision **GR#187167**, “Petitioners’ argument for the invalidity of RA 9522 for its failure to textualize the Philippines claim to Sabah...is also untenable. Section 2 of RA 5446,

**which RA 9522 did not repeal,**

keeps an open door for drawing the baselines of

Sabah

.”

Another clown sucking up to the president is Cabinet Secretary Rene Almendras, “If you had a house and then somebody comes in armed, how would you react.” Tiglao reduced his analogy to absurdity – “If you leased your house and your tenant refuses to give it back to you and brandishes his arms, how would you react?”

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Tiglao also assailed Team Pnoy senatorial reelectionist Chiz Escudero: "As has been his style, he has pursued Aquino's playbook but tries hard to appear not to be his factotum when he said that "the Sabah claim is a personal issue involving the Sultan of Sulu. It's a private right and a private claim." This baboon cannot however say that Sabah is part of the Philippines much like pissing on our legs and telling us that it's raining.

The Ateneo Human Rights Center expressed its disappointment on the BS Aquino's "dismissive" treatment of the incident when BS Aquino threatened the Sultanate and the Royal Security Force "that if they choose not to cooperate, they will face the 'full force of the law'."

The Center said, "The government has exhibited insensitivity to the root cause of the incident and an impaired (sic) knowledge of the historical, cultural, political and personal dimensions of our aspirations of our Tausug brothers and sisters... Indeed (it) may have unduly alienated citizens who have hitherto exhibited loyalty to the Philippines."

### FOOLHARDY?

President Aquino has also called the Sultanate's incursion into Sabah as "foolhardy" against which Kiram III fumingly replied: "Is it foolhardy to defend the patrimony of your nation? To fight for what is right? To sacrifice the lives of 235 people for the sake of truth?"

Spawning more *faux pas* of the government, Interior Secretary Mar Roxas and Justice Secretary Leila de Lima likewise showed their own share of incompetence. Roxas said that the government of Malaysia will not even bother talk to the Sultanate, against which the Sultan argued "Is he now the spokesman for Malaysia? Is it that hard for the Philippines and Malaysia to sit down and talk to us settling this issue amicably?"

De Lima, for her part, implied that there are some saboteurs who swayed the Sultan and funded his drastic action, against which Kiram III responded, "I pledge to our Holy Quran that this aspiration to fight for what is rightfully ours, is a unilateral act of the Sultanate. Please do not insult our sacrifice by saying we can be swayed."

The Office of the Press Secretary also carelessly shot column feeds, one digested by Ellen Tordesillas using the Gloria Arroyo bogey to confuse the issues. The newshen's blog "The Inbox", picked up by Yahoo News, said that "Malacanang believes the occupation of Lahad Datu...is really meant to sabotage the peace talks with the MILF", implicating Arroyo's former national security adviser Norberto Gonzales. In fact, she ate the red herring thrown by Malacanang, "It is easily believable because Gonzales has deep network in Muslim Mindanao and is close to Nur Misuari..."

It has only been more than two years, and the Razak-Arroyo conspiracy pushing for the MOA-AD through the Supreme Court where it perished by only a single vote, has been forgotten. As earlier said in this article, this cost Nur Misuari seven years of incarceration as a political prisoner for seven years without the benefit of an arraignment or trial. Arroyo and Gonzales, first as his national security adviser and later as defense secretary, also completely ignored both the MNLF that Misuari leads and the Sultanate of Sulu from the peace process.

Yet the incumbent president does not really have to go very far to get to confirm the Sultan's lucidity despite appearance of a helpless diabetic. Aquino can ask Jovito Salonga, one the greatest Philippine legal luminary and chairman-emeritus of the Liberal Party, who is still alive.

## **SALONGA CHRONICLES**

On March 30, 1963, Salonga rebuked Noynoy's uncle the late Senator Lorenzo Sumulong who berated the Philippine claim to Sabah filed by President Diosdado Macapagal a year earlier on June 22, 1962.

Salonga issued the following historiography: "In 1704, in gratitude for help extended to him (by 600 Tausugs) in quelling a rebellion, the Sultan of Brunei ceded North Borneo

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to the Sultan of Sulu. Over the years, the various European countries, including Britain

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Spain

and the

Netherlands

, acknowledged the Sultan of Sulu as the sovereign ruler of North Borneo

. They entered into various treaty arrangements with him.

“In (January 22) 1878, a keen Austrian adventurer, by the name of Baron de Overbeck, having known that the (Sultanate) was facing a life-and-death struggle with the Spanish forces in the Sulu Archipelago...took advantage of the situation and persuaded the Sultan to lease to him, in consideration of a yearly rental of Malayan \$5,000 (roughly equivalent to a meager US\$1,600), the territory now in question.”

The contract of lease read:“... (2) all the territories and lands being tributary to us on the mainland of the island of Borneo...(5)but the rights and powers hereby leased shall not be trnsferrable to any nation, or company of other nationality, without the consent of their Majesty’s government.”

Salonga continued “Overbeck later sold out all his rights under the contract to Alfred Dent, an English merchant, who established a provisional association and later a company, known as the British North Borneo Company, which assumed all the rights and obligations under the 1878 contract. This company was awarded a Royal Charter in 1881.

“A protest against the grant of the charter was lodged by the Spanish and the Dutch governments and in reply, the British government clarified its position and stated in unmistakable language that ‘sovereignty remains with the sultan of Sulu’ and that the Company was merely an administering authority.

“In 1946, the British North Borneo Company transferred all its rights and obligations to the British Crown. The Crown, on July 10, 1946—just six days after Philippine independence—asserted full sovereign rights over North Borneo

, as of that date. Shortly thereafter former American Governor General Francis Burton Harrison,

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then special adviser to the Philippine government on foreign affairs, denounced the cession order as a unilateral act in violation of legal rights.”

Salonga summarizes: “Our claim is mainly based on the following propositions: that Overbeck and Dent, not being sovereign entities nor representing sovereign entities, could not and did not acquire dominion and sovereignty over North Borneo; that on the basis of authoritative British and Spanish documents, the British North Borneo Company, a private trading concern to whom Dent transferred his rights, did not and could not acquire dominion and sovereignty over North Borneo; that their rights were as those indicated in the basic contract, namely, that of a lessee and a mere delegate; that in accordance with established precedents in international law, the assertion of sovereign rights by the British Crown in 1946, in complete disregard of the contract of 1878 and their solemn commitments, did not and cannot produce legal results...”

### REPROBATE

Up to this writing, BS Aquino still insists on being reprobate. Instead of focusing on the Sabah standoff, he has joined his Team Pnoy senatorial candidates in their hustings for the May 2013 elections, taking his talking points directly to diminishing crowds.

When he issued yet another ultimatum to the Sultanate and his Royal Security Army last March 1- “Surrender now without conditions or face consequences,” Aquino irresponsibly sent a strong signal to Prime Minister Najib Razak that the Philippine government will not act even if the Malaysians massacre the Filipinos in Sabah.

Princess Jaycel Kiram, daughter of Sultan Kiram III, was quick to respond, “The Royal Security Army will never surrender because they are prepared to die for a cause. To the Filipino Muslim, the issue is one of Honor above Life.”

Her mother Fatima Celia Kiram adds “What is profoundly important among our men in Sabah is that they are fighting for their rights and honor. The Malaysians could wipe them out but the problem won’t go away, they would be replaced by others and generations more to come.”

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As Jacel was about to wrap up a press conference, Nur Misuari, himself could no longer swallow the president's traitorous language when he told reporters at the house of Sultan Kiram III at Taguig City, "What the president has done is very bad. It is unbecoming of a head of state, to be siding with the enemy of his own people.

"And for what reason is he (Aquino) aligning this country with Malaysia, a colonial power occupying the land of our people? I am totally against that, with all my soul. I hope the President will be properly advised. I hope he will recant. Otherwise we won't forgive him.

"I understand there is an attempt even to arrest the Sultan. Let them do that. The country will be in total chaos if they do, I promise you," the founding MNLF chairman said.

Despite United Nations Secretary General Ban Ki-moon call to an end in violence and the start of dialogue among all parties to resolve the three-week old conflict in Sabah, Malaysian troops have hyped the death toll and are searching houses and terrain for armed members of the Sultanate.

Civilians in the affected areas have started to relocate seeking refuge away from conflict, with some Filipinos not having proper immigration papers sailing back to Tawi-Tawi.

### **PROGNOSIS**

My prognosis is that the situation will definitely worsen and develop a mind of its own before it becomes better and manageable. As we speak, Moro insurgency has been implanted in Malaysia

. Incursions not just by the Tausugs, but eventually by the MNLF and even the Abu Sayaff will incessantly fester Malaysia, as the Royal Security Army is reinforced, ushering in a semblance of a civil war in Sabah.

The BS Aquino government is doomed, as the real Bangsamoro crescent rises, and with Sabah at that!

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When Filipino Muslims - Maguindanaoans, Maranaos, Lumads and even former Christians who have become Balik Muslims - are placed in an awkward position of not coming to the aid their besieged brothers in Sabah, the MILF too will join the fray, blasting the Aquino's Framework Agreement to smithereens.

With a good portion of Mindanao engaged in the war, Malaysia could retaliate using its more superior navy and air force against Philippine territory dragging the Christian population of Mindanao into the escalation.

The temptation to Kuala Lumpur unleashing a genocide or ethnic cleansing of nearly a million Filipinos in Sabah could bring about unmitigated human rights atrocities spreading as far as Sarawak, magnetizing the Indonesians to possibly revive a "konfrontasi" with Malaysia

In the same way that Marcos was deposed, the territorial and border disputes could bring about the fall of Najib Razak and his political party and the ascent of oppositionist Anwar Ibrahim ushering in democratic reforms to the Malaysian Federation and peaceful negotiations with the Moros and the Sultanate of Sulu.

Meanwhile, Nur Misuari and the MNLF, with the blessings of the Sultanate of Sulu could declare a Bangsamoro State comprised of the ARMM territories and Sabah, and apply with the United Nations for self-determination. As a new nation is born, Christians all over Mindanao could also discuss a Joint-Rule of Mindanao, Sulu, Palawan, Basilan and Tawi-Tawi, including Sabah

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So Bangsamoro could go for its own sovereignty and with Sabah would be very viable.

As the amputation of the Philippines becoming more apparent, the rest of the Philippines ought to definitely respond proactively to prevent it. BS Aquino could be overthrown before the 2016 elections and a civilian-military junta established to immediately negotiate peace and reunification with a real Bangsamoro de facto State.

A new Constitution is crafted providing for a midstream between the Spanish autonoma and the federal forms, as new structure models.

As Sabah declares its own independence from Malaysia, following Brunei and Singapore to meet its own manifest destiny, the Philippines graduates into a vibrant tiger economy and stability is restored to the region.

Allahu Akbar!

### **E ditor's Notes:**

***ADO PAGLINAWAN was the backdoor negotiator of the Philippine Government Peace Talks with the Moro National Liberation Front and Cordillera Peoples Liberation Army in 1987, while serving as special assistant of Ambassador Emmanuel Pelaez and press officer of the Philippine Embassy from April 1986 to February 1994. After his diplomatic posting, he acted as a private strategic public relations consultant to various clients between Washington DC and Manila, notably to Richard Gordon as Chairman of the Subic Bay Management Authority from 1995-98 and as Secretary of Tourism from 2001 to 2004, and Luisito Lorenzo as Secretary of Agriculture from December 2002 to July 2004. As a freelance journalist, he has been writing extensively for yahoo groups and social media since 2003 and publishes two eMagazines, HeadsUp for faith, family and life since 2007 and The Philippines Soberano since 2012. # # #***

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