
PHILIPPINE DEMOCRACY INITIATIVE ASSESSMENT

Prepared for:

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
MISSION TO THE PHILIPPINES

Prepared by:

Clark D. Neher, Ph. D.
Violeta Lopez-Gonzaga, Ph. D.
Carolina G. Hernandez, Ph. D.
Ross Marlay, Ph. D.
Stephen Golub, J.D.

JUNE 1991

This paper has been prepared for the purpose of discussions within USAID/Philippines. Its contents do not necessarily represent the views or interpretations of the Mission

TABLE OF CONTENTS

Executive Summary	i
Acknowledgments	1
Preface	2
Program Concept and Implementation	4
Administration	5
Introduction	7
Democratic Pluralism	7
Democracy and Economic Development	8
Elements of the Assessment	9
Philippine Sensitivities	10
USAID Existing Programs Related to PDI	11
Political Background	14
Factors that Sustain and Strengthen Philippine Democracy	14
Factors that Weaken and Threaten Philippine Democracy	17
Voice	21
Media	21
Non-governmental Organizations	26
The Voice of Women	28
Choice	30
Elections	30

Governance	34
Legislature	34
Civil-Military Relations	36
Decentralization and the Philippine Democracy Initiative	39
Accountability	45
Redress	47
Human Rights	47
The Legal System	52
Summary of Recommendations	63
Appendices	
List of Persons Interviewed	A-1
Bibliography	B-1
Potential Non-governmental Partners for USAID	C-1

EXECUTIVE SUMMARY

The assessment team has mapped the terrain for a USAID-sponsored Philippine Democracy Initiative (PDI) and suggested ways USAID can enhance the prospects for the survival of Philippine democracy. We have looked at USAID's portfolio and found that some existing programs address issues of democratic pluralism. We have set forth a framework and a set of recommendations that will help USAID look more systematically toward the future.

We view the concepts of voice, choice, governance, accountability and redress as appropriate criteria for analyzing Philippine politics, and they are found throughout our report. We believe that USAID has an important role to play in each of these areas, because of the intrinsic value of democracy and because strengthening the political system in these areas will promote equitable and sustained economic development. By supporting more effective voicing of people's needs, helping to assure accountability and redress, aiding meaningful choice through strengthening non-governmental organizations, and promoting more effective governance, USAID's Philippine Democracy Initiative can move the society toward increased openness and stability. Both are indispensable for economic development.

Our assessment begins with a statement of Program Concept and Implementation which emphasizes the close relationship of the PDI to USAID's overall mission of sustained economic development. We point out the importance of intermediary institutions and ongoing evaluation to ensure effective implementation.

The Introduction places the assessment in the Filipino and international context, explaining the factors that are crucial for analyzing the prospects for democracy. The term "democratic pluralism" is defined and then related to economic development. This section also introduces the conceptual categories we have used to assess the PDI. These categories are voice, choice, governance, accountability and redress. Voice refers to how people express their needs to authorities and how information is disseminated throughout the nation. Choice refers to the people's capacity to choose their leaders in free and open elections. Governance refers to the capacity of the government to meet citizens' needs through programs such as decentralization. Accountability refers to the presence or absence of official malfeasance and corruption. Redress refers to civil liberties, as protected by an impartial judiciary.

The Introduction also relates Filipino political culture, current events, and contemporary sensitivities to our proposed PDI. This section is particularly important, because many of our substantive recommendations reflect our findings in these areas. We emphasize

Filipinos' extreme sensitivity to American intervention in their politics. The current Military Bases Agreement negotiations, the coming Senate debate on that issue, and the ongoing campaign for president (with elections set for May 1992) are events that significantly complicate PDI. The timing of the initiative is important. One false step could jeopardize the entire project.

We believe it is important for USAID to have a political context for PDI to help assess how the initiative fits into the nation's modern history. We have organized the Political Background section to include our major categories of voice, choice, governance, accountability, and redress.

Each of the major sections is organized according to needs, responses, and recommendations. The first section, Voice, assesses potential USAID support for the media, non-governmental organizations, and women's groups. We view NGOs as an important new way for people to voice their interests. We propose that USAID help channel this voice effectively and responsibly into government policy.

The second section, Choice, discusses how USAID can support electoral reform in a non-partisan manner.

The third section, Governance, focuses on the legislature, civil-military relations, and decentralization as key targets for USAID support. We believe it is important to strengthen the technical facilities of Congress as the representative institution of the people. We are convinced that only through decentralization can the present political system effectively reflect people's interests.

The fourth section, Accountability, presents options for USAID to help decrease corruption and related ills that now beset Philippine politics.

The fifth section, Redress, concerns USAID's prospective role in promoting human rights and a just legal system. We present this section as a centerpiece of our assessment.

The appendices indicate that the assessment team interviewed over 120 people and studied a large volume of documents to reach its conclusions.

ACKNOWLEDGMENTS

The Philippine Democracy Initiative assessment team wishes to express its profound appreciation to the USAID Philippine Mission for its generous and gracious support of our task. In particular, we wish to thank Bryant George, Chief of the Office of Food for Peace and Private Voluntary Cooperation. From the beginning, he provided us with every possible support. Victoria Middleton, Coordinator of the Democratic Pluralism Initiative in the Philippines, gave us day-by-day help that facilitated our work immensely. David R. Nelson, also with the Office of Food for Peace and Private Voluntary Cooperation, could not have been more obliging. He extended personal and professional support that made our lives much easier.

Attorney Raymundo Pandan, Jr. played a crucial role in helping us formulate the sections on decentralization. Fatima Verzosa, Lagrimas Reyes, Rebecca C. Tadiosa, Danielle Wahab, Garry Tanuan, Robert Fernando, Danilo Ty and Romeo Sison provided splendid administrative support, making our complex task incalculably easier. We also thank William Cole, USAID Washington, for facilitating initial administrative matters for the American participants on the team. Richard Whitaker and Thomas Nicastro of the Bureau for Asia and Private Enterprise in USAID Washington provided us with essential information for our project. USAID/Philippines Director Malcolm Butler and Deputy Director Richard A. Johnson gave us complete freedom to explore all avenues.

To all the Filipinos who met with us, we express our deep appreciation and high respect for their efforts to assure the continuation of democracy in the Philippines.

PREFACE

The purpose of this assessment paper is to provide USAID/Philippines with a comprehensive analysis and framework for a democratic initiative appropriate to the Philippine context. This paper was prepared by a group of five outside consultants who are specialists in the areas of democratic-pluralism and/or Philippine society. The team consisted of the following people:

Clark D. Neher (leader) has consulted with USAID on numerous occasions and has written books and articles on various aspects of politics in Southeast Asia. His Fulbright grant in 1979 took him to the University of San Carlos in Cebu City. At present he is Professor of Political Science at Northern Illinois University.

Carolina G. Hernandez is a distinguished and prolific political scientist, having written numerous books and articles focusing on civil-military relations and having participated in many international conferences. She recently served as a Commissioner for the Davide Fact-Finding Commission to investigate the 1989 military rebellion against the Philippine government. She is now Professor of Political Science at the University of the Philippines.

Violeta Lopez-Gonzaga is Professor of Sociology-Anthropology at the University of St. La Salle in Bacolod City. Her books and articles focus on social change, rural poverty and development, and ethnohistory. She is Executive Director, Institute of Social Research and Development, University of St. La Salle, a regional arm of the Philippine Social Science Council.

Ross Marlay began his acquaintance with the Philippines as a Peace Corps volunteer in Bataan Province from 1967 to 1969. He returned to the Philippines in 1974 for dissertation research, and in 1983 as a Fulbright Senior Lecturer at Silliman University, the University of the Philippines, and the University of Baguio. He has subsequently written extensively on Philippine politics while serving as Associate Professor of Political Science at Arkansas State University.

Stephen Golub's J.D. is from Harvard University. He is completing a research project in the Philippines as a Fulbright Scholar/Senior Law Researcher at the Ateneo de Manila College of Law. He directed the Asia Foundation's Philippines law program as Assistant Representative in Manila for three years, and advised the Foundation on its law work in Pakistan and other countries. He has also worked with the Lawyers Committee for Human Rights.

The team worked from May 12 to June 16, 1991 in Manila, Cebu, Davao City, and Cagayan de Oro. During this time, the team interviewed

the heads of various sections in USAID whose programs are related to the PDI, government leaders, non-governmental organization (NGO) participants, scholars, and media practitioners. Those interviewed included members of the Supreme Court and of the cabinet, governors, senators, congressmen, city mayors, and provincial judges. We met with ordinary citizens as well as the nation's most distinguished leaders. USAID provided us with an array of documents and assessment papers related to our project. These materials, plus our interview responses, became the primary data for our assessment paper.

We are aware that the bulk of our information has come from an elite rather than a local perspective. Moreover, we were able to visit only a tiny portion of the entire archipelago. Nevertheless, we have attempted to provide a rich and textured view that we believe is appropriate to USAID's needs. But a caveat remains: we do not claim to reflect the vast complexity of this diverse society.

This assessment reflects a consensus view of the five team members.

PROGRAM CONCEPT AND IMPLEMENTATION

The assessment team views the concepts of voice, choice, governance, accountability, and redress as universal criteria, appropriate for assessing the degree of democracy in all societies. The Philippines is clearly unique in Asia because of its long experience with democracy. But Philippine democracy is under siege, afflicted by severe economic inequities, self-serving oligarchs, ecological devastation, a population explosion, corruption, cronyism, pervasive violence, military factionalism (seven coup attempts since 1986), an ill-defined sense of nationhood, and disenchantment with the present government. The Philippines offers an important opportunity to see what can be done to sustain and strengthen existing but tenuous democratic institutions.

These difficulties, discussed more fully in the Political Background Section, make democracy difficult to sustain. On the other hand, the team believes that the nation's strengths provide grounds for optimism. We have been immensely impressed by the knowledge and commitment of our respondents who are playing a crucial role in reforming the society. We applaud the present administration's unwavering support for constitutional safeguards. We note the declining influence of radical groups. We recognize the increasing prominence of thousands of non-governmental organizations, many of them working in the interests of people formerly on the margins of the political system. We have seen the beginning of a more open economy. We sense a continuing negative recollection of former President Marcos's assault on democracy and a determination not to let it happen again.

Whether one accepts the pessimistic view that Philippine democracy is in severe jeopardy, or the optimistic view that the strengths of the system outweigh its weaknesses, the conclusion is the same: USAID has an important role to play. Support for democracy is important in and of itself. It is also directly related to USAID's mission to promote open societies and equitable, sustainable economic development.

A free market economy did not exist under President Marcos because economic decisions were made on the basis of cronyism and vested interests rather than on the basis of competition and demand and supply principles. The present government, noting the economic success of neighboring free-enterprise economies in Thailand, South Korea, and Taiwan, has moved in the direction of economic development led by the private sector. However, this thrust is difficult to sustain in a country characterized by a huge gap

between rich and poor and by widespread poverty. Free enterprise works more effectively when there is some degree of equity. In the Philippines, about 20 percent of the population controls 80 percent of the assets. There are many people who are landless, unemployed and underemployed.

We believe that USAID's democracy initiative, by supporting more effective voicing of people's needs, by helping to assure accountability and proper redress, and by promoting judicial reform, will move the society toward openness and stability, both of which are indispensable for economic development.

Administration

The success of the Philippine Democracy Initiative will be determined as much by the manner in which it is implemented as by the specific projects USAID chooses to support.

Several factors argue in favor of PDI funding primarily taking the form of grants to intermediary institutions, which would in turn make subgrants to implementing governmental bodies, NGO's and universities.

The complexity and political sensitivity of PDI work in the Philippines requires in-depth knowledge of specific fields; no single person can be an expert in a field as broad as "Democratic Pluralism". Accordingly, USAID personnel or intermediary institutions administering PDI funds should focus on feasible problem areas, rather than grandiose projects or a sprinkling of potentially inconsequential grants across the landscape of Philippine democracy. For example, any attempts to address decentralization, service delivery or corruption should aim to improve a given agency, not the entire executive branch.

Flexibility in administering PDI funds also is needed to be able to respond quickly to new ideas, accomplishments, disappointments and political developments. A related consideration is that the PDI allocation process should not lock USAID or intermediary institutions into funding commitments to implementing organizations well in advance of their preparing proposals. Such a guarantee of funding could make some grantees complacent regarding project preparation and performance. In light of this, cooperative agreements or similarly flexible with intermediaries might be appropriate. Intermediary institutions could relieve the Philippine mission of the administrative burden of managing numerous relatively small grants.

Given the importance of PDI, we believe that USAID should have a full-time coordinator for the program, with appropriate staff to assure that recommended programs are carried out effectively. In addition to setting overall direction and handling administrative matters, the coordinator and staff could take responsibility for specific substantive areas in which USAID chooses to make direct

grants to implementing organizations. The areas of expertise they develop, however, should complement rather than duplicate those covered by intermediary institutions. Finally, the coordinator and staff should initiate and maintain regular contact with other funding agencies doing similar work, to prevent duplication while exploring the potential for complementary grants.

Finally, we believe that it would be useful for USAID to review the PDI approximately 18 months after its inception. Political changes in the Philippines could alter the entire program. For example, the high degree of sensitivity we have noted in our report might diminish after the 1992 presidential elections and resolution of the military bases issue. We also recommend that USAID include an ongoing evaluation of PDI to provide continued feedback for program adjustment.

It is appropriate that USAID's expanded effort to promote democratic development explore new ways of assessing and improving the quality of the activities it supports. A principal means toward this end would be the involvement of social scientists in research on the impact of PDI projects. The nature of the research would vary from project to project. Paralegal training seminars could be followed up a year or two later to see if the information was retained and utilized. The judiciary's continuous trial program could be assessed for its immediate impact and broader consequences.

INTRODUCTION

The transformation of the dominant bipolar world of communists versus non-communists to a more fragmented and interdependent world of competing centers of power has been the central geopolitical process of our time. The extraordinary international sweep of change in the late 1980s and early 1990s was the catalyst for a USAID initiative to respond to the demise of authoritarian regimes and the rise of democratic governments. Political and economic considerations have become more important than security ties as the cold war has ceased to be America's primary foreign policy concern.

An underlying assumption of the Democratic Pluralism Initiative", announced by USAID Administrator Ronald Roskens in December 1990, was that USAID needed to respond to the transformed international environment. A second assumption posits a close, systemic relationship between democracy and economic development. Thus, the initiative fits integrally into USAID's long-standing mission of supporting equitable and sustainable economic development and the international community's new emphasis on democracy as the preferred form of government.

In response to Administrator Roskens' proposal, the Asia and Private Enterprise (APRE) Bureau of USAID Washington established the Asia Democracy Program (ADP) to meet the requests of Asian nations for support of their existing democracies or for their attempts to create democratic institutions. This assessment of the Philippine situation is organized in accordance with the guidelines set forth in APRE's March 1991 document entitled Asia Democracy Program Strategy, and provides an assessment of the potential for USAID to launch a Philippine Democracy Initiative (PDI).

Democratic Pluralism

A pluralist democracy is a political system that:

1. Provides for maximum involvement of the people in the determination of public policies. (Voice)
2. Carries out free, fair, and regular elections for the people to choose their leaders. (Choice)
3. Administers the society effectively and efficiently, decentralizing decision making. (Governance and Accountability)
4. Assures individual civil, political, economic, property and human rights. (Redress)

5. Establishes a fair, autonomous judicial system.
(Redress)
6. Contains a wide variety of voluntary groups which express and bring together the interests of the people and counterbalance the authority of the state. (Voice)
7. Allows an unfettered and responsible press to flourish.
(Voice)

Democracy and Economic Development

There is no precise one-to-one relationship between democratic government and economic development. In Asia, for example, Singapore, Korea, and Taiwan all achieved rapid economic growth under authoritarian leaders. In Southeast Asia, on the other hand, those nations subjected to rigid centralized control (Vietnam, Cambodia, Laos, and Burma) have grown more slowly than those with less authoritarian institutions (Malaysia and Thailand). The Philippines, with democratic institutions but slow economic growth, is an anomaly, perhaps because its economy has not recovered from the disastrous Marcos years.

Many scholars and international leaders now agree that democracy promotes economic development. Political systems that are accountable to the people and open to criticism by a free press appear to meet people's needs. Also, democratic systems tend to be more stable than authoritarian systems where personal ties (which are inherently unstable) prevail. Stable systems promote economic development because entrepreneurs and investors can be more confident.

In like manner, economic development sustains democratic institutions. In societies such as the Philippines, where more than half the population lives below the poverty line, democracy is often viewed as a luxury. When full stomachs are people's primary concern, they are more open to radical solutions and demagogic leaders who promise to end their misery. By contrast, economic development leads to a more mobile, knowledgeable citizenry less easily misled by charlatans.

While no one can prove a direct causal relationship between democracy and economic development, the two variables interact. The proposed Philippine Democracy Initiative seeks to build on that interaction, assisting the Philippines to strengthen its democratic institutions, especially those that help people maximize their economic potential. In that sense, the PDI works in tandem with existing USAID programs which have had sustained economic development as their chief goal. Only by working in a balanced way on both economic and political fronts can USAID maximize its impact. This view undergirds our assessment.

Elements of the Assessment

- A. **Voice.** Voice refers to the ability of citizens to express their demands, desires, and needs to the proper authorities, and to actually help determine public policy.
1. Voice emphasizes channels for people to express their needs. The PDI assessment team has focused on public advocacy NGOs as mechanisms for enhancing the people's voice. These organizations provide an alternative means for people to articulate their needs. They provide a check on the established political channels, which have been ineffective in hearing and responding to the people. NGOs which represent the underrepresented (women, the poor, people in rural areas, the young), which are sustainable, not linked to personal vested interests, and which have not been coopted by the state are of particular importance.
 2. For meaningful communication to take place between the people and the authorities, free and responsible print and broadcast media are essential. Democracy cannot flourish if people lack access to accurate information. USAID should consider supporting all kinds of media, including private and governmental, urban and rural.
 3. Because of the important role of women in nearly every aspect of society and government, women must be given voice more commensurate with their members.
- B. **Choice.** The definition of democracy is that citizens have a role in determining their leaders, normally through free and fair elections. Since 1987, the Philippines has had such elections again, but there are still some real problems.
1. Free and fair elections require an informed electorate.
 2. Effective choice includes civic education, the training of election officials, training for candidates (with emphasis on women and other minorities who are underrepresented groups in all levels of elected political positions in the Philippines), and ballot access.
 3. Civilian rule is necessary for democratic pluralism.
- C. **Governance.** Without effective and efficient administration, people's needs will not be met and democracy cannot be sustained. Policies that do not reflect the will of the people will eventually fail.
1. Decentralization brings government closer to the people.

2. An effective Congress, well-staffed and informed, is crucial.

D. **Accountability.** Democratic societies rely on elected and appointed leaders to govern in the interests of the people, not in their self-interest. A government of laws must take precedence over a government of personalities. Through sound administrative practices and outside auditing, public servants can be made accountable. Corruption and graft undermine democracy by eroding people's trust.

E. **Redress.** Civil liberties are central to democracy.

1. The judicial system must be autonomous and legitimate in the eyes of the citizens.

2. Judicial reform from the national level down to the barangays will be necessary

3. Human rights are the hallmark of democratic societies.

Philippine Sensitivities

No factor affecting the proposed Philippine Democracy Initiative is more potentially perilous than people's sensitivities to American interference. We were warned about this by some of the nation's most distinguished leaders, USAID officials, NGO leaders, and ordinary citizens.

The timing of this initiative is especially tricky. Negotiations are proceeding on the Military Bases Agreement. Then the Philippine Senate will debate the issue. Meanwhile, the Philippine presidential campaign has already begun. No explanation will convince skeptics that USAID is not initiating PDI to pressure the government to bow to U.S. demands. In the opinion of one USAID official, "This the wrong project at the wrong time in the wrong place."

Our respondents unanimously advised us that any support related to the 1992 presidential elections would be counterproductive. We were told that by the head of NAMFREL, by the President of the Senate, by Congressmen, by the Chief Justice of the Supreme Court, by the Secretary of Justice, and by NGO leaders throughout the nation. The team is persuaded by this unanimous advice that despite the importance of election support and voter education, it could prove disastrous to become involved with assisting election-related activities before the 1992 elections. Once the national election is over, we recommend that USAID respond favorably to requests for reform of voter registration, poll worker training, ballot-counting election observers, and civic education and training.

An indication of how sensitive working with the media can be comes from a letter to the assessment team from a media organization stating that the directors had reappraised their position and now had reservations about receiving funds from USAID. This letter was sent after the head of the organization had expressed interest in affiliating with USAID.

Moreover, a comprehensive assessment of Philippine Legislative Capability Building by the Congressional Research and Training Service (CRTS) recommended that USAID not launch projects designed to support the legislature until after a mutually acceptable agreement on the military bases has been reached. CRTS stated that any USAID support prior to that time would raise suspicions that the PDI is meant to influence the results of the negotiations.

The point is not that USAID should drop PDI. On the contrary, we believe that the goals of PDI are laudable. Nevertheless, USAID must be scrupulously careful to minimize misunderstandings. Any policy that appears to be politically partisan or supportive of U.S. policy interests (trade, investment, the military bases, etc.) could explode in USAID's face. A single wrong step could sink the entire project.

USAID Existing Programs Related to PDI

The USAID Philippine Assistance Strategy for FY 1991-1995 identifies three major themes that, to varying degrees, intersect with potential PDI activities. Policy reform, the private sector and decentralization, which are related to the PDI categories of voice, redress and governance. Specifically:

1. Voice

a. NGOs

This is an area of PDI in which USAID already is playing a significant role. The Office for Food for Peace and Voluntary Cooperation (OFFPVC) is working with over 60 NGOs, a number of which are involved in developing civic awareness or leadership skills. OFFPVC is also helping minority communities in Mindanao.

Under the Natural Resources Management Program administered by the Office of Natural Resources, Agriculture and Decentralization (ONRAD), roughly \$25,000,000 is being provided to support environmental NGOs and public policy reform, and to establish an independent non-governmental foundation which will address conservation issues. This complements a related initiative, ONRAD's Rainfed Rural Resources Program, which includes NGO participation and NGO-government collaboration. Private sector advocacy groups are

receiving approximately \$1,200,000 through ONRAD's Accelerated Agricultural Production Project to assist their efforts to advocate changes in policies that adversely affect the agricultural sector. Similar support will be included as a component of an \$80,000,000 Agribusiness Support and Assistance Project, currently under design.

The Office of Population, Health and Nutrition, working first with The Asia Foundation and soon with John Snow, Inc., is helping the Philippine NGO Council on Population, Health and Welfare strengthen its management capacity to coordinate the activities of its member NGOs in the provision of family planning information and services to the public.

The Mission's Office of Private Enterprise Support plans to assist small businesses to formulate and communicate their policy preferences, by funding research on relevant regulations and laws particularly as they pertain to the informal sector, and by support for advocacy of policy reform.

2. Redress

a. The Legal System

A \$500,000 grant by OFFPVC to the Asia Foundation currently supports four NGOs whose lawyers address legal needs of farmers, fishing communities, upland indigenous people, women, the urban poor, labor locals and environmental groups. Additional assistance to the Foundation for these NGOs and for alternative dispute resolution projects is under discussion, and support for judicial administration projects also may be provided. The Xavier University College of Law in Cagayan de Oro will soon receive assistance for a combined legal aid/human rights program.

b. Human Rights

A grant to The Asia Foundation from Section 116(e) funds enables the Nueva Ecija Human Rights Action Center to carry out a human rights program that includes investigation of military excesses, legal aid, and educational radio broadcasts. Support for the Asian-American Free Labor Institute has gone toward educating trade unionists on civil and political rights, and development of radio dramas on civil and political rights.

3. Governance

Decentralization

USAID supports a plethora of activities related to decentralization. ONRAD's Local Resource Management Project improves governmental and non-governmental capabilities to manage decentralized services, and supports community-based enterprises. ONRAD's Local Development Assistance Program (LDAP) is concerned with the delegation of resources and capacity to local governments, to removing constraints on local autonomy, and to increasing NGO involvement with local government. Its Decentralized Shelter and Urban Development Project bolsters the delivery of services by chartered city governments, NGOs and the private sector to the urban poor. In addition, ONRAD's National Resources Management Program works with local governments and NGOs.

The Child Survival Program of the Office of Population, Health and Nutrition provides \$50,000,000 which will, among other things, support policy changes aimed at decentralizing health planning and improving service delivery to the poor.

POLITICAL BACKGROUND

Factors that Sustain and Strengthen Philippine Democracy

1. Historical. The Philippines has a longer, deeper historical experience with democracy than any other Asian country. The 1896 Philippine Revolution against Spain was Asia's first anti-colonial struggle, and it was waged in the name of liberal, Enlightenment values. The Malolos Constitution--though short-lived--was modeled on liberal constitutions of Europe and Latin America. Filipinos resented some features of American colonial rule, acquiesced in others, but took enthusiastically to American-style elections. The 1935 Constitution, which created the Philippine Commonwealth and then served as the foundation of Philippine government for twenty-six years (1946-1972) strongly resembled that of the United States, with three branches of government, guaranteed civil liberties, and regular elections. Two important differences between the Philippine and American constitutions were the unitary (rather than federal) character of the former, and a provision for emergency rule, or martial law, that proved disastrous when President Marcos embarked on his plan for permanent unlimited personal rule.

Philippine elections until 1972, though marred by the so-called "three G's", (guns, goons and gold) generally transmitted the will of the people. No president before Marcos was ever re-elected: the two political parties (Nationalistas and Liberals) alternated in power, in Malacañang, and in Congress. In the general atmosphere of pro-American sentiment that pervaded the Philippines after World War II, American intervention in Filipino elections was tolerated, and in some cases even welcomed, especially if it seemed to support the better candidate, as was the case in 1953 when the National Movement for Free Elections (NAMFREL) supported Ramon Magsaysay. This condition certainly obtains no longer, as Filipino nationalism has deepened.

The nightmare of the Marcos years seems to have strengthened most Filipinos' commitment to freedom. They have seen how democracy can be lost, and what a long hard struggle must be waged to regain it. Marcos' farcical elections included such innovations as asking voters to indicate by a show of hands if they wanted him to remain in office. When Marcos' grip began to loosen, many Filipinos participated in the 1984 legislative elections. The whole world witnessed their heroism in voting Marcos out of power in February 1986 and then defying guns and tanks to make those results stick.

To sum up, because of their historical experience, most Filipinos have a very high commitment to democracy and free elections.

2. Educational. The Philippines is in a very different category from other Asian countries where democracy is fragile. In formal educational attainment, it ranks with European countries or Japan. Granted, there are problems with the overly formalistic school system which emphasizes learning by rote memory. Still, the literacy rate is high, most citizens are at least bilingual if not multilingual, and awareness of national and international events is far higher than in most developing countries. Use of English, though a sore point among nationalists, opens Filipinos to a world of science, literature and politics, and facilitates communication between elites from all regions of this very diverse country. There is, however, an increasing conviction, even among elites, that a national language is necessary for sustainable, equitable development.

The Philippine public school system, from its very inception, been used as an agent of political socialization. Civics, Philippine history, and democratic values are taught. One cannot say whether such teaching, or other factors, is responsible for Filipinos' devotion to democracy.

3. Cultural. Certain features of the Filipino cultural landscape bode well for democracy, and serve as a check against authoritarian or totalitarian rule, including a deep sense that society ought to be (but is not) socially just. The yearning for social justice could undermine democracy, if unfulfilled, but will support democracy if the present system offers realistic hope for reform. The cultural value of *awa* (pity) softens a sometimes harsh sociopolitical environment. Politicians cannot long resist pleas from "little people", even though the response is particularistic rather than universalistic, meaning that the individual's plight is alleviated, but the general conditions that caused that plight may go unchanged. Other cultural traits with political implications include *utang na loob* (debt inside one's self) and *hiya* or the shame that one feels if he does not repay that debt. This constellation of traits leads to an escalating spiral of mutual obligations that can bind the politically powerless (clients) to the powerful (patrons). Some observers have identified cultural attitudes believed to be inimical to democracy, including a lack of regard for public property, an exclusive focus on family to the detriment of wider loyalty to the nation, and a *bahala na* or "who cares?" syndrome.

The assessment team is particularly impressed with the strong, constructive role played by women in Philippine politics and

society. This seems to offer a whole range of democratic possibilities that would be closed off in countries where for cultural reasons women's roles are limited to the home.

Filipino society is also very tolerant. There is little pressure for conformity; hence free speech, free press, and open expression of opinion, find cultural sanction.

4. Constitutional. The present Philippine constitution, drawn up in 1986 by a commission appointed by President Aquino, and ratified overwhelmingly in 1987, is an impressive testament to Filipinos' devotion to democracy. The legislature consists of a 24-member senate elected nationwide, and a 200-member House of Representatives elected by districts. As the framers intended, the Senate has a broader outlook; the House is more particularistic. The constitution also provides for appointment of some "sectoral" members to give voice to disadvantaged groups. Executive power is vested in a president directly elected to a single six-year term. In a reaction to the Marcos dictatorship, the 1987 Constitution weakened the powers of the presidency. At present, there is talk of the possibility of President Aquino running for a second term, but this is rated a very remote possibility by most observers, for to violate her own constitution would be quite out of character for a president who, whatever her shortcomings, has always manifested a deep devotion to democracy. The constitution may be analyzed in terms of voice, choice, governance, accountability and redress.

- a. Voice. The Philippine press is free from government censorship. It is competitive (there are more than 25 daily newspapers in Manila alone) and feisty. This is not to say it is without serious structural weaknesses, most notably ownership by particular political or business interests. But it does not face the sort of official repression found in many other Asian countries, or the censorship to which it was subjected during the martial law years.

Another aspect of "voice" is the existence of public advocacy NGOs, which are specifically allowed by the 1987 constitution. These flourished in lush proliferation after the repression of the Marcos years vanished. Indeed, the main problem for USAID will be sorting out those that are legitimate and have some institutional structure, from those that are vehicles for personal ambition, or are manifestations of the *niñgas cogon* syndrome, by which projects get off to a roaring start but then lose momentum. The constitution provides full protection for the right to organize.

- b. Choice. The centerpiece of President Aquino's redemocratization of the Philippines has been the holding of free and fair elections. The 1987 constitution, which provides

for elections on a three year cycle was itself ratified in an open plebiscite. The government's record has been exemplary, and there is no reason to think that presidential and local elections will not be held on schedule next year. The constitution places control over all election procedures in the hands of an independent body, the Commission on Elections (COMELEC), and guarantees also the right of independent monitoring organizations, such as NAMFREL, to oversee the balloting and vote counting. Problems of vote buying and "flying voters" remain, but are well within the bounds of the normal imperfections of democracy.

c. Governance. The constitution provides for a Commission on Appointments (composed of twelve senators and twelve representatives) which must approve the president's nominees for ambassadors and department secretaries. Many other features of the constitution are a direct reaction to former President Marcos' personalistic abuse of power. The bureaucracy is overseen by a constitutionally independent Civil Service Commission whose members are appointed by the president to a single nonrenewable term of seven years.

d. Accountability. An independent judiciary and a virtual army of lawyers throughout the Philippines make all government officials theoretically accountable for their actions. Since graft and corruption have historically been problems in the Philippines, a special court, the *Sandiganbayan*, was established to try officials accused of violating the public trust. The proliferation of lawyers has not led to justice for the poor, in part because the legal profession's norms and economic interests are oriented toward litigation and serving the affluent, rather than toward conciliation and the broader public good.

e. Redress. In reaction to the frightening descent of the nation into rule by terror under Marcos, the 1987 constitution established an independent Commission on Human Rights (CHR), empowered to investigate allegations of abuse of authority, extrajudicial executions, torture, and other violations of international conventions to which the Philippines is a signatory. The CHR's powers are recommendatory only.

Factors that Weaken and Threaten Philippine Democracy

1. Economic frustration. For Filipinos, this is the supreme issue of the moment. It seems unusual that an Asian nation of well-educated, hardworking people should languish while its neighbors grow economically or even "take off," yet that is the unhappy situation the Philippines finds itself in. Philippine economic growth has stayed ahead of population growth, but not by a wide margin. Investors are scared off by political instability, particularly the series of coup attempts that have

punctuated Aquino's rule. Worst of all, the nation is burdened with a whopping \$28 billion debt inherited from the extravagant Marcoses, who, along with their parasitic relatives, friends and partners, siphoned off much of that borrowed money for their own use. President Aquino rejects the argument of the Freedom from Debt Coalition, that foreign banks and governments simply made bad loans which the Filipino people should not be forced to repay. For Aquino, international creditworthiness must be maintained, but this issue is political dynamite. The assessment team was repeatedly told that if the United States really wanted to help the Philippines, it should consider debt forgiveness of the magnitude recently extended to Poland and Egypt.

2. Skewed income distribution. American colonial rule in the Philippines was uniquely successful in many ways, but in one respect failed utterly: The extreme social and economic inequities were never addressed; indeed, they became even more entrenched because the elite quickly learned to use the new legal and political system to protect their own privileges. In the Philippines land was (and despite the rise of a new entrepreneurial class, still is) synonymous with wealth and power. Seven out of ten rural producers do not own or control land but rather work as tenants, leaseholders or wage-laborers. Three fourths of all rural families live below the poverty line. Almost eighty percent of the land is owned by twenty percent of the population.

One of the great disappointments of the Aquino years is the Comprehensive Agrarian Reform Program, which is not comprehensive and which moves at a glacial pace. Aquino might have used the dictatorial powers she inherited from Marcos, and her enormous (but fleeting) popularity, to once and for all divest the landowning class of their estates, but she did not do so. But the president found that this complex issue, of long standing, met entrenched resistance.

3. Continuing communist insurgency. The Communist Party of the Philippines (CPP) and its military arm, the New People's Army (NPA) have lost ground since 1986. Many top leaders have been captured, there have been major security breaches, the party has gotten bogged down in internal purges and a series of policy blunders and tactical errors. Many longtime guerrilla fighters have accepted offers of amnesty from the government. Still, the NPA has been in the field for twenty-two years now, and can survive without foreign assistance, so is relatively unaffected by the worldwide crisis of faith in socialism. The illegal Communist Party claims that it acts in the interests of the poor, while other traditional politicians pay lip service only to helping the common man.
4. Pervasive corruption. According to the testimony of many of

the people we interviewed, the Philippines has not yet managed to free itself from the corruption that entered all levels of political life during World War II, when it was considered patriotic to cheat the Japanese. The habit has unfortunately become entrenched. The Philippine Chamber of Commerce and Industry has estimated that one third of the national budget is lost to corruption. Some argue for tolerance, or at least understanding, on the grounds that definitions of corruption are culturally derived, and gift-giving, as well as looking out first for one's family, are indigenous Filipino values. Such an argument overlooks the deleterious effect of corruption on government performance, as well as the fact that not all citizens are equally able to pay for the services to which they are entitled by law. Precisely because corruption permeates all levels of the polity, citizens' hopes that corruption would somehow magically disappear along with the Marcoses were bound to be disappointed.

5. Military factions and coup attempts. All actions of the Aquino administration must be seen in the light of the president's vigilant and so far successful struggle to avoid being overthrown. Factions within the armed forces, notably the Reform the Armed Forces Movement (RAM), the Young Officers Union (YOU), and others, imagine themselves to be the people's saviours. Their repeated coup attempts have undermined confidence in the viability of democracy, pushed many government policies in directions thought to be more acceptable to the military, and certainly frightened away desperately needed foreign investment. This has been the single greatest headache. As of mid-1991, it seems that the dissident officers are content to enter into "negotiations" with the government they had sworn to uphold. In 1991, the economy grew stronger and foreign investment returned. While the danger of another coup attempt has subsided, the dissident military continues to threaten stability.
6. Congress has turned in a disappointing performance. Senators, elected nationwide, have a broader vision than Representatives elected from 200 local districts, but the general legislative product, particularly with regard to needed reforms, has been minimal. There are problems of coordination between the two chambers, located miles apart, and conference committees sometimes must meet in restaurants. Knowledge of parliamentary procedure is rudimentary, so legislation that should be in committee is often debated on the floor, resulting in even greater legislative bottlenecks. These technical problems are probably overshadowed by the bigger problem that the legislature generally represents the most privileged classes in a polarized society.
7. Political dynasties continue to dominate provinces. If sociologists are correct in describing Filipino society as one

in which there is a very low level of public trust, then the importance of family ties becomes comprehensible--blood ties, and fictive kinship, offer the only security possible in a dangerous and unpredictable social environment. The pre-martial law polity, at the provincial and national levels, was dominated by prominent clans. President Marcos' radical centralization of power did not permanently undermine the provincial oligarchs, for they began to reassert their traditional powers even before he was swept from the scene. President Aquino's restoration of democratic elections once again opened up the traditional electoral arena in which the old, rich families competed for power and prestige. In this sense the Aquino government may be seen as restorationist rather than revolutionary or reformist. The pre-martial law political system has been restored. As one example, five members of the Osmeña family now hold elective office in Cebu.

8. Philippine political parties lack ideology. They are personal vehicles to promote the ambitions of individuals. Prior to martial law, two political parties with interchangeable membership and indistinguishable rhetoric, rotated in and out of power. Now there are more than one hundred parties registered with the COMELEC, but the system is quite fluid and no one is sure what will emerge from next year's elections. Individual politicians are more important than party labels.
9. The court system is clogged. Judges have routinely scheduled more cases than they can handle, knowing that many lawyers will show up only long enough to ask for postponements. By one estimate, the total backlog of cases is more than 200,000 nationwide. One tax case heard in 1988 had been filed fifty years earlier. The courts could not even quickly dispose of charges against the men who killed former Senator Benigno Aquino. Under the leadership of Chief Justice Fernan, some progress is being made in speeding up the delivery of justice, which everyone seems to agree is a great national problem.
10. Rapid population growth. All Filipino economic, social and political problems must be seen in the light of the nation's explosive population growth. The Philippine population has multiplied by a factor of ten in the twentieth century, and will double again within thirty years. The population density of Manila is already double that of Tokyo and four times that of New York. It is very hard to imagine any government solving the nation's political, economic and environmental problems unless population growth is curtailed.
11. Human rights abuses continue. As the insurgency wanes, the incidence of gross human rights abuses also decreases. However, it is still at an unacceptably high level.

From the above catalogue of woes, it is possible to single out a few threats to democracy that are most serious, most pressing, and most immediate. These are economic frustration and the skewed distribution of income resulting from the continued domination by old families, and above all else from too rapid population growth (see number 10, above).

VOICE

Media

Need

A free press is absolutely essential to democracy, for you can always rely on the government to tell you what it is doing right, but only a press unafraid of retaliation can play its critical "fourth estate" role. Only when armed with information, can voters exercise genuinely free choice. In developing countries, the media have an important educational role to play, too.

Philippine newspapers historically served as organs of nationalism--first in the struggle for freedom from Spain and then by supporting the demands of nationalist politicians like President Manuel Quezon for independence from the United States. For historical and cultural reasons, Filipino journalists took with great gusto to adversarial journalism, and the Bill of Rights protected them from government retaliation. Only between 1972 and 1986 did Filipino reporters, publishers and broadcasters know censorship (and learn self-censorship). Of course, the media reflected the distortions of society. Most newspapers were owned by elite families and reflected elite views. The influential dailies were in English.

When democracy returned to the Philippines in 1986, all press censorship was immediately lifted, even before the promulgation and ratification of the 1987 constitution. Many Manila dailies were sequestered by the Philippine Commission on Good Government, because they had fallen under the control of former President Marcos' relatives and cronies. What emerged from this shake-up is the Manila press of today--rambunctious, sometimes shallow, sometimes corrupt, but absolutely, undeniably free. Many people, including President Aquino, believe the press takes its freedom too far. She has castigated the press as "abusive", "licentious" and "critical of organized government, of history, of humanity itself." While our assessment team would not endorse such a sweeping indictment, we think that the Philippine press suffers from the following defects and problems:

1. Proliferation of newspapers. There are approximately thirty daily newspapers in the Philippines now. Twelve broadsheets give serious news, mostly in English. Fourteen tabloids offer sex and scandals, mostly in the vernacular. Four papers are in Chinese. There are simply not enough readers or advertisers to go around, with the result that only one newspaper, the *Manila Bulletin*, consistently makes money. Another, the *Inquirer*, shows signs of viability, too. The others must give away promotional copies so they can show large enough circulation

figures to attract advertisers. These papers would have gone out of business long ago if not for reasons 2 and 3 (below):

2. Ownership and control by business interests. Industrialists and businessmen sometimes purchase money-losing newspapers simply to influence government officials, on policy matters such as tax breaks or labor disputes, or as negative leverage (the threat to slander elected officials in their columns). Some newspaper owners also control radio and television outlets.
3. Newspapers and radio stations sometimes serve as vehicles for ambitious politicians. The reported purchase of *Malaya*, once a crusading paper, by former Marcos associate Eduardo Cojuangco, is one example of a trend likely to become more apparent over the next year. This situation is particularly true in the provincial capitals.
4. Low salaries render journalists vulnerable to bribes. Most full-time journalists earn P3,000 to P4,000 per month, about the same as a schoolteacher but not nearly enough to insulate them from the temptation of what Filipinos call--in a play on the "developmental journalism" President Marcos said he wanted--"envelopmental journalism": stories warped by money passed in sealed envelopes to reporters. By all reports, this disturbing phenomenon is very widespread.
5. Editors demand too much of reporters. Reporters are sometimes expected to file seven stories a day. Such an impossible workload leads to a) "cartel reporting" in which reporters band together to divide up the work and share each other's copy; and b) press-release reporting, in which the reporters submit whatever they are given by a government department or, worse yet, a politician's public relations staff.
6. Lack of investigative journalism. To follow a story over weeks or months, to dig deeply, takes time and money that reporters do not have and editors will not allocate. Many newspapers do not conduct post-mortems on the previous day's issue, so even stories that should be followed up may be dropped.
7. Reporters are often not well-trained. Older, veteran reporters complain that today's newcomers are weak in English and writing skills, and are otherwise poorly trained. Schools of journalism have become much more popular since the end of martial law, but our assessment team thinks their curricula are weak. Notably, they do not have enough mandatory social science and ethics courses, but concentrate more on the mechanics of reporting.
8. Columnists have become irresponsible "superstars". We were surprised at the depth of bitterness expressed everywhere toward newspaper columnists, who are accused of vicious and unethical attacks on political figures, and even of making those attacks

in return for money from their victims' enemies. We cannot document the validity of these accusations, but they do indicate that columnists are regarded as a blight on Philippine journalism.

9. Reporters have been subjected to harassment and intimidation. Some have even been murdered. Thirty-one reporters have been killed in the line of duty since 1986. Investigative reporting is hazardous particularly in rural areas where insurgency or political clan warfare raises tension to dangerous levels. The team believes it is extremely important to address this situation.
10. The provincial press is very weak. Press power is concentrated in Manila. Good reporters from the provinces move to the capital; good reporters in the capital stay there. Furthermore:
 - a. The few good reporters in provincial capitals are stringers for Manila papers.
 - b. Journalists in the provinces are more vulnerable to threats and harassment.
 - c. Although there are 120-150 provincial newspapers, most are mouthpieces of locally influential families, and exist to promote those families' interests and fight their battles. They depend on "praise releases."
 - d. Local newspapers have very low circulation. They cannot attract enough advertising to turn a profit.
 - e. Investigative reporting is almost out of the question. We were told by the editor of a Cebu newspaper that he runs investigative stories two or three times a year, "but that's it."
 - f. Most provincial papers are poorly laid out and poorly printed.
 - g. People in the provinces cannot even depend on getting Manila papers--if Philippine Air Lines doesn't fly that day--no newspapers.

Response

A number of very encouraging Filipino initiatives have addressed the serious problems of the press enumerated above. The Philippine Center for Investigative Journalism (PCIJ), patterned after the Washington-based Fund for Investigative Journalism, is two years old now, and has sponsored some important studies on illegal mining on T'boli land, politically motivated kidnappings, and pollution from a copper smelter in Leyte.

The Center for Media Freedom and Responsibility, a private non-profit organization, publishes the *Philippine Journalism Review*, a truly excellent quarterly which defends press freedom and also raps the knuckles of papers guilty of unprofessional practices. The PJR runs a column called "Journalistic Opportunity" telling reporters where to apply for grants and scholarships, such as those offered by the Philippine-American Educational Foundation.

The Jaime V. Ongpin Institute for Business and Government gives cash awards and public recognition to outstanding investigative journalists.

The Philippine Press Institute, a publisher's association, distributes a "Philippine Journalists Code of Ethics" to newspapers.

The Catholic Mass Media Awards are given annually to outstanding journalists and broadcasters.

Recommendations

1. Be alert to sensitivities--even if unwarranted--about American "meddling". Filipinos in general, Manileños in particular, and reporters especially, tend to perceive a master-plan behind anything America attempts.
2. Consider carefully the recommendations you have received from Father Nim Gonzales and his colleagues in their study "Needs Assessment on the Philippine Media". This study was commissioned by USAID/Philippines especially for this strategic assessment. The recommendations we endorse we have included in the present document. Certain of their recommendations we consider to lie beyond the purview of PDI.
3. Consider funding to the Asia Foundation, if warranted, for the worthwhile journalism work it is already supporting.
4. Provide scholarships for journalism students, to study in Manila, not abroad. We think this a neglected area, and one that would be uncontroversial. At present there is no foundation or institute that awards scholarships to journalists. Establish a scholarship fund for business reporters. This is an area of great importance to the Philippines. Business reporting requires a set of specialized skills, and knowledge of economics, marketing and management, corporate law, the stock market and even industrial processes.
5. Assist schools of mass communication. This is a relatively new field in Philippine higher education, and its needs are many. They include: textbooks written by and for Filipinos, expanded economics and social science courses, better studios for radio and television training (a very expensive proposition), and

funds for guest lecturers. We do not recommend bringing in foreigners, but rather sending Manila media practitioners out to the provinces. Funds could be provided to allow practicing reporters and broadcasters to spend some time teaching at schools of journalism, which at present tend to be too theoretical.

6. Consider providing the broadcast media with the equipment they will need to cover the upcoming 1992 elections. This could be a very touchy subject, but on the other hand the need is great, and good press coverage will be one of the best guarantees of clean elections. Assistance to the National Press Club, or the Kapisanan ng mga Broadcasters, for example, could escape accusations of partisanship or ulterior motives. Otherwise the candidates themselves will pay reporter's expenses!
7. Pay special attention to the provincial press. Its weaknesses are detailed above. If the Local Government Code is passed, and if some decentralization really comes to pass, then support provided to provincial newspapers and radio stations could be very well-spent. We think the following suggestions are worth closer attention:
 - a. Establish a linkage between Manila-based groups (such as PCIJ and the Center for Media Freedom and Responsibility) and their colleagues in the provinces. Bring provincial journalists to Manila for conferences, training sessions and seminars.
 - b. Investigate ways to inject useful information into popular provincial media such as comic books, tabloids, and radio soap operas. The Population Commission enjoyed some success with this approach.
 - c. The PID team should contact two groups, the Federation of Provincial Press Clubs (FPPC) and the Rural Media Foundation of the Philippines (RMFP) to see if they can suggest constructive avenues for cooperation. Our assessment team did not interview representatives from those groups.
 - d. Concentrate on one or two important regional cities. Cebu City is the obvious choice, but Davao and Baguio are other possibilities.
 - e. See if there could be new, inexpensive ways of disseminating information to the provinces, but keep in mind the often unreliable infrastructure found in provincial cities.
 - f. Find ways to encourage the Manila media to cover the provinces better.

g. Our team was told of a "People's Movement for Press Freedom" but we did not interview its president, Ric Belmonte. Perhaps this group, or one like it, has ideas for ways to protect provincial reporters from harassment and intimidation. In early June 1991 President Aquino ordered the Department of Justice to coordinate activities with the National Press Club to pursue cases against murderers of journalists, so the issue has high visibility and support at this time.

8. Consider the feasibility of setting up a centralized database in Manila into which all newspapers in the capital region, or if technology makes it possible, the whole country, could tap.

9. The Philippine Press Institute, an industry association, publicizes a Code of Ethics which some observers have characterized as in need of updating. Assistance could be offered.

Priority Recommendation. Strengthen reporting of, and from the rural areas. This is the single most obvious weakness and imbalance. A way should be found to get more information about what is going on in the provinces into the Manila newspapers and onto Manila radio stations; conversely, better ways can be found to disseminate information to the vast majority of Filipinos who live where Manila papers don't circulate and Manila broadcasts don't reach.

Non-governmental Organizations

There is a long history of local mutual aid associations in the Philippines. The "NGO phenomenon" is rooted in traditional barangay groups, but NGOs multiplied exponentially with the progressive decay of the bureaucracy under the Marcos regime. NGOs have now assumed a significant role in continuing the democratization process begun in 1986. They play a key role in development because they are accessible to grassroots groups and organized communities. Philippine NGOs are now involved in nearly all aspects of development: education, health, social welfare, industry, agriculture, trade, ecology and research. The target participants and beneficiaries run the gamut of social groupings: farmers, fishermen, tribal groups, women, youth, children, urban poor, landless farm workers and laborers.

Need

Due to definitional problems, no one can say exactly how many NGOs there are in the Philippines today. According to some estimates, there may be as many as 18-20,000. While many of these may be evanescent, others are viable, and perform extremely useful functions that the government should be carrying out, but isn't. A major problem is sorting out those that are honest and worthwhile

from those controlled by, in the words of one Visayan NGO leader, "power-brokers, moneymakers and political saboteurs." In Negros Occidental, some "NGOs" actually support the continuation of the traditional social order.

Another problem caused by the rapid proliferation of NGOs is that they compete for foreign funding. With so many NGOs active, there is bound to be much duplication of effort.

Response

We were encouraged to observe that NGOs active in "bottom-up planning" has emerged in Mindanao. NGOs in Davao and Cagayan de Oro have played a critical role in making their Regional Development Councils (RDCs) work effectively. These two cases serve as models. In many regions of the country, NGOs are deeply involved in community development and public advocacy. NGO peace groups have actively supported the rights of women, children, internal refugees, environmental protection and sustainable development. The Philippine Partnership for the Development of Human Resources in Rural Areas (PHILDRRA), Forum for Rural Concern (FRC), and the Council for Housing and Human Ecology Development (CHHED) are examples of NGOs involved in agrarian reform and poverty alleviation. The FRC and PHILDRRA have supported peasant campaigns for the lowering of the cost of fertilizer, for the abolition of the coconut monopoly, and an increase in the price of rice. They have also organized symposia on rural development.

Recommendations

1. There is a need for a nationwide survey of NGOs. A single directory could inventory their resources, membership, clientele, and range of services. An independent body of social science researchers like the Philippine Social Science Council (PSSC), could be commissioned to compile this directory. It should be computerized, because anything printed would be out-of-date before it could be published.

Most NGOs are comparatively small and flexible in organization, and as illustrated in Davao, they have overcome limitations of size and scope by organizing into networks such as COSSA and ASDAR. To develop the capacities of NGOs for public advocacy, USAID might support the formation of regional networks of NGOs with built-in training for lobbying and writing policy papers.

2. USAID could encourage intermediary institutions in Davao and Cagayan de Oro Cities to engage in ongoing evaluation of their experience with NGOs and the Regional Development Councils. Presently, the Municipal Development Councils (MDCs), Provincial Development Councils (PDCs) and RDCs in other regions function mainly as "rubber stamping bodies" for development plans

already forged by line agencies. In Davao and Cagayan de Oro, meaningful participation of NGOs in RDCs has emerged as a result of inter-regional NGO-GO conferences.

3. USAID might want to consider encouraging the Philippine government to increase and strengthen private sector membership in the RDCs, especially those NGOs that perform research. In coordination with the National Economic and Development Authority (NEDA), a monitoring and evaluation project of NGO participation in development councils can be undertaken nationwide.
4. USAID could fund a project to bring together provincial and regional representatives of government agencies and NGOs concerned with topics such as the environment, human rights, and agrarian reform. The goal would be to synchronize development plans and coordinate operations.
5. USAID could support initiatives to replicate the efforts of the Paglilingkod Batas Pangkapatiran Foundation (Legal Services Brotherhood Foundation of Davao) in provinces where the need for legal assistance to agrarian reform beneficiaries and other groups is so great.
6. Filipino social scientists have a role to play, as exemplified by the pioneering Philippine Social Science Council (PSSC)-Resources for People Program which conducted roundtable discussions and public fora.

The Voice of Women

Need

The assessment team was impressed with the major role women play in every aspect of Philippine development. We met with dozens of women NGO leaders who are innovators in virtually every area of local-level policymaking. However, we note that women, as in other countries, are underrepresented at the national level in major policy-making positions. Only two of 24 senators and less than ten percent of representatives are female. We heard time and again that women are the "strength of the society", yet few women play major policy roles (with the obvious exception of President Aquino).

We believe that the pool of women qualified for high-level positions is as large as that of men. Yet women play a disproportionately small role in shaping bills related to women's issues. The areas of child care, education, reproductive health, equality in the workplace, family rights, and sexual harassment are issues of special importance to women.

There is a pressing need to support women who are potential candidates for public office and to monitor the legislature to see that policy makers respond to women's issues.

Response

USAID's commitment to a democracy initiative could not be more eloquently met than by support for improving the voice of half of the entire population. This would increase accountability of legislators to their female constituents.

Recommendations

1. We recommend that USAID study the programs of women's organizations in the Philippines. We note that the Congressional Research and Training Service has a proposal to:
 - a. Sensitize women to gender-related issues.
 - b. Familiarize women with techniques of advocacy.
 - c. Introduce women to local and national decision-making structures and processes and identify their prospective role in the formulation of public policy.
 - d. Provide an information base that can be used by women in political activity.

Such a program could consist of seminars and workshops, support for transportation and materials for provincial women to meet with legislators, and support for a data-base on women's issues being debated in the Congress.

2. Women Involved in Nation Building (WIN) has also proposed a thorough and persuasive project to provide women with the necessary knowledge and skill to become more active politically. WIN is staffed by a well-trained group of officers and consultants. They seek to teach female candidates how to organize and run a political campaign. Our respondents spoke highly of WIN's track record.
3. It also might be possible for USAID to expand its work with women's NGOs in the provinces. The USAID-supported Amanat Foundation in the Sulu Archipelago is a good example of an organization which utilizes livelihood development and literacy classes as entry points to promote civic awareness among Muslim women.
4. The Women's Action Network for Development is a large NGO that supports women's issues, advances women candidates and educates women voters. The group has indicated its interest in working with USAID.

CHOICE

Elections

Credible elections are essential to democracy. Because of the numerous coup attempts since 1986, it is important for Filipinos to see that leaders can be replaced peacefully and constitutionally. If future elections are perceived as unfair or unclean, the likelihood of extralegal change increases. We believe this is fundamental.

The most important reason for dirty campaign tactics is simply that so many people are poor and ignorant. While their condition cannot quickly be changed, certain reform programs could be undertaken to reduce their vulnerability to patronage politics. However, the problems are legion.

The major problem regarding USAID involvement is the extreme political sensitivity of elections, especially at this time. Many Filipinos fear foreign intervention in the nation's elections, and are wary of any foreign assistance, even for such seemingly innocuous activities as electoral reform, voter education and hardware transfer. This wariness is partly due to past American involvement in elections through the National Movement for Free Elections (NAMFREL). Though distinct from the present-day National Citizen's Movement for Free Elections (also abbreviated NAMFREL) both organizations are suspected of serving as an instrument of American influence. Hence, the leaders of NAMFREL want to avoid association with the United States.

USAID should not become involved in any election-related programs until after the national elections in May 1992. Our respondents unanimously warned us to stay out of Philippine politics until after the base negotiations and the 1992 national elections. However, we think that some programs could be undertaken after May 1992, particularly through non-partisan, non-governmental, church, community-based, or academic institutions.

Need

1. The Voters and Candidates.

There were over 26 million registered voters in 1986. Most live in rural areas. Many are tenants, beholden to landlords, and preoccupied with survival. They are vulnerable to promises of money and jobs, and defenseless against the powerful. Poor voters sometimes sell their votes. Illiterates, perhaps 20 percent of the population, can vote by means of surrogates, opening them to further manipulation. Although the Philippines has the longest tradition of democracy in Southeast Asia, its

political leaders have not raised campaigns beyond the level of personalities.

2. Public Officials and the Bureaucracy

Personalism in politics tends to affect public officials who fail to live up to their duty of neutrality. Many are mobilized for partisan purposes by politicians. Government officials have shown limited ability to manage the polls efficiently. The long lag between election day and the proclamation of winners, the tedious process of canvassing the votes, and the difficulty of documenting every phase of the process, have provided opportunities for fraud by partisan groups and government agencies such as the Commission on Elections (COMELEC). Most, but not all, COMELEC officials are scrupulous. Deputizing of public school teachers as election personnel has also created opportunities for manipulation by politicians who take advantage of teachers' financial vulnerability.

The assessment team was not able to interview COMELEC Acting Chairperson Haydee Yorac, who was abroad. The interview with its former chairperson, Justice Hilario G. Davide, Jr. validated information derived from secondary sources. The team also obtained a copy of a voter education proposal submitted to various embassies by Commissioner Yorac, which seemed carefully thought-through.

Response

Depending on timing, the integrity and credibility of intermediary institutions, and the manner of implementation, the assessment team believes that a number of USAID initiatives could improve the situation. We support programs such as voter education, candidate education, training and professionalization of civil servants involved in the electoral process, hardware assistance to official bodies, and support to NGOs involved in electoral reform.

Recommendations

1. Education and Training

- a. Democracies can only be sustained by people who understand their basic duties. Our interview respondents consistently spoke of the lack of civics training in the public schools. We recommend that USAID work with the Department of Education, Culture and Sports regarding civic textbooks, teacher training, films, posters, pamphlets, and other materials designed to teach students about their civic responsibilities and rights.

- b. We also recommend non-partisan voter education carried out by academic institutions or religious organizations. USAID should approach key NGOs now involved in election monitoring for training for future elections. The NAMFREL Chairman, however, prefers not to involve his organization with USAID funding. We anticipate that USAID assistance could be less controversial in the local elections tentatively scheduled for late 1992.
- c. It is also important to support candidate education on a non-partisan basis. We recommend that USAID particularly support NGOs involved in the training of women candidates.
- d. The package should also include professional training of COMELEC personnel in computerization, document handling, and data-base building, preferably conducted by academic institutions or training centers. A pilot program in a few selected provinces is recommended. Appropriate hardware for election-related activities for local election units are a necessary component of such a package.
- e. We support value-formation programs for COMELEC personnel and public school teachers deputized for election duties.

2. Citizen Election Watch Programs

- a. The contribution of citizen election watchers to clean elections is shown by the Philippine experience with NAMFREL. We urge USAID to work through NGOs organized to monitor elections and campaigns.

3. Intermediary Institutions

Because of the high degree of sensitivity about foreign involvement in elections, we note the importance of intermediary institutions. However, we recommend that USAID be prepared to meet an "eleventh hour" request by the Philippine Government to aid them with some aspects of the 1992 elections. We believe that USAID could provide support with the fewest problems in the following areas:

- a. computer and software for vote-counting agencies
- b. printing of materials necessary for carrying out the elections
- c. Poster campaigns to foster civic duties to promote clean elections at the provincial level in November 1992. There appears to be less sensitivity at the local level, as evidenced by the willingness of church-based organizations

to conduct non-partisan voter education with U.S. assistance. The high credibility of church-based groups makes them effective vehicles for this sort of activity.

Priority Recommendations. We realize that needs are limitless while resources are limited. Hence, we recommend short-term package to respond to "eleventh hour requests" from the Government of the Philippines. But the more lasting and valuable contribution is in the long-term program of non-partisan voter education, candidate education and professionalization of COMELEC personnel. The latter is not seen as foreign intervention because it is essentially skills training and non-partisan value orientation for clean elections.

GOVERNANCE

Legislature

The framers of the 1987 Constitution tried to ensure representation in Congress for previously ignored, marginal groups. Fifty members of the House of Representatives were to be appointed between 1987 and 1992. After 1992, congress was to enact a law establishing a party list system that would assure small parties at least some seats in the legislature. Unfortunately, this has not worked out as planned. President Aquino did not appoint all the members she could have, and congress has not passed enabling legislation for the party list system. Presumably incumbents are reluctant to surrender any power.

Legislatures at all levels--national, regional and provincial--are still dominated by the same elite families that have monopolized power throughout the twentieth century. Only 31 members of the House do not come from the old political families. Consequently, the disadvantaged sectors are still excluded. Those few congressmen who do support them are outvoted. This was what happened to the Comprehensive Agrarian Reform Program (CARP).

Need

The Congressional Research and Training Service (CRTS), commissioned by USAID to undertake an assessment of legislatures at all levels, has done an outstanding job, in our opinion. With respect to the national Congress, CRTS' findings are supported by the assessment team's own interviews.

The sheer logistical problem of coordinating bills, communications, and staffs between two chambers eighteen kilometers apart through Manila traffic is daunting. Approximately one half of the congressional staff consists of unqualified patronage appointees. Even the professional half may lack the skills required for bill drafting and research, and have only a hazy knowledge of how the committee system works.

The Regional Legislative Assembly for the Autonomous Region for Muslim Mindanao (ARMM), according to CRTS, "has a non-existent Secretariat" more than a year after it was convened on April 23, 1990. It has "a token force of about four officials heading staffless bureaus...[and] the Secretary General supervises two divisions." Interviewees say they need training in parliamentary rules and procedure, the committee system, and bill drafting. They need to learn how a legislature works and information on national law. They have no library facilities, and in all ways are starting from scratch.

The same sorry situation is repeated in provincial legislatures, which also are deficient in personnel, skills and knowledge, not to mention office equipment.

Response

Assisting legislative institution-building would be a new area for USAID. It could be politically sensitive, and should be postponed until after 1992. Then, even if the Senate is still uneasy about foreign assistance, USAID should be in a position to help the House of Representatives, the legislature of the Autonomous Region for Muslim Mindanao, and provincial legislatures, which we think would welcome assistance.

Recommendations

The assessment team endorses the proposal of CRTS for an assistance package composed of human resource development, materials development and technology and equipment transfer.

1. Specifically, we think USAID can help CRTS with:
 - a. Skills training in such technical areas as bill drafting and technical writing;
 - b. Information and orientation seminars on legislative processes and procedures, the committee system and the budget process; and
 - c. Consultative fora between staffers of the Secretariat and those of Members, between staff workers from the two chambers, and between the Members and sectoral organizations.
2. In materials development, many of the activities identified by CRTS can be undertaken through academic, research and training institutions already accredited by USAID. Academic institutions can conduct seminars and workshops on basic indexing and cataloguing skills; compilation of Philippine laws and Supreme Court decisions; and ways to systematize information on national legislation affecting local administration.
3. Technology and equipment support must be suited to the locale, e.g., computers and electric typewriters should not be provided to institutions located in areas with no steady power supply.
4. Support for physical facilities should be low priority. There is, however, a need for a Library of Congress, which is currently well beyond the Philippine Government's present financial capacity.

5. Institution-building and human resource development activities of the sort identified above are probably more critical for sub-national legislative bodies than they are for the national legislature, especially since we wish to encourage decentralization and devolution of power to local government units.
6. To help improve the performance of legislators, public affairs programs in popular formats reporting their work in congress deserve support. They are better carried out by academic institutions and NGOs than by the secretariats of both houses, which may be unduly influenced by powerful members.
7. It seems to us that while legislative institution-building and human resource development are necessary components of an aid package, that is also important to improve NGO advocacy and lobbying. Part of the poor congressional performance noted by Congresswatch (of 31,253 bills filed in the House from 1987 to 1990, only 315 were signed into law; while in the Senate 1,566 bills were filed and only 54 signed) is attributable to weak lobbying by NGOs.
8. Better executive-legislative liaison can improve legislative performance. USAID could assist in this regard through support for CRTS training in effective staff work to promote coordination between the two houses, and between the legislative branch and the executive branch.

We recommend that CRTS be supported in the services it has been providing to congressional staffers and extend such services to regional and provincial legislative staff, and for academic and research institutions to undertake materials development. Support for public affairs programs described in recommendation 6 should not cost much and should be included in the initial package. While a library of congress is expensive, USAID can begin assistance through book donations.

Civil-Military Relations

Unless a permanent understanding is reached between the civilian authorities and the Armed Forces of the Philippines based on the civilian supremacy provisions of the 1987 Constitution, it is pointless to speak of the future of Philippine democracy, for it will have no future. Seven coup attempts have been beaten back since July 1986. Military rebels seem to be fading, but they might still be able to seize power if they fear that next year's presidential elections will result in an anti-military government.

Many grievances voiced by military mutineers are shared by other segments of society: the failure of the government to deliver basic services, continued national poverty, and corruption among civilians in the executive and legislative branches. Other

grievances are specific to the military: low pay, completely inadequate supplies and logistics, political meddling in military affairs, and what many military men perceive as civilian readiness to condemn the AFP for human rights abuses while ignoring similar atrocities committed by the NPA. But polls show that even though a majority of Filipinos consider many of those issues to be valid over 90 percent say that a coup d'état is not the solution.

We recognize the central importance of improved civil-military relations but we believe that this is an area where USAID should not get involved unless a way can be found to do so that will not leave USAID open to charges of using PDI as a cloak for counterinsurgency or support for a military coup. Extreme caution is advised.

Need

The destruction of the institutional basis of civilian control over the military during the Marcos regime has led to contemporary problems in civil-military relations highlighted by seven unsuccessful coup attempts since 1986. Among these problems are:

1. Erosion of military professionalism. There is a need to restore discipline, commitment to constitutional values, service to the country and people.
2. Poor pay, supplies and logistics. The dramatic increase in the size of the armed forces during martial law constrained resources and led to inadequate pay, supplies and logistics.
3. Meddling of politicians in military affairs, like promotion and assignments.
4. Presence of mutual suspicion among civilian officials and military personnel.
5. Military grievances regarding human rights, failure to the people, to solve poverty, graft, and corruption.

According to the Final Report of the Davide Fact-Finding Commission the solution to these problems ranges from the short-to the medium-term. The response of the GOP and the Armed Forces of the Philippines has been on the whole positive, but institution-rebuilding requires more than a few months to accomplish.

Response

Because many of these problems are basic and may not be within the legal framework of the USAID mission, the response of USAID must necessarily be limited. There is also the problem of high risk in trying to assist institution-building in the civil-military relations area as this can easily be interpreted as meddling in

Philippine internal and military affairs especially in counterinsurgency.

Hence, it is best to limit assistance to confidence-building measures aimed at reducing mutual suspicion and hostility between the civilian and the military. Efforts to expand expert knowledge about military affairs among civilians should be encouraged. The question is how this might be achieved within the framework of the Philippine Democracy Initiative.

Recommendations

1. Support confidence-building measures like regular fora where civilian officials and military men can meet, gain a better understanding of each other's problems, and even undertake joint activities. This can be tried by using NGOs, academic and research institutions, and civic organizations.

An example of this effort is the convening of an international conference by a group of NGOs and academic institutions in December 1988 which brought together combatants or their supporters (CCP/NPA/NDF, MNLF, AFP, etc.) in a discussion on how to wage peace in the Philippine. The Coalition for Peace is a major actor in this effort, as well as the Association of Major Religious Superiors.

2. Conferences such as those sponsored in Portugal by the Friedrich Nauman Foundation, bringing together academics, researchers, media people, politicians and military officers for discussions of topics like "The Military and Democracy" are potentially very valuable. Experiences in other countries are shared and learned by participants. These participants could come from countries where the democratic pluralism initiative is in place. Publication of summaries of these programs and their wide circulation among civilian opinion makers and military officers should be an important component of the program. The Nauman Foundation is holding such a conference in Puerto Azul on June 28-29, 1991. But this effort cannot be a one-shot deal if it is to make any impact.
3. The Final Report of the Fact-Finding Commission that investigated the failed coup of December 1989 is regarded by many as a valuable document worthy of wide dissemination. It is now available as a 600-page paperback book. Perhaps parts of it can be converted into easily digestible form and translated into comic books, posters, soap operas, documentary film and other popular media. In this way common people and ordinary soldiers can understand why coups happen and what Filipinos can do to prevent this. The Asia Foundation has included this in its program of activities for the coming funding year.

4. In the Human Rights section of the present report, we recommend ways in which USAID can support the program of the Commission on Human Rights to train military and police personnel in human rights matters. The Armed Forces of the Philippines is already providing training and value re-orientation to its personnel in human rights and international humanitarian law in association with the International Committee of the Red Cross. But this is clearly not enough.
5. Civilian scholars and policy specialists can be helped in gaining expertise in military affairs. There is only a handful of these in the country and except for one, they do not have formal academic training in civil-military relations.
6. Knowledge of legislative staffers on civil-military affairs should be enhanced through training so that their expertise can be used in the legislatures' dealing with the military.
7. NGOs have a role in promoting the civilian supremacy provision of the 1987 Constitution through building networks with the military through which mutual confidence can be developed. Seminars, workshops, joint projects are some of the concrete activities NGOs can undertake with the military for this purpose.

Priority Recommendations:

Given the sensitive nature of this section, we recommend that USAID focus on recommendations 1, 4, and 6.

Decentralization and the Philippine Democracy Initiative

Overview

A strong central government was not indigenous to the pre-colonial Philippines. Authority was not monopolized by one ruler. By contrast to other Southeast Asian societies, the Philippines had no centralized authority. Centralism, and the supremacy of Manila over other parts of the country, is a continuing legacy of Spanish and American colonialism, but local autonomy would be more congruent with ancient Filipino tradition.

It is therefore not surprising that politicians from the Visayas and Mindanao want local autonomy, as indicated by the growing membership of the Local Autonomy Movement of the Philippines (LAMP). The formal and informal devolution of power to the provinces now seems inevitable. Decentralization is an idea that has come of age under the Aquino regime.

The Government's Decentralization Strategies and PDI Support

Decentralization has been defined as the systematic and rational

dispersal of governmental power and authority to local level institutions. The Philippine government is in theory committed to political decentralization (or devolution), although initiatives have been by and large administrative in nature--redistributing administrative responsibilities within the central government. Two other emerging modes of decentralization are privatization and the use of non-governmental organizations (NGOs).

A link must be made between decentralization and the Philippine Democracy Initiative (PDI) strategy. The LDAP sees decentralization as a precondition of broad-based economic development. According to an LDAP document, "By encouraging increased authority for local government, there results increased citizen's voice and choice, financial discipline and political responsibility."

Need

Decentralization is at the heart of our concern for proper governance, and can promote economic development too. By giving the people greater control over the services they will receive, decentralization should lead to a more responsive, tax conscious, populace.

While decentralization is in fact one of the three cross-cutting themes of the Mission's assistance strategy, there must be some caution about directly providing funds to the beneficiary LGUs, considering Filipino sensitivities. For this purpose, NGO/PVO conduits, among others, can play an increasingly important role in the strategy, but resistance can be expected from congressmen who will not want to give up their patronage power.

We recognize that one barrier to decentralization is the low technical skill of LGU personnel. Yet the assessment team observed strong, active NGOs in the city, provincial, and regional development councils. We think this problem can be overcome in the long run with training and assistance. We are aware that USAID support has been provided in this area, but the results thus far are mixed.

The Local Development Assistance Project (LDAP) is too limited to take in the broader themes of the PDI. The three principal components of the LDAP--i.e., performance-based disbursements, technical assistance and grants to NGOs, do not directly address the need for improving the capacity of the MDC, CDC, and PDC support staff. Training is factored in the LDAP under the performance-based disbursement system. Yet, the Local Development Academy has not gone beyond initial preparations as of May 1991.

The team was struck by the contrasting definitions of "NGO" employed by those it interviewed, and by the implications for NGO participation in local government. Elected officials tend to identify Integrated Bar of the Philippines chapters, Rotary Clubs,

Chambers of Commerce and other middle-class entities as NGOs, indirectly revealing the extent to which many development NGOs doing work along the lines of that supported by OFFPVC are excluded (and exclude themselves) from municipal and provincial decisionmaking. The result is that in many areas those representing the 50% or more of the population who fall below the poverty line participate only minimally in local government and in coalitions with middle class groups.

Response

1. **Resource Generation, Use and Control.**

There is a need to direct some effort toward a reappraisal of tax rates (which are outmoded). But raising taxes will certainly be resisted. An alternative strategy is to broaden the LGU tax base by additional taxing powers and complementing this by enhancing their tax collection capacities.

There is a need to improve the collection performance for the real property tax. For this purpose, there should be expanded real property tax mapping and records improvement. Apparently this was one of the most popular measures taken by chartered cities.

In the long run, however, what seems to be most important is the willingness of LGUs to help themselves. A scheme may be worked out whereby more industrious LGUs are rewarded for higher tax collections. A case in point is the proposal in Senate Bill 155 allotting 5 percent to LGUs as incentive fund. It has also been suggested that this incentive scheme for "exemplary tax collection" be re-tooled so that LGUs with a low tax base, could be given some equity. Instead of flat sums corresponding to certain percentages, a differential scheme considering other elements may be considered.

2. NGO, Private Participation

A. **Privatization.**

A third approach to decentralization is through privatization which connotes the transfer of responsibility for certain functions to the private sector.

Privatization and the transfer of functions from the government to non-government institutions and groups have been pursued in a much more limited manner. However, experience shows that certain services may be delivered more efficiently and cost-effectively, if administered by private or non-governmental institutions.

Identifying the areas where the presence of the private sector is both viable and desirable is important. As shown by the example of the Cagayan de Oro Chamber of Commerce, regional organizations have the capacity to determine and act on local priorities. The Oro Chamber has undertaken a series of locally initiated projects (organizing and training guilds of struggling small businesses, for example) that promote and sustain self-help development. Through directed development activities, this local Chamber has created within Cagayan de Oro a healthy, economic environment for joint private sector involvement.

B. Non-governmental Organizations.

NGOs play a significant role in decentralized development planning and the building of local government capability. The promotion of development should be the responsibility of lower levels of government and of NGOs. Yet local governments often lack even the capacity to deliver basic services. NGOs can assist them. As illustrated by the case of Cebu, local autonomy can be enhanced by dynamic NGOs.

Recommendations

1. Among the different types of NGO-GO programs reviewed by the assessment team, the most interesting was the Central Visayas Regional Project (CVRP). We recommend that the Mission consider funding a systematic, evaluative study of lessons to be learned from the successes and failures of this program. The assessment team sees this model as effectively capturing the ideals of the democracy initiative. Repackaged to make the "voice" and "redress" components as the entry point (for example, strengthening the barangay courts or the "barefoot lawyers" program), this model, perhaps called a Regional Democratization Program could take the form of direct block grants.

The huge expenditure of the World Bank (\$35 million) in support of the CVRP makes this project far too grandiose for the PDI. However, on a far smaller scale, USAID could support the best aspects of the CVRP (support for barangay administrative structures) using a similarly based regional group for overall administration.

2. In Mindanao, the Cagayan de Oro Chamber of Commerce provides an example of how a sector traditionally perceived as "elitist" could, through a directed use of foreign grant for social mobilization and technical training, effectively function as a policy advocacy, development planning group. Reorganized in the fashion of German guilds (with small business groups like

the metalworkers and repair services represented in the Board), the Cagayan de Oro project has gained a broader membership, and has gained enough credibility to persuade the city government to delegate to the chamber the accreditation and processing of licenses. Through its monitoring of government infrastructure projects coursed through the Regional Development Council, the Chamber has blocked the implementation of dubious DPWH projects such as the construction of a high cost fish port in a marginal fishing area. The Cagayan de Oro Chamber has also organized different fora clarifying muddled issues in the region like federalism, local autonomy, and separatism. Recently, it spearheaded the holding of a Mindanao Business Conference on Power and Energy. From this Conference, policy papers addressed to the government regarding the sourcing, use and allocation of energy from the Agus river has been produced by the Chamber. The impact of the policy, advocacy and active participation of the Cagayan de Oro Chamber in development planning, not only in Cagayan de Oro but also for Region X, may be seen in the current economic boom there. The relationship between democracy and sustainable development is clearly illustrated by the Cagayan de Oro model.

The Mission could evaluate the Cagayan de Oro model. We were told that the Cagayan de Oro Chamber has the capability to undertake a Mindanao-wide campaign to foster the reorganization and/or formation of local Chambers of Commerce that is "guild-like", and depends less on personalities. The Cagayan de Oro model has been imitated by the Davao City Chamber of Commerce.

3. Provincial Development Councils (PDCs) could be strengthened by training personnel, especially in the Provincial Planning and Development Offices (PPDOs) which serve as their Secretariat. The training may include staff development, planning, and the encouraging of NGO participation in development planning. Although this type of work is coordinated by the Local Government Academy (LGA), which has received USAID support, the LGA is perceived to be working ineffectively. It is recommended that USAID plan a parallel program specifically to train PPDOs in basic, applied social research, data processing, and information management. Because the LGA has not performed effectively, other institutions should be considered for these tasks. This plan would require initial research into how PPDOs function and how vital they are to decentralized development planning.

In most chartered cities, NGO representation is weak in the city development councils (CDCs). NGO representatives are often actually political appointees of the mayor. The same pattern often obtains at the provincial level. Only when the NGOs can avoid being rubber-stamps for politicians can they play their proper role.

4. Regional, provincial and municipal development councils must involve the participation of NGOs. Yet, NGO representation in the MDCs and PDCs is largely a political choice by local politicians. We observed that where strong NGOs exist, their participation in local development councils has been meaningful. One way of increasing popular participation in local governance is by providing training to barangay-level organization. USAID's strengthening of the capacity of barangay development councils increases their involvement in policy-making.

ACCOUNTABILITY

Need

Corruption permeates the Philippines. Virtually everyone we interviewed expressed dismay at a system which has bled much of the state's treasure. This tragic situation leads almost all Filipinos to view politics as "dirty", which in itself constitutes a very serious threat to the future of Philippine democracy. The top leadership of the country may be far less corrupt than was the case when President Marcos and his wife plundered the treasury, but some politicians and administrators continue to feed from the public trough. Corruption threatens democracy because it wastes funds intended for developmental programs and because trust, the essential ingredient of democracy, is missing.

Response

The use of public money for private gain is so pervasive that our respondents agreed that no single USAID intervention could make more than a dent. The problem seems so overwhelming that it is tempting to give up and accept this as an unchangeable feature of the landscape. But we feel that the PDI must have an accountability component built into the areas of voice, governance, and redress.

Recommendations

1. The assessment team has built into its analysis of redress recommendations that will strengthen Philippine administration of justice. Through programs that make the judicial system more effective, and through support of free legal help for the poor, the judicial system can be made less susceptible to graft.

At present, there is no systematic means of evaluating judges. A significant number of judges are corrupt or incompetent.

The Cebu chapter of the Integrated Bar of the Philippines (IBP) has tried "profiling" judges in the Province of Cebu using IBP lawyers to rate judges' performance, integrity, knowledge, and decision-making ability. We recommend that USAID personnel evaluate that project to see if it is one that could be improved and replicated.

2. In the area of voice, corruption can be lessened by support of NGOs mobilized to investigate corrupt acts. Governor Lacson's program in Negros Occidental for NGO monitoring of government contracts is one example that has apparently opened up the

·bidding process. We recommend that USAID investigate his plan to see it can be used elsewhere.

3. A similar plan affecting governance relates to NGOs funded by NEDA to monitor Local Government Units. Although we were not able to gather information on this program in the areas we visited, we were told indirectly that the plan (involving using computers to monitor and audit LGUs) was successful in targeted areas. In the towns and cities of the Philippines, numerous public-spirited groups (service clubs, religious groups, universities, business organizations) could be mobilized to promote a corruption-free Philippines. USAID could support the gathering of leaders of these groups; could make pamphlets, posters, and other anti-corruption materials available; and could help support the dissemination of these materials to the proper audiences.
4. Our recommendations regarding decentralization will make people better able to monitor the use of public funds by local government units.
5. The assessment team believes that any USAID involvement in promotion of clean elections should be postponed until after the May 1992 national presidential elections. This was the unanimous advice of our respondents. The fall (local) elections are more amenable to USAID support.

Priority Recommendation. USAID should support NGO and civic group efforts aimed at preventing or investigating corruption. Such activities could be completely independent, or, as with the Negros Occidental and NEDA initiatives, could proceed in cooperation with government.

REDRESS

Human Rights

Need

The assessment team met with national and regional officers of the Commission on Human Rights (CHR) in Manila, Cebu City, Davao City, and Cagayan de Oro City, as well as with representatives of various NGOs concerned with human rights. A widely (but not universally) held assumption is that the general trend since 1986 has been of decreasing human rights abuses, due to a general return to the rule of law, a free press, and the 1987 constitution's establishment of the Commission on Human Rights. The CHR has offered training and indoctrination sessions for military officers, to inculcate knowledge of, and respect for, human rights. The most important factor in the perceived improvement in the human rights situation is undoubtedly the decline in insurgent activities, for most abuses are committed in an environment of war.

The team is skeptical of all statistical claims--whether offered by the government or by NGOs--for three reasons: 1) Violators of human rights often succeed in concealing their crimes; 2) The political environment is very different under the Aquino government from what was under Marcos, so reports from the two eras are not comparable; 3) Most human rights violations are committed in remote, rural areas or in prisons, where investigators frequently cannot gain access.

This having been said, it is clear that human rights violations still occur. A February 1991 Amnesty International (AI) report claimed there had been more than fifty "disappearances" in the Philippines in 1990, as well as instances of extrajudicial execution, torture and political imprisonment. In an overwhelming majority of the cases in which there is clear and substantive evidence, according to AI, the perpetrators have been members of government (or government-backed) security forces. According to Philippine government (CHR) figures, 1,303 reports of human rights violations were filed in 1990, including 386 cases of extrajudicial execution, 22 instances of torture, and 46 disappearances. According to the CHR, these figures represent a 17% improvement over 1989.

Regardless of how much or how little faith one places in statistics compiled by the government, or by local and international human rights groups such as AI, Asia Watch, or the Lawyers Committee on Human Rights, the team believes that an improvement in the

. 41 -

Philippines' human rights record must be an integral part of the Philippine Democracy Initiative (PDI), for three reasons:

1. Human rights are the fundamental starting point of democracy.
2. Violations of human rights thwart the other four categories of the ADP. Voice is weakened if reporters face death threats. Choice is false if voters are intimidated. Accountability becomes farcical if uniformed murderers go unpunished. And governance is weakened if citizens distrust or fear the government.
- 3) The economic development of rural areas (particularly Mindanao, which holds such promise) is going to be severely retarded if investors continue to be frightened away by reports of atrocities and counter-atrocities.

Response

The ongoing pattern of human rights abuses is not amenable to easy or quick resolution, sustained as it is by the continuing communist insurgency, the Muslim separatist movement, a staggering volume of land claim disputes, a culture of guns and machismo, and poorly trained police and soldiers. However, the Philippine government has responded in a number of creative ways:

1. The 1987 constitution contains every right found in the United States constitution, and then some.
2. The Commission on Human Rights investigates human rights abuses, either upon receipt of a complaint or on its own initiative. It also visits prisoners and inspects jails, and conducts educational seminars.
3. The CHR has established twelve regional offices and four sub-offices nationwide, to expedite investigations and provide human rights victims easy access.

However, the CHR is widely considered to be ineffective, for the following reasons:

1. Poor leadership. The chairwoman of the CHR is said to run the commission in an arbitrary fashion. She is antagonistic to some of the other commissioners, who are clearly frustrated and reciprocate her distrust. She has placed her own supporters in some but not all regional offices. Because of poor public relations, the CHR is dismissed by human rights activists as a mouthpiece of the government, even while it is accused by the military of coddling leftists! Under any leadership, the CHR will lack prosecutorial power. Under the present leadership, it will do little investigative work. But, even under the present leadership, it can perform its educational function.

2. **Definitional problems.** One commissioner told us that the CHR had never been able to agree on a definition of human rights. For example, does it include the right to decent housing? Should the CHR concentrate on individual rights, or broaden its focus to include group rights (tribal minorities, landless farmers)? This lack of clarity is compounded by the tendency of Filipino citizens to bring all sorts of cases before the CHR, including fishing disputes, labor matters, landlord evictions and even social security claims. At present, the CHR employs four criteria to define their task: They look into cases involving ideological confrontation, abuse of authority by government functionaries, crimes that generate "overwhelming" domestic or international publicity, and crimes against tribal minorities.
3. **Inadequate equipment.** CHR investigators cannot reach remote areas, where abuses often occur. The CHR possesses few jeeps or motorcycles, and is understandably reluctant to ask military commanders for assistance. Even if the army and the police were to let CHR personnel use their vehicles, villagers seeing CHR personnel arriving in jeeps with AFP markings would quickly lose confidence in the commission's impartiality. Investigators also lack radios with which to communicate with their home offices.
4. **Lack of prosecutorial power.** The CHR can gather evidence, but then must turn it over to civilian prosecutors or to the Judge Advocate General's Office for prosecution. Witnesses, meanwhile, have placed their own lives in jeopardy by testifying to the CHR, which lacks an effective witness protection program.
5. **Inadequate budget.** One CHR officer estimated that the commission's annual budget nationwide equalled the budget of one division of the AFP for one month. Regional officers complain that their allocations come late, and that they do not have enough money to hire good lawyers. Nonetheless the CHR does make some funds available to survivors of extrajudicial executions, not as indemnification, but to keep them from starvation.
6. **Lack of bureaucratic effectiveness.** Because the CHR is widely regarded as a paper tiger, the Office of the President has established a seemingly redundant Presidential Human Rights Committee (PHRC), an inter-agency coordinating committee that meets periodically with representatives of NGOs. Some citizens prefer to bring complaints directly to the PHRC, rather than to the CHR. Jurisdictional disputes between the CHR and the Department of Justice further hinder the CHR's effectiveness. In another indication of the need officials perceive to "go around" the CHR, a human rights committee in Cebu was formed that included mayors of towns--an obviously undesirable

situation. The CHR has paper powers it cannot exercise in practice, such as the "right" to deny promotion to military men accused of abuses.

Recommendations

1. Consider ways to provide CHR investigators with the means to get to remote areas only after the CHR comes under new leadership with greater demonstrated commitment and effectiveness. Inexpensive, rugged motorcycles might be most appropriate. Despite the present weaknesses in the CHR, we do think that this initiative could help in the ways enumerated here.
2. Consider encouraging programs to build confidence between the CHR and various NGOs such as the Philippine Association of Human Rights Advocates, the Free Legal Assistance Group, Amnesty International, and others. The present atmosphere of antagonism is unhealthy.
3. Encourage--consider providing funds for--the least controversial aspect of the CHR's work: education. A Joint CHR-DECS textbook writing project could produce human rights materials for inclusion in the school curriculum. The CHR seminars and lectures for military officers should now be extended down to soldiers who go out on patrol, to the Philippine National Police, and to CAFGU's. Note: Consult the detailed study, *Human Rights Education in the Philippines* by Richard P. Claude, Institute for Human Rights, University of the Philippines Law Center, 1991. A copy is available in the USAID office. Our team did not consult with DECS, and therefore cannot assess how responsive that usually ponderous bureaucracy might be.
4. USAID should consider assisting CHR to produce and distribute popularized versions, for example in local dialects and in comics, of its "infokits" which contain an abstract of the bill of rights, rules of arrest, and rules of court. This kit is intended for the military, police and CAFGU's.
5. Radio is clearly the most effective medium for reaching people in rural areas. Public awareness of rights can be spread cheaply, especially if the subject can be integrated into popular dramas and soap operas. Short radio spots can also be extremely effective. Some specific CHR proposals are contained in our "Human Rights" file, with a cover letter from Commissioner Paulynn Sicam dated 30 May 1991.
6. The team suggests that those writing the PID carefully look into the results of projects already underway, such as the Asia Foundation's Nueva Ecija Human Rights Action Center Pilot

Program, and the Asian-American Free Labor Institute Human Rights Workshops for Philippine Trade Unionists.

7. USAID has already agreed to fund a pilot project of Xavier University in Cagayan de Oro City, under which a Legal Aid and Research Center for Human Rights will administer a practicum for fourth-year law students who will work with indigent clients. The emphasis is to be on human rights matters. The team thinks this program offers potential benefits for both citizens and students.
8. The PID team might wish to consider a UNESCO report in USAID's files entitled *A Guide to Establishing a Human Rights Documentation Centre*. It is a report of an international training seminar held at United Nations University, Tokyo, in 1988, and could possibly serve as the nucleus of a program to join the informational resources of the Commission on Human Rights with those of NGOs such as FLAG and Task Force Detainees.
9. The PID team certainly should determine if USAID assistance would be useful to the newly created People's Law Enforcement Boards (PLEBs) created by Republic Act 6975, and given the task of hearing and deciding citizens' complaints against the police.
10. The team strongly believes that USAID must exercise caution and discretion in this area. Suspicion of American motives runs high throughout the country, especially among human rights NGOs, who are prone to see any American interest in human rights as a cover for counterinsurgency. This is why, even though the military, being a violator of human rights, is much in need of seminars, etc., USAID must have nothing to do with this. Leave it to the Philippine government. If the PID team can identify a human rights NGO not afraid of being delegitimized by receipt of USAID funds, even through an intermediary institution, such an organization could be preferable to the CHR. USAID support has the potential to further impeach the credibility of the CHR. All funding decisions should be made with this in mind.

It is difficult to prioritize the above suggestions, without knowing how tentative USAID cooperation with the CHR will turn out, and whether human rights NGOs can get over their innate suspicion of the United States. Educational work is clearly the least problematic, so is a good place to start. The database, too, should not present problems.

The Legal System

Problems of the Philippines' legal system mirror those of the nation's democracy. A superficially neutral structure for dispute resolution often masks a reality dominated by those with superior resources, knowledge and personal connections. Long-term improvement will follow societal changes which transcend the legal system. Meanwhile, one logical focus for PDI is nongovernmental efforts by and on behalf of those sectors which stand to gain the most from making the legal system work more equitably. Those currently excluded from the legal system, such as farmers seeking to benefit from agrarian reform, are more likely than government employees to take seriously training and other potential PDI-supported projects. Support for government initiatives also is warranted, but only on a selective basis.

The common thread running through the potential PDI law projects identified here is that they aim to open up the system to those currently denied effective access.

A. Inadequate Access to Legal Services

Need

Inadequate access to legal services wreaks severe economic damage. Though flawed, the Comprehensive Agrarian Reform Law could help alleviate poverty and contribute to rural development. Yet in the absence of appropriate legal information and representation, potential beneficiaries cannot improve their status.

Similarly, deforestation's devastating environmental and economic consequences (flooding, siltation of coral reefs, impairment of hydroelectric power generating capacity) can be traced in part to the displacement of indigenous communities which practice ecologically sound cultivation. These communities lack the legal knowledge and skill to stay on their ancestral lands.

Under the revised Family Code, married women were freed of the requirement that they obtain their husbands' permission in order to receive credit from banks and government agencies. But they are still denied such credit and must resort to usurious black market rates.

Response

The needs are vast, so PDI must target lawyers working directly with farmers' associations, fishing communities, the urban poor, indigenous upland peoples, women and other disadvantaged groups. During the 1980's, and particularly in the latter half

of the decade, more than a dozen legal resource NGOs were launched with the general goal of advancing Filipinos' social and economic rights. The equivalent of a Philippine public interest law movement, they depart from traditional legal practice in that: 1) Most of their clients are communities, associations and NGOs, rather than individuals; 2) They aim to make their clients legally knowledgeable and self-reliant (and so less dependent on lawyers); and 3) their clients' problems often necessitate work with executive agencies such as the Department of Environment and Natural Resources. The sophistication and impact of their work is gradually growing, as is their interaction with other NGOs.

Four legal resources NGOs currently receive USAID support through an umbrella grant to the Asia Foundation. An example of their potential impact is the work of one such group with a sugar farmer's association. Through occasional seminars and consultations with an attorney for the NGO, farmers have been trained as paralegals competent to gather evidence, prepare affidavits, file court papers, negotiate with opposing counsel, assist at trials, and appear on their own before the Department of Agrarian Reform Adjudication Board. A significant, sustained multiplier effect has resulted, the equivalent of employing several full-time attorneys to improve the tenurial status of the association's members and stop their landlords from evading the law in paying for harvests.

Of course, the challenge of providing legal information and services neither begins nor ends with legal resource NGOs, nor are the operations of these groups flawless. Yet in terms of promoting social and economic development, the focused thrust of their work may be more effective than broader approaches to expanding knowledge of the law. While the Integrated Bar of the Philippines' Legal Aid Program and the Department of Justice (DOJ) Public Attorneys Office provide limited help in individual cases, they are not set up to address developmental issues.

Recommendations

1. Continued USAID support for legal resource NGOs should be considered, in view of the potential of these groups to contribute to development and to have a lasting impact beyond the life of a PDI grant (e.g., by training paralegals who can replace lawyers in certain functions). Similar work by lawyers attached to other development NGOs or to university extension programs also merits support. USAID could maximize its contribution to legal services by reviewing its policy of not funding litigation by the aforementioned USAID-supported legal resource NGOs.

2. Social scientists can be commissioned to conduct trailblazing studies of the impact of such legal resource work. Applied research of this nature is virtually nonexistent, yet is very important.
3. USAID could make a unique contribution by supporting exchanges of information between legal resource NGOs and organizations active in other fields, such as health, livelihood development or family planning - particularly with regard to nonformal education techniques.
4. USAID can also support government initiatives regarding legal information and services. For example, if the Public Attorneys Office initiates innovative training or community outreach activities, they would be worth considering.

B. Insufficient Legal Expertise regarding Policy Advocacy

Need

The plethora of policy-oriented NGOs in the Philippines has had only a limited impact on the formulation of laws and regulations affecting disadvantaged sectors. There is a lack of knowledge of the nuts and bolts of how bills become laws, and inexperience regarding dealing with the political dynamics of the legislative process. There also is a lack of sophistication about public interest law devices such as class action suits. Philippine Rules of Court permit such devices, but they seldom are used.

Response

Organizations of farmers, fishermen and tribal people have worked with sympathetic attorneys (mostly from legal resource NGOs) to draft bills and explain them to Congress.

Recommendations

1. Efforts to upgrade the expertise of legal resource organizations in dealing with Congress could bear fruit. A modest start was made in early 1990, when the Congressional Research and Training Service organized a seminar for members of these NGOs.
2. Exposure of Filipino lawyers and judges to progressive jurisprudential trends in other countries (such as India) could be achieved through research, conferences and visits by foreign jurists and professors.

C. Backlogged Judicial Operations

Need

Court delay is a very severe problem in the Philippines. A November 1989 study by the Institute of Judicial Administration (IJA) found an average of two to five years from the initiation of various types of cases to their resolution. The economic consequences of such delay are profound and diverse. Business investments are tied up, corporate decision-making grinds to a halt, farmers are denied the fruits of their labor, and the poor face a choice between costly litigation and the sacrifice of their rights. Even government programs get bogged down in judicial quicksand.

One cause of this has been the employment of a "piece-meal" trial system. Months may pass between hearings. Lawyers have exploited this situation to request repeated postponements in trials, sometimes because they get paid by their clients on a "per appearance" basis. Other problems include chronic shortages of supplies, inadequate support staff, poor courtroom facilities and some judges' uneven knowledge of the law.

General Response

The Philippine Supreme Court launched a "continuous trial system" in 1989 in which cases must be completed 90 days after the first day of trial, with decisions issued not more than 90 days later. The Supreme Court also has sought to increase the number of Regional Trial Court judges, and has designated "assisting judges" to pick up part of the case load of heavily burdened colleagues.

Problems remain. Some judges and attorneys claim that with continuous trials fewer clients are able to afford representation, since legal fees have increased and must be paid during a much shorter period of time. Others believe that continuous trials have brought sloppy judicial decisions.

Specific Recommendations

1. The seriousness of court delay and an array of initiatives launched by the Supreme Court combine to make judicial administration a field which might merit PDI support. USAID should proceed cautiously, however, in part to determine whether political sensitivities will continue to prevent institutions such as the IJA (which conducts training of judges as well as research) and the Judicial Planning, Development and Implementation Office (which, inter alia, monitors judicial performance) from accepting American funds. In addition, judicial administration in particular is a field in which any major commitment of PDI

funds must hinge on implementing agencies' first demonstrating dedicated approaches to designing and implementing projects.

2. Applied research in this field is necessary to determine the real impact of judicial administration initiatives such as the continuous trial program. Social scientists should be involved, for it is unlikely that lawyers have the requisite skills for such work. In the process, USAID can strengthen the research and training capacities of the IJA by bringing in appropriate social scientists and training specialists.
3. USAID support for ongoing efforts to train judges and support personnel regarding procedural reforms (such as the continuous trial system and pre-trial processes) and substantive laws certainly could be beneficial. PDI might initially take a comparative approach, encouraging pilot projects which adopt different mixes of training methods. USAID might support judicial education activities by training academies other than the IJA, or by groups involved with substantive issues such as the environment or the status of women. This would determine different institutional capacities, and might create some constructive competition within the field. It will assume greater importance if the IJA remains unable to accept U.S. funds.
4. The use of computers for case-tracking and other purposes has been suggested in some quarters. This might be worth investigating on a pilot basis in Manila and another city where the energy supply is somewhat reliable. But, given the relatively cheap labor in the Philippines, the benefits should be compared with those obtainable from simpler approaches. USAID should examine the progress of a DOJ pilot project, under which the Asia Foundation is funding the computerized tracking of prosecutors' work.

D. Problems of Civil and Criminal Procedure

Need

Victims of crimes, or their relatives, often must retain private counsel to ensure that an offense is properly prosecuted. The Rules of Court permit a "private prosecutor" to participate in a simultaneous civil suit triggered by a criminal prosecution, and to assist in the criminal case. In reality, this private lawyer does the bulk of the investigative work and typically takes the lead in conducting the criminal case. In the absence of such a private prosecutor, many cases are not prosecuted at all, are conducted with less than full

vigilance, or are pursued properly only if the complainant "compensates" the government lawyer for his or her extra effort.

The DOJ also employs a convoluted mechanism through which a case can be considered up to three times before even coming to trial. Forty percent of initial determinations by government prosecutors regarding whether to file a complaint (i.e., file charges) are appealed by either the accused or the victim to DOJ headquarters in Manila. The Manila decisions on those appeals are occasionally subject to reconsideration.

Response

The "private prosecutor" issue may be difficult to address, in part because there is legitimate disagreement over whether it is really a problem. The Secretary of Justice asserts that only 20% of criminal cases involve private prosecutors. Yet interviews with many private attorneys and observation of court cases in preparation for this report indicate that the presence or absence of a private attorney does make a vital difference.

Recommendations

1. In view of the legitimate disagreement over whether dependence on private prosecutors constitutes a problem, it would be best to work with NGOs such as the Davao-based Pilipina Legal Resources Center (PLRC), which utilizes paralegals to spur government prosecutors to assume their mandated responsibilities. PLRC and other NGOs could document their experiences regarding this issue for the DOJ. This could be complemented by research which determines if the presence of private prosecutors makes a difference in conviction rates. Such activities might demonstrate that the "privatization" of criminal justice should be addressed by the DOJ.
2. Training sessions for judges should include components aimed at impressing on them the need for government attorneys to play the lead role in prosecuting cases.

E. Poor Judicial and Prosecutorial Accountability

Need

The quality of justice actually hinges more on the quality of judges and prosecutors than on any procedural reforms. Some who were dishonest or incompetent have been weeded out over the past five years. The constitutionally mandated Judicial and Bar Council represents a formal mechanism through which judges theoretically are appointed in an apolitical manner, but people

our team interviewed seemed to think that very high levels of corruption and dereliction of duty remain, and that patronage still taints the appointment process.

General Response

Formal structures for addressing judicial and prosecutorial corruption have only a modest impact. The Judicial and Bar Council does not completely insulate judges from politics. The Judicial Planning, Development and Implementation Office is a promising idea for monitoring judicial performance, but the sustained energy and dedication of the institution are in question. The Office of the Court Administrator receives a great volume of complaints about judges, but these complaints often are insufficiently documented, or designed to intimidate judges who simply are trying to do their jobs. As an alternative, the nongovernmental Foundation for Judicial Excellence has established awards for outstanding judges and prosecutors. Another alternative approach, described below, might be to concentrate on the appointment processes.

Specific Recommendations

1. Neutral Church bodies or universities would carry out activities geared toward involving "good government" groups in the judicial and prosecutorial appointment processes, perhaps in the context of activities involving broader issues of accountability. A first step could be for an academic institution to produce a non-judgmental paper which would describe the informal realities of those processes. Subsequent stages might include using the paper as a basis for discussion at provincial conferences organized by local universities or church social action centers. NGOs, civic groups and progressive lawyers ordinarily skeptical of involvement in activities tainted by patronage politics might be brought together at such conferences to discuss how their institutionalized or informal participation could improve the selection of judges and prosecutors.
2. Training sessions for judges should include components which address ethical concerns.

F. Insufficient Employment of Alternative Dispute Resolution

Need

An irony of Philippine legal culture is that a society oriented in so many ways toward conciliation and avoiding interpersonal conflicts is bogged down in litigation. The resulting lawyers' fees, court delay and trial costs drain both the national

economy and litigants' wallets. The Barangay Justice system represents an effort to integrate pakikisama and related Filipino values into the legal system. In theory, residents of the same barangay must try to resolve any minor disputes through neighborhood level mediation before elevating them to the courts.

In practice, the system has never been fully implemented, due to the fact that the members of its conciliation bodies in over 40,000 barangays nationwide would have to undergo training. There are indications that, where it is in operation, it cuts down on disputes going to court. In many barangays, however, there is little or no awareness that the system even exists.

Response

Tackling the massive tasks of implementing a neighborhood level mediation system nationwide is beyond the reach of PDI. Support for pilot or area-specific projects is more realistic.

Recommendations

1. USAID could support a few different organizations' attempts to train barangay mediators, with complementary grants for comparative research regarding effectiveness.
2. Planned USAID assistance for referral of pending court cases to mediation could be the basis of an expanded PDI effort, as could referral to arbitration.

G. The Poor Quality of Legal Education

Need

Philippine legal education suffers from rote memorization, inadequate practical training, little or no exposure to concepts of public service, and a concentration on preparing students for confrontational tasks such as litigation rather than conciliatory exercises such as mediation and negotiation. Some law schools are little more than degree mills. Instruction tends to be frozen in the so-called Socratic method which has fallen from favor in the U.S.

Response

Whatever strategy is pursued should focus mainly on those schools which graduate significant numbers of graduates who pass the bar, and on students in their third or fourth year of instruction. (At some institutions, many drop out during their first two years.) This would avoid spreading limited PDI resources among students unlikely to enter the legal profession.

Recommendations

1. Provincial law school faculty could be brought to Manila, where more innovative courses and approaches can be found. Model courses can be developed emphasizing negotiation and mediation skills. Conferences and research on the bar exam's compatibility with Philippine society's current needs could result in integrating courses such as environmental law into the exam, which automatically would make them much higher priorities for students.
2. Law school-based legal aid programs could inculcate the ethic of public service in law students, give them practical experience working with indigent clients, and serve surrounding communities. Exposing students and legal aid programs to the work of legal resources NGOs would give them more of developmental orientation.

H. **Inadequate Provincial Access to Law Codes and Regulations**

Need

Up-to-date information on the state of Philippine law is hard to find outside Manila. Even judges lack recent volumes of the main jurisprudential source, the Supreme Court Reports Annotated.

Response

Past efforts to establish or supplement regional law libraries have met with mixed success. This problem, though real, may be less important than others.

Recommendation

Preparatory work would involve an assessment of which materials are needed most on an ongoing basis, and the best ways to package and transmit them. A source to consult is the Free Legal Assistance Group (FLAG), which has established provincial law libraries in many parts of the country. Similar libraries could be set up at courthouses. Another approach would be to use computers to establish a data base that could be regularly updated, though this presents technical problems (e.g. power supply and the use of telephone lines), particularly outside major cities. If this approach is tried, it should be compared with simpler methods of packaging data. It also should combine Filipino legal and computer expertise, rather than seeking to adapt an expensive and overly sophisticated American system such as LEXIS.

I. Weak Protection of Contracts and Property Rights

Need

Weak enforcement of contracts and property rights discourages investment and frustrates commercial transactions. Effective judicial relief for breach of contracts is elusive and protection of property rights remains weak, in part because of more general obstacles hampering the legal system (e.g., corruption, court delay, inadequate legal services). A more specific problem is attitudinal. In contract cases, judges tend to award very limited compensation to the injured party, even if the document stipulates liquidated damages. (In addition, recovery is frustrated by bankruptcy or dissipation of assets by the party in breach.) Protecting intellectual property is viewed by police, prosecutors and judges alike as a low priority. Enforcement of real property rights raises another range of issues, including an antiquated land registration system and problematic implementation of agrarian and urban land reform programs.

Response

Philippine government response to U.S. concerns regarding intellectual property protection has been uneven. Precisely because American interests really are directly involved in these areas - and not simply a matter of perception - USAID assistance may be seen as solely serving such interests.

Recommendations

1. Intellectual property protection is too sensitive an area for PDI. Involvement could backfire on USAID and on grantees receiving PDI funds for totally unrelated activities. If pursued at all, which is not recommended, work in this field should only promote exchanges of perspectives on the issue. Regarding real property rights, addressing the complex array of technical issues connected with modernizing the land registration system and with agrarian and urban land reform probably is beyond the reach of a modest PDI effort, except to the extent that legal resource NGOs are involved with land reform.
2. To the extent that attitudinal obstacles regarding contract enforcement can be addressed, training sessions for judges might be helpful.

Priority Recommendations

Support for nongovernmental efforts to provide legal services should be the highest priority, because these directly address historical inequities, because NGO client groups' vested

'interests in these services increase the chances of success, and because the upcoming elections might disrupt government bodies. The need for USAID or an intermediary institution to concentrate on a narrow range of activities could even justify focusing exclusively on NGO work in the legal field. Probing ways to expand NGO and civic groups' involvement in the appointment of judges and prosecutors also is important, however, as is carefully calibrated assistance for judicial administration initiatives.

Summary of Recommendations

In this report we have employed the categories of voice, choice, governance, accountability and redress to suggest an overall design for strengthening Philippines democracy.

Under the category of voice, we recommend that USAID strengthen Philippine media by assisting students and schools of mass communication, funding scholarships for journalists, with special attention to the provincial press. We support programs to promote links between the Manila media and those in the provinces. The central, vital role of media in making democracies work, renders this an important part of our report.

Non-Governmental Organizations (NGOs) have emerged as a principal means by which Filipinos make their voice heard. We were impressed by the great number of active, productive NGOs, many of whom we believe merit USAID support. The proliferation of NGOs has made a nation-wide inventory of these groups necessary. We encourage USAID to support the work of intermediary institutions that are experienced in working with NGOs. We call for an evaluation of cooperative arrangements between NGOs and government organizations. We believe that the private sector can be more supportive of NGOs, if encouraged by USAID-sponsored seminars. We support USAID attempts to mobilize social scientists to act as consultants and trainers for NGO policy advocacy.

Our team was impressed with the important role women are playing in all areas of life in the Philippines. However, because women are underrepresented in high-level political positions, we recommend that USAID support programs to rectify this imbalance. A number of women's NGOs are qualified to carry out programs which train women to play larger roles in institutions.

Elections are fundamental to democracy. We recommend that USAID support non-partisan voter education programs carried out by academic institutions and qualified NGOs. Because of the high degree of sensitivity regarding American involvement in elections, we suggest that such programs be carried out by intermediary institutions and that any program be postponed until after the May 1992 elections. If the government of the Philippines requests USAID support for the elections, we recommend that support be given for computerization, printing of materials, and provincial election needs. Stay away from more sensitive areas.

The legislature is a key institution since it represents the people's interests. We endorse the proposals of the Congressional Research and Training Service for an assistance package to support the Philippine Congress. We recommend that USAID call on qualified academic institutions to conduct seminars and workshops for

Congressional staff. We are astounded by the lack of library resources available to Congress and encourage USAID to work through the appropriate staffs of the Senate and House of Representatives to plan how to build a collection of needed books and documents.

The Philippine government has decided to decentralize. We were impressed by the Central Visayas Regional Project and think that something similar could be replicated on a smaller scale. We found interesting programs in Cagayan de Oro and Davao, sponsored by their respective Chambers of Commerce and Industry, designed to monitor government policies. We recommend that USAID carry out evaluative studies of these programs as models for future replication.

Unless the Philippine military supports the duly constituted government of the country, democracy will fail. Already seven coup attempts against the Aquino Government have raised serious questions about democracy's chances. The highly sensitive nature of this problem suggests that intermediary institutions should be mobilized to carry out needed programs. We recommend that such institutions bring together academics, researchers, the media, members of the military, and civilian government leaders for conferences in civilian-military relations. We support the efforts of the Commission on Human Rights to train military and police personnel on human rights matters and on the proper role of the military. We support USAID helping to disseminate the Davide Commission Report on the 1989 coup attempt in the form of posters, comic books, soap operas, and films.

Corruption is a sensitive, but acute problem in the Philippines. It undermines people's trust in democracy. We support programs of judicial reform which we believe is at the very heart of accountability.

In the matter of human rights, we provide USAID with a number of recommendations designed to strengthen the Commission on Human Rights and to educate the people about their civil rights. We recommend that USAID support organizations which specialize in monitoring human rights. Much of this work will need to be carried out by intermediary institutions with expertise in this field.

Our team places high priority on support for legal resources NGOs. Efforts to battle court delay are warranted, as is exploration of new ways to improve the accountability of judges and prosecutors. We suggest support for mediation programs which keep cases out of court. Legal education should be invigorated through programs that expose students to better teaching methods and inculcate the ethic of public service.

APPENDIX A

PERSONS INTERVIEWED

Edwin Acoba
Secretary of the Senate
Metro Manila

Marriz Agbon
Chamber Relations Manager
Cagayan de Oro Chamber of Commerce and Industry Foundation
Cagayan de Oro City

Edmundo Albay
Human Rights Commission, Region XI
Davao City

Edmundo S. Ancog
Human Rights Commission
Metro Manila

Abelardo Aportadera, Jr.
Assistant Ombudsman for Evaluation and Investigation
Office of the Ombudsman
Metro Manila

Ernesto M. Balangue
Regional Director
NEDA Region X
Cagayan de Oro City

Arnold Barba
President, Cagayan de Oro Chapter
Integrated Bar of the Philippines
Cagayan de Oro City

Mary Concepcion Bautista
Chairman, Human Rights Commission
Metro Manila

Silvestre Bello III
Undersecretary for Investigation and Prosecution
Department of Justice
Metro Manila

Josue Bellosillo
Court Administrator, Supreme Court
Metro Manila

Gwendolyn G. Bevis
Assistant Representative
The Asia Foundation
Metro Manila

Romy Borja
Professor, College of Law
Xavier University
Cagayan de Oro City

Malcolm Butler
Director, USAJD/Manila

Nini Cabaero
Journalist, Sun-Star Daily
Cebu City

Annabel Cajita
NEDA Region X Office and Secretary of Regional Development Council
Cagayan de Oro City

Jose L.G. Cam
Executive Director, Kauswagan Foundation
Davao City

Sedfrey Candelaria
Assistant Professor, College of Law
Ateneo de Manila University
Metro Manila

Eduardo Cansino
Corporate Secretary, Metalworking Industries Association
Cagayan de Oro City

Rosendo R. Capul
Public Health Advisor, Office of Population, Health and Nutrition
USAID/Manila

Joy Cassis
Alternative Legal Assistance Center
Metro Manila

Sony J.Chin
Executive Director, Development of People's Foundation
Davao City

Leonardo V. Chiu
Director, Ramon Aboitiz Foundation Inc.
Cebu City

William S. Cole
USAID/Washington

Eleanor Condo
Director, Women's Legal Bureau
Metro Manila

Emil Corrales
Editor-in-Chief, Daily Post
Cagayan de Oro City

Marites Danguilan-Vitug
Executive Director, Philippine Center for Investigative Journalism
Metro Manila

Hilario G. Davide, Jr.
Associate Justice, Supreme Court of the Philippines
Former Chairman, Commission on Elections
Metro Manila

Leonardo V. Dayao
Program Specialist
Decentralization and Local Development Division
ONRAD, USAID/Manila

Danilo R. Deen
President, Cebu Chamber of Commerce and Industry
Cebu City

Eduardo de los Angeles
Romulo, Mabanta, Buenaventura, Sayoc & de los Angeles Law Office
Metro Manila

Melinda Quintos de Jesus
Executive Director, Center for Media Freedom and Responsibility
Metro Manila

Cynthia L. de Leon
Editor-in-Chief
Mindanao Herald
Cagayan de Oro City

Teresita Quintos Delez
Women's Sectoral Representative to Congress
Women's Action Network for Development
Metro Manila

Cynthia del Castillo
Dean, College of Law
Ateneo de Manila University
Metro Manila

Ephraim E. Despabiladeras
Program Specialist
Office of Population Health and Nutrition
USAID/Manila

Harold L. Dickherber
Chief, Decentralization and Local Development Division
ONRAD, USAID/Metro Manila

Amando Doronila
Editor-in-Chief
The Manila Chronicle
Metro Manila

Franklin M. Drilon
Secretary, Department of Justice
Metro Manila

Rodrigo Duterte
Mayor
Davao City

Vicente Emano
Governor, Misamis Oriental Province
Cagayan de Oro City

Milagros Espina
Dean, College of Arts and Sciences and Mass Communication
University of San Jose Recoletos
Cebu City

Rose Evora
Council of Social Service Agencies-Mindanao
Davao City

Jose Feria
Chairman, National Citizens Movement for Free Elections (NAMFREL)
Metro Manila

Marcelo B. Fernan
Chief Justice, Supreme Court of the Philippines
Metro Manila

Richard Fuller
Representative, The Asia Foundation
Metro Manila

Antonio Gallardo
Governor, Camiguin Province
Chairman, Regional Development Council, Region X
Cagayan de Oro City

Roberto Gana
Alternative Legal Assistance Center
Metro Manila

Jesus B. Garcia
President/Publisher, Sun-Star Daily
Cebu City

Asuncion L. Gatmaitan
Administrative/Finance Officer
Kauswagan Foundation, Inc.
Davao City

Bryant George
Chief, Office of Food for Peace and Private Voluntary Cooperation
USAID/Manila

Terrence George
Program Officer for Human Rights and Governance, Ford Foundation
Metro Manila

Fr. Ibarra M. Gonzales, S.J.
President, People In Communication, Inc.
Ateneo de Manila University
Metro Manila

Rowena V. Guanzon
Mayor
Cadiz City, Negros Occidental

Travis Horel
USAID/Washington

Jerry Hyman
USAID/Washington

Gary M. Imhoff
Project Development Officer
USAID/Manila

David Korten
President, People-Centered Development Foundation
Metro Manila

Frances Korten
Regional Assistant Representative, Ford Foundation
Metro Manila

Erik C. Jensen
Assistant Representative
The Asia Foundation
Metro Manila

Crispin P. Lanorias
Executive Director
Samal Island Development Foundation
Davao City

Nelly Lanorias
Secretariat, Assn of Social Development Agencies of the Region
Davao City

Fr. Antonio Ledesma, S.J.
Executive Director, SEARSOLIN
Xavier University
Cagayan de Oro City

Cesar R. Ledesma
Executive Director
Technical Assistance Center for the Dev. of Rural and Urban Poor
Davao City

Ric Tan Legada
Researcher, Institute of Judicial Administration
University of the Philippines
Metro Manila

Fr. Francis Madigan, S.J.
Director, Regional Institute for Mindanao culture
Xavier University
Cagayan de Oro City

Milagros J. Macaraig
Paglilingkod Batas
Council of Social Service Agencies
Davao City

Fr. Rudy Malasmas, S.J.
Kauswagan Foundation, Inc.
Davao City

Hesiquio R. Mallillin
Commissioner, Commission on Human Rights
Metro Manila

Malou Mangahas
The Manila Times and Philippine Center for Investigative Journalism
Metro Manila

Alfredo Manus
Former President/Present Regional Governor
Cagayan de Oro Chamber of Commerce
Cagayan do Oro City

Victoria Middleton
Coordinator, Democratic Pluralism Initiative
USAID
Metro Manila

Tina Monzon-Palma
New Director, GMA-7
Metro Manila

Michael Morfitt
USAID/Washington

Beverly Musni
Public Attorney's Office
Cagayan de Oro City

Fr. Bienvenido Nebres, S.J.
President, Xavier Science Foundation
Cagayan de Oro City

David R. Nelson
Office of Food for Peace and Private Voluntary Cooperation
USAID/Manila

Thomas Nicaastro
USAID/Washington

Jay Nussbaum
Project Development Officer
USAID/Washington

Romeo B. Ocampo
Dean, College of Public Administration
University of the Philippines
Quezon City

Emilio R. Osmeña
Governor, Cebu Province
Cebu City

Tommy Osmeña
Mayor
Cebu City

Imelda G. Pagtolun-an
Assistant Professor, Research Institute for Mindanao Culture
Xavier University
Cagayan de Oro

Jane Paredes
News Director, DYBU Radio Station
Cebu City

Josefina I. Paredes
Commission on Human Rights, Regional Field Office, Region VII
Cebu City

Mienrado Paredes
Presiding Judge, Regional Trial Court, Branch 13
Cebu City

Nilo B. Pena
Quasha, Asperilla, Ancheta, Pena & Nolasco Law Office
Metro Manila

Emilio Piansay
President, Davao Chamber of Commerce and Industry Inc.
Davao City

Barry K. Primm
Chief, Agriculture, Policy and Planning Division
ONRAD, USAID/Manila

Kenneth A. Prussner
Chief, Office of Natural Resources, Agriculture and
Decentralization
USAID/Manila

Bong Pundang
Technical Assistance Center for the Development of Rural and Urban
Poor
Davao City

Ramon Quesada
Director, Applied Business Economics Program
Center for Research and Communications
Metro Manila

Manny Ravocal
President, Organization of Broadcasters of the Philippines (Cebu)
Cebu City

Alex Rendon
Technical Assistance Center for the Development of Rural and Urban
Poor
Davao City

Socorro Reyes
Director, Congressional Research and Training Service
Metro Manila

Vergie Reyes
Sidlak Foundation
Davao City

Sulpicio S. Roco, Jr.
Program Specialist
Office of Development Resources Management
USAID/Manila

James D. Ross
Asia Program Lawyers Committee for Human Rights
New York City

Segundo E. Romero, Jr.
Associate Professor, Department of Political Science
University of the Philippines
Metro Manila

Jovito R. Salonga
President, Senate of the Philippines
Metro Manila

Fr. Antonio Samson, S. J.
President
Ateneo de Davao University
Davao City

Rene Bacolod Sanapo
Secretary to the Mayor
Cebu City

Rogelio Santos
NGO Representative to Regional Development Council (Region XI)
Kauswagan Foundation, Inc.
Davao City

Felicisimo C. Sasing
Station Manager, Radio Mindanao Network, Inc.
Cagayan de Oro City

Arsenio Sebastian
Vice President, Cagayan de Oro Chamber of Commerce
Cagayan de Oro City

May Elizabeth Segura-Ybañez
Project Manager for Technical Operations
Central Visayas Regional Projects Office
Cebu City

Paulynn Paredes Sicam
Commissioner, Commission on Human Rights
Metro Manila

Edwin Solis
Regional Field Office, Commission on Human Rights, Region X
Cagayan de Oro City

Vic Sumalinog
Managing Editor, Mindanao Daily Mirror
Davao City

Alfredo Tadiar
Professor, College of Law
University of the Philippines
Metro Manila

Jimmy Perez de Tagle
Co-Chairman Sub-Committee on Value Formation
Public Ethics and Accountability, Regional Development Council XI
Davao City

Rodolfo M. Tan
Regional Director, Regional Field Office, Region X
Commission on Human Rights
Cagayan de Oro City

Karen N. Tañada
Co-Coordinator, DIWATA
Metro Manila

Proserpina Tapales
Professor, College of Public Administration
University of the Philippines
Metro Manila

Margarito Teves
Congressman
Metro Manila

David G. Timberman
Asia Foundation
San Francisco

Pedro Terry Tuason
Kapwa Upliftment Foundation, Inc.
Davao City

Reynaldo Ty
Assistant Professor
Department of Political Science
University of the Philippines
Metro Manila

Luisito D. Uy
Program Director
Mindanao Technical Assistance Program for
Agrarian Reform and Rural Development
Cagayan de Oro City

Eva Duka Ventura
Professor of Political Science
University of the Philippines
Metro Manila

R. V. Vicerra
Assistant Director
Congressional Planning and Budget Office
House of Representatives
Metro Manila

Abdul Wahab
Deputy Chief, ONRAD
USAID/Manila

Brad Wallach
Deputy Chief, Private Enterprise Support Office
USAID/Manila

Richard Whitaker
USAID/Washington

Alexander Yap
Executive Director
Congressional Planning and Budget Office
House of Representatives
Metro Manila

Roberto Ybañez
Provincial Board Member
Cebu City

BIBLIOGRAPHY

- Alburo, Florian A. et al. "Towards Recovery and Sustainable Growth. (Edited by A.R. Magno), Quezon City: University of the Philippines, July 1986.
- Alfiler, Ma. Concepcion P. "The Role of Non-governmental Organizations in the Health Sector of the Philippines." Philippine Journal of Public Administration, XXX, no. 3 (July 1986), 086-306
- Ancog, Amelia C. "Deregulation and Regulatory Process: Public and Private Profit." Philippine Journal of Public Administration, XXXII, nos. 1 & 2 (January-April 1988), 185-193
- Asian Development Bank, Economic Policies for Sustainable Development. Philippines: Asian Development Bank, 1991.
- Ayson, F.G. and J.P. Abletez. Barangay: Its Operations and Organizations. Philippines: National Book Store, Inc., 1985.
- Balasbas, Clementino, Jr. "How Social Power Operates in the Philippines Society: A Critical Analysis," in Alternatives to Violence, Interdisciplinary Perspectives on Filipino People Power. Quezon City. New Day Publishers, 1989.
- Baquizal, Leonardo A. "The Need for a Specialized Administrative Body to Adjudicate Agrarian Disputes," in Adjudication of Agrarian Cases in the Philippines. Quezon City: University of the Philippines, Institute of Judicial Administration, 1988.
- Bautista, Victoria. A. "How Effective is the PHC Strategy? Highlights of the Results of a Survey." Philippine Journal of Public Administration, XXXIII, no. 2 (April 1989), 142-169.
- "People Power as a Form of Citizen Participation." Philippine Journal of Public Administration, XXX, no. 3 (July 1986), 267-285.
- Benipayo, Alfredo L. "Delays in the Disposition of Civil Actions and Some Suggested Remedies." The Judges' Journal. Quezon City: U.P. Institute of Judicial Administration. December 1987.
- Brillantes, Alex Bello, Jr. Decentralization: An Imperative for the 90s. Quezon City. By the Author, 1990.

- "The State of Philippine Democracy: 1987." Philippine Journal of Public Administration, XXXI, no. (October 1987), 404-417.
- Brillantes, Alex B. and Jocelyn Cuaresma, Issue Brief, Local Government, Local Autonomy and Decentralization. University of the Philippines, College of Public Administration, Local Government Center. 1990.
- Buendia, Rizal G. "The Prospects of Federalism in the Philippines: A Challenge to Political Decentralization of the Unitary State." Philippine Journal of Public Administration, XXXIII, no. 2 (April 1989), 121-141.
- Cabreros, Eduardo Q., "An Overview of the Policymaking Role, Functions and Processes of the Judiciary." Philippine Journal of Public Administration, XXXIV, no. 3 (July 1990), 226-275.
- Canlas, Dante B. et al. An Analysis of the Philippine Economic Crisis. University of the Philippines, School of Economics, June 1984.
- Cariño, Ledevina V. An Assessment of Public Administration in the Philippines. Working Paper Series. Quezon City: Philippine Institute for Developmental Studies, January 1990.
- "Bureaucracy for a Democracy: The Struggle of the Philippine Political Leadership and the Civil Service in the Post-Marcos Period." Philippine Journal of Public Administration, XXXIII, no. 3 (July 1989), 207-252.
- "Tonic or Toxic: The Effects of Graft and Corruption." Bureaucratic Corruption in Asia: Causes, Consequences, and Controls. Quezon City: JMC Press Inc., 1986.
- Cariño, Ledevina V. and A.T.R. Rahman. "Negative Bureaucratic Behavior and Development: An Introduction to a Seven-Nation Research Project," in Bureaucratic Corruption in Asia: Causes, Consequences and Controls. Quezon City: JMC Press Inc., 1986.
- Center for Research and Communication. Policy Analysis of Philippine Decentralization Final Report. February, 1990.
- Cole, William, U.S. Agency for International Development/ Thailand, Strengthening Participatory Institutions and Resources in Thailand, March 1990.
- Cole, William, et.al., U.S. Agency for International Development, Program Strategy for Democratic Pluralism Initiative in Pakistan, September 1990.

De Guzman, Raul P. "Decentralization as a Strategy for Redemocratization in the Philippine Political System." Philippine Journal of Public Administration, XXXII, nos. 3 & 4 (July-October 1988), 217-225.

Department of Agriculture. "A Strategy for Rural Development." Philippine Journal of Public Administration, XXXIII, no. 4 (October 1989), 341-359.

Drilon, Franklin. "The Justice Report." 1990 Philippine Yearbook. Nabuka: Fookien Times, 1990.

Estanislao, Jesus. "Financing Philippine Economic Strategies." 1990 Philippine Yearbook. Manila: Fookien Times, 1990.

Fact-Finding (Davide) Commission, The Final Report (Manila: Bookmark, 1990).

Gasiorowski, Mark et.al., U.S. Agency for International Development/Sri Lanka, The Democratic Pluralism Initiative in Sri Lanka: An Assessment of Program Options, April 1990.

German, Milagros A. "Mediation in the Adjudication of Agrarian Cases and the Procedure in Agrarian Law" in Adjudication of Agrarian Cases in the Philippines. Quezon City: Institute of Judicial Administration, 1988.

Green Forum. Creating A Common Future: Initiative for Sustainable Development. Manila: Green Forum - Philippines, 1990.

Guina, Carolina S. "Preparing the Public Servant for the New Government." Philippine Journal of Public Administration, XXX, no. 3 (July 1986), 260-266.

Lande, Carl, et.al., Social Cleavage and Political Parties in the Post-Marcos Philippines, Final Report, June, 1990.

Legada, Ric Tan. "Assessment of the Implications of the CARP Law on the Comprehensiveness, Effectiveness and Soundness of the CARP as a Reform Strategy." Adjudication of Agrarian Cases in the Philippines. Quezon City: Institute of Judicial Administration, 1988.

"Assessment of the Implications of the CARP Law As A Reform Strategy." Philippine Journal of Public Administration, XXXIII, no. 1 (January 1989), 46-66.

Magno, Alexander R. "Agenda for Popular Democracy." University Inquiries Into the Future. Quezon City: University of the Philippines, July 1986.

Mahel, Barbara. The Situation of Filipino Women: Focused on Women's Organizations based in Manila. Metro Manila: Guaranty Press Incorporated, 1988.

Mercaida, Enrique. "The Role of People's Organizations in Philippine Political Development." Philippine Journal of Public Administration, XXX, Vol. 2 (April 1986), 207-222.

Miranda, Mariano, Jr. "The Economics of Poverty and the Poverty of Economics: The Philippine Experience." Land, Poverty and Politics in the Philippines. Quezon City: Claretian Publications, 1988.

Monsod, Solita C. "The Role of Government." Philippine Journal of Public Administration, Vol. XXX, no. 4 (October 1986), 329-337.

Nathan Associates, "Philippine Decentralization and Popular Participation: On Impact Evaluation of the Local Resource Management Project." July 1990.

Natural Resources Management Program, Program Assistance Approval Document, Vol. II, September 1990.

Oamar, Felipe V. "Breaking In the New Guards: Training the Local Government and Regional Administration." Philippine Journal of Public Administration, XXXII, nos. 3 & 4 (July-October 1988), 257-267.

"Governing Metropolitan Regions: Some Approaches for Metro Manila." Philippine Journal of Public Administration, XXXI, no. 2 (April 1987), 149-156.

Paderanga, Cayetano W., Jr. "Resilience in Development." 1990 Philippine Yearbook. Manila: Fookien Times, 1990.

Padilla, Perfecto. "Restructuring the Administration of Metropolitan Manila." Philippine Journal of Public Administration, XXXII, nos. 3 & 4 (July-October 1988), 226-240.

Porter, Gareth and Delfin Ganapin. Resources, Population and the Philippine Future: A Case Study. Washington, D.C.: World Resources Institute, 1989.

Quieta, Romeo. "An Evaluative Study of the Development of Social Welfare and Development's Self-Employment Assistance Program." Philippine Journal of Public Administration, xxxiii, No. 2 (April 1989), 170-189.

Rasul, Jainal D. "Muslim Perspectives on Major Problems of the 21st Century: Population, Economy and Nationalism." "Papers, Discussions and Recommendations to the Solidarity Conference, February 7 & 8, 1987." Manila: Solidaridad Publishing House, 1987.

Raval, Demaree J.B. and Ric Tan Legada, "Delay and Docket Congestion in the Philippine Judiciary." The Judges' Journal. Quezon City: University of the Philippines, Institute of Judicial Administration, December 1987.

Reforma, Mila A. and Raul P. De Guzman, Government and Politics in the Philippines. Singapore: Oxford University Press Pte. Ltd., 1988.

Reyes, Danilo, "Social Services Policy in the Transition State: The Agenda of Social Reform in the Philippines." Philippine Journal of Public Administration, XXXI, no. 1 (January 1987). 1-23.

Rondinelli, Dennis A. and C.S. Cheema, "Implementing Decentralized Policies" in Dennis A. Rondinelli (ed) Decentralization and Policy Implementation in Developing Countries, United Nations Center for Regional Development, London, 1983.

Rood, Steven. "Intergovernmental Relations in a Cordillera Autonomous Region." Philippine Journal of Public Administration, XXXIII, no. 4 (October 1989), 379-399.

Sajo, Thomas A. "Local and Regional Public Management Education in the Context of Decentralization." Philippine Journal of Public Administration, XXXIV, no. 2 (April 1990), 130-162.

Santos, Luis T. "Strengthening Local Government Capability for Decentralization." 1990 Philippine Yearbook. Manila: Fookien Times, 1990.

Schirmer, Daniel B. and Stephen Roskamm Shalom. The Philippine Reader. Quezon City: KEN Inc., 1987.

Sosmeña, Gaudioso. "Local Autonomy and Intergovernmental Relations." Philippine Journal of Public Administration, XXXI, no. 3 (July 1989), 231-255.

Sycip, David. "Getting the Philippine Economy Out of the Rut." Papers, Discussions, and Recommendations to the Solidarity Conference, February 7 & 8, 1989. Manila: Solidaridad Publishing House, 1987.

Tadiar, Alfredo F. Quality of Justice Administered by the Criminal Justice System of a Provincial Capital Town. Quezon City: Law Publishing House, 1985.

Tancangco, Luzviminda G. "Elections in the Philippines: Giving Democracy a Second Chance." Current Challenge to Democracy in the Philippines: Upholding the Integrity of the Electoral Process. Quezon City, CPA, 1987.

Tancangco, Luzviminda G. "Political Neutrality and Public Accountability: An Examination of the Role of the Philippine Civil Service in the 1986 Presidential Elections." Current Challenge to Democracy in the Philippines: Upholding the Integrity of the Electoral Process. Quezon City: CPA, 1987.

Tancangco, Luzviminda G. and Ral P. De Guzman. "An Assessment of the 1986 Special Presidential Elections. A Summary of Findings" Current Challenge to Democracy in the Philippines: Upholding the Integrity of the Electoral Process. Quezon City, CPA, 1987.

Tancangco, Luzviminda G. and Roger L. Mendoza. "Elections and the Crisis of Legitimacy in the Philippines: A Comparative View of the Marcos and Aquino Regimes." Philippine Journal of Public Administration, XXXII, nos. 3 & 4 (July-October 1988), 268-298.

Tanggol, Sukarno D. "Regional Autonomy and Social Development: Some Notes on the Case of Muslim Mindanao." Philippine Journal of Public Administration, XXXIV, no. 1 (January 1990), 1-26.

Teves, Gary, "Local Autonomy: Key to Development," in Economics and Society. Center for Research and Communications. October 1988.

Timberman, David G. "The Philippines in 1990: Democracy and the Economy on Shaky Ground." Asian Survey. February, 1991.

Umpa, Sairā Rakiin. "The Autonomous Region in Muslim Mindanao as a Contemporary Issue in Public Management Education." Philippine Journal of Public Administration, XXXIV, no. 2 (April 1990), 163-172.

United States Agency for International Development, Bureau for Asia and Near East, Democratic Pluralism Initiative, November 1989.

United States Agency for International Development/Philippines, Local Development Assistance Program Approval Document. September, 1990.

USAID Philippine Assistance Strategy US Fiscal Year 1991 - 1995. July, 1990.

University of the Philippines, College of Public Administration,
Publications Office, Local Autonomy in the Philippines--Myth or
Reality? 1989.

Vistan, Deogracias N. "Land Bank and Cooperatives: Partners in
Countryside Development." 1990 Philippine Yearbook. Manila:
Fookien Times, 1990.

Yotoko, Eduardo, et.al. Policy Analysis of Philippine
Decentralization. Center for Research and Communications.
February, 1990.

Wurfel, David. Filipino Politics: Development and Decay.
Ateneo de Manila University Press. 1988.

POTENTIAL NONGOVERNMENTAL PARTNERS FOR USAID

What follows are lists of nongovernmental groups with which USAID conceivably could work in carrying out the Philippine Democracy Initiative. Potential governmental partners are more self-evident, and therefore are not identified here.

A number of points should be clarified regarding these lists:

1. The lists merely identify a relatively modest number of potential implementing organizations (i.e., those which would carry out projects directly) and intermediary institutions (i.e., those which would receive USAID support to fund subgrantees). Clearly, the lists are not comprehensive, nor can they be considered endorsements of the groups they contain.
2. For the most part, categories are along the lines of those provided in the Philippine Democracy Initiative Assessment. The potential role of an organization is not necessarily limited to the category into which it falls. For example, a group listed under Accountability may also be appropriate for Voice/NGOs. Similarly, an institute listed under Applied Research might be appropriate for organizing NGO conferences.
3. Potential intermediary institutions are denoted by (II). Some such groups might instead serve as implementing organizations. To the extent that they could function as intermediary institutions, the levels of funds they could administer would vary widely.
4. All organizations are based in Manila, unless otherwise indicated.
5. Parenthetical explanatory comments are provided where appropriate.

A. Voice/Media

Asian Institute of Journalism

Ateneo de Manila University Department of Communication

Catholic Radio Network

Center for Media Freedom and Responsibility

Federation of Provincial Press Clubs

83

Kapisanan ng mga Broadcasters

People in Communication, Inc.

People's Movement for Press Freedom

Philippine Center for Investigative Journalism

Philippine Press Institute

Rural Media Foundation of the Philippines

**University of San Jose Recoletos Department of Communications
(Cebu)**

University of the Philippines College of Mass Communications

B. Voice/NGOs

**Association of Social Development Agencies of the Region (II;
ASDAR, a Mindanao-specific NGO network)**

Caucus of Development NGO Networks (II; CODE-NGO)

Council for Housing and Human Development Concern

**Council of Organized Social Service Agencies in Mindanao (II;
COSSA-Mindanao)**

Private Agencies Collaborating Together, Inc. (II)

Forum for Rural Concern

**KAISAHAN tungo sa Kaunlaran ng Kanayunan at Repormang
Pansakahan (concerned with agrarian reform law, policy and
advocacy)**

Philippine Business for Social Progress (II)

Ramon Aboitiz Foundation, Inc. (II)

**Samahang Kapatiran sa Timog Mindanao Foundation (an NGO
network in Davao City and Region XI)**

C. Voice/Women

DIWATA (II)

Women Active in National Development (WAND)

Women Involved in Nation Building (WIN)

D. Choice/Elections

Catholic Educational Association of the Philippines (for training and educational materials)

E. Governance/Legislature

Congressional Research and Training Service (also could work with NGOs)

F. Governance/Decentralization

Cagayan de Oro Chamber of Commerce and Industry

G. Accountability

Cagayan de Oro Council for Good Government

National Coalition for Transparency (II)

H. Redress/The Legal System

Alternative Law Network (II; a network of legal resource NGOs, but very new and lacks a legal personality)

Alternative Legal Assistance Center (a legal resource NGO concerned mainly with labor, the urban poor and the status of women)

Asia Foundation (II)

Ateneo Human Rights Center (a legal resource NGO attached to the Ateneo de Manila College of Law)

Center for People's Law (a legal resource NGO; also known as BATAS)

Foundation for Judicial Excellence (II)

FFW Legal Center of the Federation of Free Workers

Institute of Judicial Administration

J.V. Ongpin Institute for Business and Government (II; also deals with press issues)

Legal Assistance Center for Indigenous Filipinos (a legal resource NGO; also known as PANLIPI)

Office of Legal Aid, University of the Philippines College of Law

Paglilingkod Batas Pangkapatiran Foundation (Davao; a legal resource NGO concerned mainly with the status of women)

Paralegal Training and Services Center (a legal resource NGO)

Pilipina Legal Resources Center (Davao; a legal resource NGO concerned mainly with the status of women)

Structural Alternative Legal Assistance for Grassroots (a legal resource NGO concerned mainly with farmers, fishing communities and indigenous upland Filipinos)

Tanggol Kalikasan (a legal resource group which is a division of the environmentalist Haribon Foundation)

Women's Legal Bureau (a legal resource NGO)

Applied Research Bodies

Ateneo Center for Social Policy and Public Affairs

Ateneo Center for Church and Social Issues (concerned with agrarian reform, the urban poor and NGOs)

Center for Research and Communication (mainly economic issues)

Center for Women's Studies (University of the Philippines)

Philippine Social Science Council

Xavier University Research Institute for Mindanao Culture (Cagayan de Oro City)