



CDIE

Impact Evaluation

United States Agency for International Development

STRENGTHENING THE LEGISLATURE AND DEMOCRACY IN THE PHILIPPINES

When Dr. Socorro Reyes returned to the Philippines from the United States in 1987, she had a clear concept of what she

wanted to do. During her nine-month assignment as a congressional fellow she had gained a better understanding of the information needs of legislators in an open, democratic setting. Dr. Reyes, a political science professor, worked with California Congresswoman Barbara Boxer and Minnesota Senator David Durenberger under a program of the American Political Science Association, funded by The Asia Foundation.

Returning the year after Manila's EDSA revolution, which ousted authoritarian President Ferdinand Marcos, she explained to anyone who would listen her ideas about the information needs of the newly elected Philippine Congress.

She talked from personal experience. Like other congressional fellows, she had been put to work immediately in Washington. She had needed to learn a lot about Medicare in a short time, without detailed briefings or coaching. A fellow staffer offered useful advice: request an "info packet" on the topic from the Congressional Research Service.

The research packet offered succinct background information a legislative greenhorn would otherwise spend weeks collecting. During her internship, she requested other info packets and relied on the research service for other information services. Dr. Reyes realized the Philippine Congress, at least in comparison with its American counterpart, was seriously undersupplied with timely, useful information. She set out to do something about it.

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Back in the Philippines, Dr. Reyes planned a project that would offer training for legislators and staffers, publications on Congress's performance, and legislative information systems. The Congressional Research and Training Service would be sponsored by her home institution, De La Salle University, but Dr. Reyes sought outside financial support, initially from The Asia Foundation.

Dick Fuller, Asia Foundation representative in Manila at the time, was already involved in strengthening the Philippine Congress through a direct grant to the Secretariats, the administrative units that support the legislative work of the Senate and House. He was hesitant to support the service without the Secretariats' endorsement, because of his already significant direct investments. Dr. Reyes was disappointed. But, a good democracy entrepreneur, she assessed the situation, mobilized her limited resources (mainly her own time and energy), and organized training courses for Secretariat employees.

In three months she ran training courses for several dozen administrative staff of the Senate and House Secretariats. Then she went back to The Asia Foundation. This time she found Mr. Fuller more responsive. He had become somewhat disenchanted with efforts to strengthen the Secretariat from *inside*. Officials were slow to use money he had provided and the work Dr. Reyes proposed was complementary. He and his staff reviewed Dr. Reyes's proposal, liked what they saw, and made an initial grant of \$82,000. It included funds The Asia Foundation received from USAID's Manila office under a mechanism that provides grants to nongovernmental organizations (NGOs).

Over the next several years, the Congressional Research and Training Service gained a reputation as a significant player in the legislative

process. With a staff of a dozen (mainly young people) and an annual budget of \$100,000 provided by the Asia and Ford Foundations (\$40,000 and \$60,000, respectively), Soc Reyes and her staff organized 53 training activities for 1,664 Secretariat employees. They covered such practical topics as managing a legislative office, technical writing, policy analysis, drafting bills, the role of committees, and the budget process.

In 1993 the service began to shift its strategy, a move necessitated by dwindling donor funds and responding to program successes (most Secretariat staff had received training) and encouragement from program officers at the Asia and Ford Foundations. Last year, in response to that shift, it also underwent a name change and became the Center for Legislative Development. The center increasingly directed its support to outside groups that lobby and critique the legislature in pursuit of legislation and administrative changes to help disadvantaged citizens. Soc Reyes and her staff offer training and guidance on public action and policy analysis to advocacy groups, "taking them to the House" when needed.

In mid-1995, the group was doing *pro bono* work with a variety of advocacy groups. They were helping fisherfolk draft a new fishing code and advising SIBOL, a coalition of women's groups, on lobbying for a far-reaching anti-rape bill.

A CDIE STUDY

In August 1995, seven years after Soc Reyes founded her legislative development center, a USAID evaluation team arrived in Manila. The four-person team included two members with experience on Capitol Hill and two who had worked as researchers, project managers, and foreign aid officers in Asia. Three are Ph.D. social scientists and the fourth has an

academic background in law and philosophy. The group was charged by colleagues in Washington to visit several countries and advance understanding of the what, why, and how of legislative strengthening programs.

The study was organized around four straightforward questions:

1. What are the essential features of the legislative process? (Besides the legislature, who are the major actors?)
2. What has been the role, positive and negative, of the national legislature in democratic reform?
3. What contributions have USAID and other donors made to legislative functioning, and what impact have they had on the democratic process and democratic dialogue?
4. What does the Philippines case tell us about legislative strengthening?

The list implies a broad view of legislative development. The issue is not simply strengthening the legislature, but strengthening the legislative role in democratic reform.

The team interviewed several dozen people—USAID officials, employees of other donors, legislators and their staffers, academics, journalists, and NGO activists. Most interviews yielded several pages of notes and a pile of documents an inch or two high, far more than the team could digest in the allotted time, but clearly demonstrating the Philippine Congress is the focus of local as well as international attention.

We found a Congress that is professional in carrying out its legislative work and well supported by administrative services, a vibrant NGO sector that interacts confidently

and effectively with the legislature, and donors (notably USAID and a few partners) that react flexibly and creatively to strengthen the legislative process.

ESSENTIAL FEATURES OF THE LEGISLATIVE PROCESS: BUILDING ON TRADITION

A tradition of a more-or-less democratic, constitutional legislature is a century old in the Philippines. The Malolos Constitution set forth principles for the Republic of 1898–1901, including an elected, unicameral parliament. The Spanish–American War interrupted this early experiment, but some form of legislature continued throughout the U.S. administration. A bicameral legislature was instituted in 1907 and continued until 1935, when the constitution established a semi-independent commonwealth and a unicameral National Assembly. In 1941 it was amended to create a congress again comprising Senate and House. Except for the Japanese occupation (1942–45) and periods of martial law and constitutional authoritarianism under Marcos (1972–86), the bicameral system has continued to the present. The Marcos years brought a partyless national assembly that was little more than a rubber stamp for executive edicts.

The February 1986 EDSA revolution, which restored multi-party democracy, is a political watershed, central to any discussion of Congress and democratic development. After hundreds of thousands of citizens took part in anti-Marcos demonstrations on EDSA (Epifanio de los Santos) Boulevard, there were clear expectations not only that formal democracy would be restored but that it would fundamentally change citizens' lives.

Yet, Congress's structure and operating systems were rebuilt on the base of 90 years of practice and tradition. Secretariat staff could train newcomers in the basic skills of record-

A PROFILE OF THE TENTH CONGRESS (1995–98)

	SENATE	HOUSE
Membership		
Members	24	204*
• by gender	20 M, 4 F	181 M, 23 F
• by religion	all Christian	196 Christian, 8 Muslim
Term length	6 years, 2-term limit	3 years, 3-term limit
How elected	national, at large	legislative district
Parties		
• LDP—Lakas ng Demokratikong Pilipino	14	33
• Lakas–NUCD	5	122
• NPC—Nationalist Peoples Coalition	2	30
Others	3	19
Committees		
Number	48	15
Membership	4–16, average 8	12–50, average 32
Secretariat		
Personnel	890	1,600
Operating budget (1995)		
	P516.7 million (\$20.7 million)	P1.264 million (\$50.6 million)

*Excludes 25 additional members appointed by the President to represent sectoral interests—youth, women, labor, cultural minorities.

ing and publishing debate, organizing committee work, and assembling budgets. A generation of older politicians was familiar with the norms and forms of civilized debate, and a group of experienced journalists knew at least the rudiments of legislative coverage. Thus, much of the routine institution-building that donors have sponsored for legislatures in newly minted democracies has been unnecessary in the Philippines.

The House's 204 elected members represent single-member districts. The President appoints 25 additional members to represent disadvantaged socioeconomic groups. The Senate's 24 members are elected at-large by the national electorate. Critics contend elec-

tion to the Senate is limited to those with national recognition—the elite, movie stars, or other well-known public figures. They also label it a chamber of presidents-in-waiting; many senators aspire to the presidency. Each Congress has three one-year sessions, beginning in July. Legislative work is conducted year-round, with a break of several weeks before the annual session starts. Both houses work hard Monday through Thursday, with three-hour plenary sessions and frequent committee meetings and public hearings. Many representatives return to their home districts on weekends to face constituent service demands—for jobs, scholarships, handouts—reminiscent of urban American political machines at the turn of the century.

In the Eighth (1987–92) and Ninth (1992–95) Congresses, formal legislative business was conducted 130–140 days a year. Senators and representatives file a remarkably large volume of bills. However, many are duplicates and many are bills of local application, affecting particular communities or groups.

In the Ninth Congress, 16,700 draft bills were filed, mainly in the House, but including more than 2,000 in the Senate. Of the total, only 427 (2.6 percent) were signed into law. Of those passed, more than half were of local application, and one twelfth were international treaties ratified by the Senate.

Legislators receive a substantial amount of money to operate their offices and hire personal staff, and they have great flexibility in spending it. In addition to a base salary of P204,000 (\$8,000), each representative spends P2–3 million (\$80,000–\$120,000) annually, mainly on Manila and home district staff (several per legislator), local and international travel, consultants, and research. Observers say only a minority use funds in the modern fashion, to strengthen their legislative work by hiring staff and consultants with expertise in policy analysis, drafting, or planning. Most seem to hire staff to extend patronage, strengthen political alliances, or provide constituent services.

Secretariats (900 staff in the Senate, 1,600 in the House) are administrative units staffed by civil servants. They manage the work of the two houses, performing the myriad administrative tasks of a modern, activist legislature. For example, the Senate Secretariat publishes a calendar of annual legislative actions, schedules and records committee meetings, arranges hearings, records and publishes debate, coordinates with the House, files bills, publishes legislation, and provides library services and limited research support.

The CDIE team saw ample evidence of the legislature's active oversight of executive agencies. We observed informational meetings with Education and Revenue officials and viewed a "Senate at Work" television program of a committee reviewing the performance of the national police force.

Much has been said and written over the decades about the domination of Congress by members of aristocratic families who typically owned thousands of acres and dominated sociopolitical life in their home provinces. A recent publication of the Center for Investigative Journalism, *The Ties that Bind*, both confirms the continuing relevance of this issue and offers hope for change. The author, Eric Gutiérrez, summarizes:

What emerges from the data gathered is a web of interlocking families, business, and professional connections that link the members of the House to one another and other sections of the country's economic and political elite.... Much has remained the same through the years—many legislators are big landowners and have interests in large corporations; they are also members of families that have held political power for generations.... But the data reveal a great deal of change as well. The number of representatives who came from business and professions is much bigger now than it was in 1940 and even in 1970. A significant number of members of the House are middle-class professionals.... In all, 145 of 199 representatives elected in 1992 are members of political families. In the previous House, 164 were members of political clans.

Perhaps most striking is that these observations are being made, openly, in a widely read publication. Congress isn't yet the ideal vessel of democratic culture, but it's regularly subjected to scrutiny, criticism, and, sometimes, reform. Furthermore, in recent months the courts have prosecuted powerful individuals,

including the son of former President Marcos and the son of a serving senator. Even traditional elites are on notice they can no longer simply pursue the special interests of their class.

Informants, sometimes by pointed comments, often by what they didn't say, impressed on team members the insignificance of Philippine political parties in the 1990s. From independence to the early 1970s there were two stable parties, but they are no longer significant players in the post-Marcos era.

Parties are most often viewed as vehicles for individual ambitions and expected to remain stable only for a single election. Informants talked about legislators who shift parties, parties dominated by a single leader, and parties that offer support to guest candidates from another party, occasionally even when that candidate competes directly with a host party candidate.

Most informants expect frequent shifts of legislators in and out of the president's party in the last three years of his six-year term, which ends in 1998. Members then maneuver for affiliations that best serve their needs, and senior leaders build coalitions to support their candidacies for the presidency. In the process, party loyalty and ideology, if they exist at all, have little weight.

Equally telling are remarks we *didn't* hear. Parties were never associated with a broad ideological position. Nor were they closely associated with policy positions. When planning strategies for introducing or passing legislation, NGOs identify individual legislators they expect to work with, not parties.

THE LEGISLATURE AS A FORCE FOR DEMOCRACY

Legislatures can support democratic change

by passing reform laws, maintaining a responsive relationship with civil society, and modeling democratic behavior. The CDIE team sought to track these contributions in three ways. We asked observers to comment on Congress's performance. We conducted case studies of legislative actions, paying particular attention to events at the boundary between the legislature and civil society. And we examined how Congress is portrayed in the media.

Performance of Congress

The team asked two dozen observers—mainly Filipinos, a few foreigners—to identify Congress's major positive and negative contributions to democratic reform since 1987. Two achievements from 1991 stood out: passage of local-government legislation and rejection of the U.S. bases treaty.

Several informants commended Congress for continuing to pursue the legislative agenda laid out in the 1987 Constitution, about 100 pieces of legislation. They often use those mandates as a checklist for legislative performance, noting, for instance, that land-reform legislation *has* passed (though some believe in emasculated form) and that proposed electoral reforms have *not*.

Olivia Caoili, a political scientist and vice president of the University of the Philippines, offered a scholarly view, reminding us of academic thinking about the role of the legislature: besides passing laws and overseeing administration, the legislature *represents* voters, offers chances to *participate* (to individuals and groups organized to draft legislation and lobby), *allocates* resources (in part to increase equity among regions and social groups), and *legitimizes* (by exemplifying democratic values). Dr. Caoili argued Congress has strengthened Philippine democracy by

- Enacting bills enhancing democracy (Local Government Code)
- Repealing legislation undercutting democracy (Subversion Act)
- Ensuring transparency in its proceedings—committee meetings open to the public and free media access
- Reforming public ethics (ethics bill, anticorruption rules, civil service reform)
- Making politicians subject to censure and prosecution

However, she noted reasons for pessimism:

- Electoral reform has stalled. Five of six proposed reform bills were defeated in the Ninth Congress.
- Executive selection of sectoral representatives for the House has been slow.
- Patrimonial and dynastic biases remain.

Beth Cunanan, leader of a socialist women's alliance and underground activist in the Marcos era, was surprisingly upbeat about Congress's role in democratic change, particularly when it comes to advocacy NGOs. She said NGOs now have far more access to legislators and the political system. NGO leaders often advocate their views in face-to-face meetings with legislators and staff, and sometimes *draft* reform laws. Other observers expanded on this, noting politicians sometimes turn to NGOs for advice on legislative priorities or help in reviewing legislation. Bonifacio Gillego, a progressive congressman from Bicol, began with a positive comment on the institution he is a part of: "We can say that the very existence of Congress, after 1986, served as an effective check on the

executive. This role is obvious, coming as it is after the experience of a rubber-stamp legislature under Marcos."

Then he was more critical: The legislature is "an independent but subordinate body" in relation to the presidency and less effective than it should be. He presented his evidence: no Senate president or House speaker serves without the President's tacit consent; no presidential veto has ever been overturned; after the election, there was an exodus of elected legislators to the president's party.

Finally, he commented on the frustrations of legislative *realpolitik*. He was the committee chairman who introduced the Land Reform Bill in the House. He ended up voting against his own bill, after his colleagues successfully introduced a series of amendments that, in his view, emasculated it.

Senator Edgardo Angara, president of the Senate when we spoke to him, argued the executive branch and Congress "had little choice" after the EDSA revolution. A reformist, democratizing role was thrust on them. Values embodied in the revolution and mandated in the Constitution firmly established an economic agenda favoring liberalization, a social agenda emphasizing equity, and a political agenda favoring openness. While leaders are subject to normal ambition and greed, they are clearly expected to pursue the post-EDSA consensus.

Congress Responsive to Civil Society

The strongest evidence Congress is responsive to civil society is the plethora of civic advocacy organizations, their varied activities, and their ties to legislators. A striking feature of the legislative process is the widespread participation of NGOs as advocates and occasional drafters of legislation. NGO activism is mandated by the 1987 Constitution.

The role defined there and in subsequent legislation is probably unique in the world. For example, the Local Government Code mandates positions for NGO representatives on local government committees.

The CDIE team interviewed leaders of several NGOs active in the legislative process. Each plays a role in making the system transparent, equitable, or better informed. Each deserves detailed treatment, but readers must settle for a brief sampler of their work:

The *Philippines Center for Investigative Journalism*, started with a seed grant from The Asia Foundation, prepares publications on the legislative institution. *The Ties that Bind*, a book the center published recently, offers biographies of legislators and genealogies of political dynasties. Other publications include how-to training manuals and articles for journalists and researchers. A two-day course, “Following the paper trail in Congress,” for example, is summarized in the center’s quarterly magazine. The center also provides fellowships for young journalists and runs a news service selling hard-hitting stories to national newspapers.

CongressWatch is a project of the Makati Business Club, an association of chief executive officers of prominent companies. Associated with NAMFREL, a well-known election monitoring group, CongressWatch has provided legislative information since 1984. The group has a policy of reporting rather than criticizing and was able to bring out material indirectly exposing weaknesses of the Marcos regime. Its role blossomed during the 1987 constitutional convention, with day-to-day coverage of the mechanics of the process. CongressWatch now publishes periodic reports in inexpensive newsletter format covering notable legislation, major treaties, and legislators’ performance—attendance, voting record, bills filed, committee assign-

ments, expenditures from staff budgets, and financial worth.

The *Social Weather Stations*, a private polling group founded in the mid-1980s, conducts quarterly national sample surveys. It shares information with members of a syndicate, including the president of the Senate, speaker of the House, USAID, The Asia Foundation, and the U.S. Information Service. Syndicate members can, for a fee, insert modules on special topics in surveys. Pamphlets of poll results are for sale to the public. Recent titles include “Public Opinion about Public Officials,” “Public Opinion about Graft and Corruption in Government,” and “A Review of Government Performance in 1994: Grades from the People’s Perspective.”

The *Trade Union Congress of the Philippines* advocates a sounder legal basis for organized labor. For instance, it favors an act outlawing labor-only contracts that deprive workers of nonwage benefits and worked successfully for legislation called the Magna Carta for Overseas Contract Workers. It also supports electoral reform, and was active in successful efforts to initiate party list voting for 20 percent of lower House seats in 1998.

The team interviewed representatives of several other groups active in the legislative process. SIBOL, a women’s coalition, advocates anti-rape legislation. The National Christian Council of the Philippines, representing Protestant groups, is addressing the social rights of indigenous groups. PANLIPI, a group of activist lawyers, supports land rights of indigenous communities. In addition, dozens of academic and public policy units publish research and opinion pieces on legislative issues.

NGOs are also directly involved in the legislative process. We looked at three cases of approved or pending legislation to get a

better understanding of how legislators, advocacy NGOs, and other partners work together in the legislative process. Our findings are from the approved Local Government Code, pending Anti-Rape Bill, and pending Ancestral Domains Bill.

The Local Government Code. The Local Government Code of 1991 has often been identified as the most far-reaching local government law in the developing world. Among its features are

- A guaranteed portion of national revenues for local governments
- A general welfare clause encouraging local governments to pursue “effective

governance” and “the general welfare,” even in the absence of explicit legal authority

- A strong role for local NGOs, for example as members of planning councils and procurement committees
- Independent taxing authorities for local governments

The widely acknowledged father of the code is former Senator Aquilino Pimentel, attorney, professor, and former mayor of Cagayan de Oro City. Senator Pimentel readily acknowledges many code provisions reflect his own frustrations as a Marcos-era mayor. An activist jailed several times for protesting excesses

Controversy Blocks Passage of Anti-rape Bill

Background: SIBOL, a coalition of women’s organizations, some affiliated with leftist parties, operates on a shoestring. It rotates administrative functions among constituent groups. The Center for Legislative Development monitors legislative action on women’s issues for the coalition, whose main initiative has been drafting and lobbying for an anti-rape bill. The coalition involved many individuals and organizations in formulating the bill. The draft (proudly proclaimed the “SIBOL anti-rape bill”) reflects the cutting edge of Filipina rights.

Key provisions: The bill shifts the legal basis for rape and allows for liberalized reporting standards. Rape was traditionally a crime against chastity; a victim had to prove she was a virgin or chaste. Reformers believe rape should be a crime against person; *any* woman can be a rape victim. Revised reporting norms would allow anyone with knowledge of a rape to report it, not merely the victim and her immediate family. There is broad liberal consensus for these provisions. However, the bill contains controversial provisions—marital rape, rape of males, a broad definition of the physical act of rape—that have been the subject of heated debate and ridicule.

Outcome: Because of controversial provisions, the bill has not been brought to a vote. SIBOL persisted in backing the bill as written throughout the Ninth Congress and expressed pride in its tenacity, noting it brought wide attention to issues seldom previously discussed. However, a well-known senator who supports the bill was more restrained in assessing the campaign, noting *no* legislation was passed. The senator contends the group was impractical in maintaining its all-or-nothing approach too long.

Aftermath: SIBOL leaders began to consider jettisoning controversial elements only at the end of the Ninth Congress when it was too late to get a revised bill passed. New leaders in the Tenth Congress who will deal with the legislation are less sympathetic than their predecessors.

of the Marcos regime, he emerged from the EDSA revolution with a clear agenda: to establish a firm legal, financial, and political base for autonomous local governments. At the outset, his crusade was aided by political events. He was appointed local government secretary in the 1986–87 interim cabinet and, in part owing to his support, the new Constitution mandated a local government code. As senator, he became chairman of the Local Government Committee.

In his book *The Local Government Code of 1991*, Senator Pimentel credits those who worked on the bill with him. But it's clear the senator was chief drafter. It's also clear the research, review, and revision process was broad and inclusive.

In an hour-and-a-half-long interview at his law office, the senator spoke proudly of public hearings in all 14 regions of the country and frequent consultations with the Mayors' League, Governors' League, and other NGOs. The media covered regional meetings extensively. He notes the code includes a provision near and dear to mayors—legal authority to borrow funds commercially.

The code is the product of close collaboration among legislative and executive branch officials and local government associations, which are, after all, NGOs representing mayors and governors.

The code benefited from USAID and USAID-financed contractor involvement. USAID's local government program manager in Manila listed USAID contributions:

Long-term commitment to local government: A family of USAID local-government-strengthening activities stretches back to 1968. The latest in the lineage, Governance and Local Democracy (GOLD) extends USAID's commitment into the new millennium.

Local Development Assistance Program Policy Reform: In 1989, flush with economic support funds, the USAID Mission backed decentralization of resource authorities to local governments with a \$50 million grant and a companion \$50 million housing investment guarantee loan. Over two years, several government departments negotiated a “policy matrix” with Mission staff that set conditions for use of government funds. Involvement of these officials had several benefits. Policies discussed—increased local tax collections, increased central government revenue-sharing, fewer restrictions on fund use—were agreed on and implemented to the full extent of the administration's authority. Analyses that supported the dialog also exposed some officials to new ways of thinking. Some senior administrators began to think that local autonomy could work.

The negotiation also built camaraderie among committed department officials and put them in touch with allies inside and outside government. Finally, impending USAID funding tranches enabled department officials to argue their case at crucial points. If the government started getting cold feet about the costs of local government autonomy, the Americans' offer of millions of dollars would help cover the transaction costs.

Local Development Assistance Program Technical Assistance: The technical assistance team provided modest support before the code was passed, reviewing and commenting on implementation and issues regarding administrative rules and regulations. They provided invaluable services during the two years after the code was passed, ensuring that new legal provisions would get a fair trial. USAID's Decentralized Shelter and Urban Development Project helped the mayors of Davao and Naga City work out an effective use of new authorities in 1992, when all other politicians

were campaigning. At a national convention, the two mayors convinced their peers the code would *really* make a difference for local governance, and forestalled an early, misguided critique by the Mayors' League. They organized "rapid field appraisals" that allayed fears newly empowered governments were being irresponsible. They helped draft rules and regulations that converted the law to everyday use.

USAID also provided incentive grants to community development NGOs willing to work closely with local governments and helped set up local government resource centers at regional universities.

Senator Pimentel noted that the satisfactions of public dialog were often offset by the frustrations of *realpolitik*. President Corazon Aquino gave little support to the bill (and to most other constitutionally mandated reforms). Central government employees, many to be transferred to local governments, publicly opposed the code.

The senator drafted a bare-bones, permissive bill, spelling out a modest set of broad authorities in 35–40 pages. Once the bill was brought to the corresponding House committee, it was, in the senator's plain description, "mangled." The House, not necessarily unsympathetic to local governments, was less trusting of their judgment and maturity, and prepared a far more detailed draft. It establishes the scope of each level of government in hundreds of narrowly defined authorities, extending to 295 pages. It was four years before the code was voted into law in late 1991. For better or worse, it is far closer to the House's version than the Senate's. But there had been extensive national dialog as a result of regional meetings, press coverage, and NGO interests.

Ancestral Domains Bill Stalled

Issue: Responding to a constitutional mandate, NGOs, people's organizations, and executive branch supporters are pushing for legislative and regulatory changes to improve conditions for indigenous groups.

Key Provisions: Draft legislation responds to constitutional guarantees that "The State ... shall protect the rights of indigenous cultural communities to their ancestral lands..." The bill would return large tracts of land to indigenous groups.

Outcome: However, the legislation, considered since 1987 and shaped by research under a USAID project, has not been approved. Activist lawyers and environmentalists lobby for the bill, but seldom members of indigenous communities.

Aftermath: Since legislation is stalled, activists in the Department of Environment have moved on another front. Department regulations allow indigenous groups to receive management contracts for forested lands without surrendering long-term claims to land as ancestral domains.

Long-range scenario: Two outcomes are possible. Optimistically, under proposed legislation or new regulations, indigenous communities regain lands, manage them well, and enter national politics. Democracy is strengthened and the environment is protected by conservative local management. Under the pessimistic scenario, legislation may be stalled permanently. A new president brings new leaders to the department, and administrative processes for setting up management contracts with indigenous communities are ignored by traditional elites.

The Legislative Process from the Outside

After a period of managed news and self-censorship under Marcos, there is great press freedom, with no-holds-barred critiques and commentary on actions of the President, cabinet, and Congress. The media, along with NGOs, play a persistent, visible role in holding Congress accountable.

National English-language newspapers focus on Congress and legislators daily in news stories, editorials, and columns. They cover a broad range of topics: organization of the new Congress, legislators' statements on issues, legislators' financial worth, allegations of unethical behavior. One daily newspaper, selected arbitrarily, yielded a dozen headlines and quotes (see box), demonstrating the high level of scrutiny to which Congress is routinely subjected.

Several other media sources also offer balanced legislative coverage. In addition to the Center for Investigative Journalism and CongressWatch, Probe, a TV production firm, airs public affairs programs, including legislative coverage. It also has investigative journalism programs similar to "Sixty Minutes." "The Senate at Work" covers Senate floor debate and committee hearings.

The popularity of Congress peaked after elections in 1987 and began to drop almost immediately, perhaps as citizens realized mandates in the new Constitution wouldn't be formalized immediately as legislation. Quarterly Social Weather Stations polls from September 1992 to March 1995 indicate a continuing drop. While poll results for both houses are still positive—percent of satisfied respondents outnumbers dissatisfied—recent figures are well below those of two or three years earlier. The Senate's rating was +34 in September 1992, but only +13 in March 1995. The House was rated +28 in December 1993, and only +11 percent in March 1995.

The Legislature Makes the News

- **"Bigger revenue share for LGUs proposed"** (Senator proposes giving local governments larger share of locally collected taxes)
- **"Speaker Joe reaches out to the poor"** (columnist proposes the speaker of the House support the Community Bank for the Poor Bill)
- **"P75 billion more eyed vs. lahar"** (expert discusses clean-up costs from Pinatubo volcano lahar [dust mixed with water] before House Appropriations Committee)
- **"House okays opposition to nuke tests"** (Foreign Affairs Committee approves report condemning French nuclear tests in the Pacific)
- **"Roco to address nutrition council"** (Senator honored by nutritionists for supportive legislation)
- **"Stolen money is not bequeathed"** (letter to editor disputes statement by Congresswoman Imelda Marcos)
- **"Fifth Vizconde suspect yields"** (front page story on rape-murder doesn't mention senator, but features legal maneuvers of his suspect son)

In general, citizens seem more favorably disposed toward institutions and individuals that are *local* and *known*, such as mayors (+59 percent) and governors (+41 percent), even local police (+27 percent) and locally assigned military (+26 percent). And at least some polling experts see declining ratings as an expected trend, as citizens perceive that democratic institutions are here to stay.

Congress Makes Strides

Formal structures have not changed much, but changes elsewhere in the political system have fundamentally altered Congress and its role. Though there are still many scions of traditional political dynasties, their numbers and influence have dropped. The number of women in Congress (22 representatives, 4 senators) is high by global standards, even if far below equitable representation or the expectations of local feminists.

Legislators are no longer a law unto themselves. Accountability and transparency have increased. For example, informants note that debate leading to rejection of the U.S. bases treaty had a positive influence on Philippine democracy. It brought broad acceptance by the public, and even those convinced the decision was wrong believe debate was open, fair, and conclusive.

Whether as a result of close public scrutiny or other factors, Congress has evolved into a strong partner of the executive branch. In addition to frequent legislative-administrative collaboration at the staff level, leaders of both houses have joined the administration in organizing a legislative-executive coordination committee, LEDAC.

Frequently during our visit, the team found Filipino informants eager to explore options for political reform. They wanted to discuss the pros and cons of presidential and parliamentary systems and were intent on overcoming our assumed prejudices in favor of the former. We denied any such prejudice but did express reservations about the credibility of a government proposing to scrap a legislative system that was enshrined in the 1987 Constitution, then overwhelmingly approved in a national referendum.

DONORS PLAY USEFUL ROLE IN DEMOCRATIC TIDAL WAVE

At one level, the impact of donor assistance is dwarfed by the tidal wave of democratic change unleashed by the EDSA revolution. In that sense, it's impossible to separate out influences of USAID and other donor interventions on political and legislative systems. But the team believes USAID, The Asia Foundation, the Ford Foundation, the U.S. Information Service, the Asian-American Free Labor Institute, and others are playing a useful role.

The CDIE team assessed the outcome of donor activities, notably those of USAID and our frequent partner, The Asia Foundation, in three stages. First we sought a clear sense of the conditions in Congress. How effective are legislators and support staff at their jobs? Does the legislative process have a positive effect on democratic change? We weighed reasons for optimism, caution, and ambivalence.

Second, we examined the role of advocacy NGOs in making the legislative process accessible, accountable, and effective. We looked at which activities have made a difference, by getting legislation passed, bringing new groups into the legislative process, or ensuring that legislation, once passed, is implemented. Finally, we tried to fit donor organizations into the picture. Were they doing the right thing at the right time, or at least plausible things at plausible times?

Congress: Reasons for Optimism, Caution, and Ambivalence

Congress and other actors in the legislative process have reached a fairly mature, self-critical stage. The legislature is more than a rubber stamp for the President. It is the locus of vigorous discussion of public issues. The

institution and individual legislators are under intense public scrutiny by NGOs, the press, and citizens. The team observed that floor debate is thoughtful, well informed, and respectful. Congressional committees meet, hold hearings, and collaborate with executive branch and NGO partners in drafting legislation. Secretariat staff are a well-established branch of the civil service. Many staffers hired by legislators to work in Manila and home district offices seem able and committed.

NGO leaders have ready access to legislators and staff. NGO participation in public affairs is constitutionally mandated. Media coverage is extensive, including innumerable newspaper reports and a daily TV broadcast of Senate proceedings. A broader socioeconomic range of legislators (notably professionals and business people) is being elected.

The President no longer easily rules by decree. The Constitution requires him to report to Congress within 48 hours of declaring an emergency. The legislature has effective liaison, even a partnership, with the executive branch, built around a shared economic and social reform agenda and the joint Legislative–Executive Development Advisory Committee, LEDAC.

But there is ample justification for caution. Members of the traditional elite still dominate both houses. Too many members are comfortable with traditional patronage, closed politics, and corruption. Community Support Funds, \$500,000 annually, are used as slush funds and patronage resources by legislators, thus confusing the role of legislator and local government in home districts.

Furthermore, belief is widespread that electoral improprieties occur. (Journalists and many citizens we met take it as a given that former Senator Pimentel was cheated out of his seat in the Tenth Congress.) Legislative

campaigns, Senate campaigns in particular, are too expensive. Political parties don't operate as consistent, principled, political actors. People's organizations representing society's underprivileged, unlike NGOs, lack skills and contacts for effective lobbying.

Finally, the team made a series of "Yes ... but" observations. Yes, electoral corruption—vote buying, miscounted ballots—continues; but close media attention, increasing legislative attention to opinion polls, and the willingness of legislators and the judicial system to punish official wrongdoing suggest the situation will improve. Yes, landlord–legislators were able to emasculate the Land Reform Law and vote down electoral reforms, but a Progressive Caucus now espouses a different worldview, accepting the need for economic liberalization while emphasizing a social agenda to bring the disadvantaged into the mainstream.

Yes, traditional legislators use office funds to hire relatives and clients, but more sophisticated legislators now use them to hire experts and contract for research and policy studies. Yes, there is talk of fundamentally reorganizing electoral and legislative systems—in itself a good thing. But if changes are pursued in a way citizens see as self-interested or underhanded, democratic culture will suffer. Yes, parties are weak. But the problem is widely recognized, and corrective measures are being proposed.

NGOs Effective Partners in the Legislative Process

There are many examples of Philippine NGOs playing a substantive, positive role in the legislative process—briefing committees, drafting and critiquing legislation, and participating in public dialog and agenda-setting at the start of legislative sessions. NGOs also provide training and direct the light of public scrutiny on legislative work.

Soc Reyes's Center for Legislative Development is a prime example of how a small, dynamic, flexible organization can be an effective partner in the legislative process: its training courses have improved the knowledge and effectiveness of legislative Secretariat staff. Its publications inform activists, scholars, and the public about the operation of the legislative system. Recently, a few legislators and their staff have been trained by the center, evidence the group has achieved substantial legitimacy.

But the center's greatest influence on the legislative system probably doesn't flow from programs (going back to 1988) aimed at improving the performance of Congress. The most promising activities are those initiated since 1993 to bring NGOs and people's organizations into the legislative process, teaching them advocacy skills and helping them interact directly with Congress.

Recently, the center has started to offer training and technical assistance to provincial legislatures. The team couldn't assess the value of this work, but the potential seems high. Conversely, staff have expanded their work beyond the national level, spearheading formation of the International Legislative Support Services Association, a pan-Asian group. Opportunities for cross-training, exchange programs, and sharing good practices among legislatures and administrative support groups in the region appear to be enormous.

The center is also working increasingly with executive agency staff, expanding their skills in drafting bills and implementing procedures. And, in a move that will enhance the center's long-term financial sustainability, it is marketing advocacy training to business groups.

Center for Investigative Journalism activities increase the transparency and accountability of national legislative processes and enhance the quality of public dialog through information and clearly stated positions.

CongressWatch publications increase transparency, improve research and reporting, and provide voters with a clearer notion of who and what they are voting for. Social Weather Stations polls provide valuable information to legislators on the opinions and conditions of citizens.

And several other organizations are actively engaged in the legislative process, among them SIBOL (women's rights), the National Christian Council (minority rights), and PANLIPI (ancestral domains).

Donor Assistance: 'The Right Thing at the Right Time'

Donors in the Philippines have decided the basic issue is not strengthening the legislature but strengthening the legislative process. For several years, donors have not emphasized standard legislative-strengthening activities, such as technical assistance, computers, and library books. Nor is it apparent they were needed. USAID's Manila office doesn't focus on strengthening Congress. In the latest parlance, there is no strategic objective, program outcome, or results indicator for legislative processes.

Yet USAID and other U.S. institutions, including The Asia Foundation, U.S. Information Service, Ford Foundation, Asian-American Free Labor Institute, and National Democratic Institute, have helped strengthen the legislative function. (Even the U.S. National Council of Churches has provided financial support and guidance to help its Filipino counterpart pursue public advocacy and legislative work.)

One of USAID's major contributions has been indirect, but it has had clear effects on the legislative process. Since the 1970s, the Mission has granted tens of millions of dollars to Philippine NGOs. At one point it managed more than 80 grants simultaneously. Money has gone primarily toward enabling groups to carry out work in community development and service delivery, and to strengthen internal management. But there has also been support for coalition-building, applied research, public education, and other activities essential for public advocacy.

Many groups have become mature, relatively independent, and significant actors in the political system. In recent years USAID has formed partnerships with such groups for action research, public education, advocacy, and work with the legislative process. Without this support NGOs working on public advocacy and with Congress would almost certainly be fewer and weaker.

Another major USAID contribution has been its grants to The Asia Foundation under PVO (private voluntary organization) cofinancing projects. This provided the foundation with sufficient funding to work with the congressional Secretariats and advocacy NGOs. USAID follow-on grants supported outside groups, such as the Center for Legislative Development, as they engaged in making Congress responsive, transparent, and more effective.

USAID will now fund the Center for Legislative Development directly in 1996–97 through a PVO cofinancing grant. Soc Reyes is energetic and entrepreneurial. It's likely she would have found useful work in strengthening Philippine democracy in any case, but unlikely the Center for Legislative Development would have come into existence or played the significant role it has in the Philip-

pinas and the region without assistance from USAID and the Asia and Ford Foundations.

USAID's other contributions are more indirect:

The Agency contributes to the information base and operations of Congress. As a syndicate member of Social Weather Stations with The Asia Foundation and U.S. Information Service, it shares in financing polls. USAID benefits directly from polling data that measure results of Mission democracy activities, and supports a service that is valuable to the Philippine public and provides feedback to legislators.

A small grant to the Philippines Center for Investigative Journalism pays for courses that improve media capacity to report on Congress and research stories that inform the public about inequities, injustice, and corruption. A \$300,000 grant to the Asian–American Free Labor Institute supports the Trade Union Council's advocacy of electoral reform laws and improved labor–management legislation.

Finally, USAID has played an active but generally indirect role regarding specific legislation. A major theme of USAID assistance, not immediately apparent but increasingly significant to the careful observer, is support for research and analysis that fosters and informs reform legislation.

Ken Schofield, USAID Mission director in the Philippines, enthusiastically described the Mission's policy change strategy, often involving work on legislation. "AID's role is to support groups that analyze options and bring information and a broader range of participants into the public debate," he noted. USAID's ability to play this role is built on 40 years of aid programs and long-term commitment to sectors where legislation is being developed and approved.

In addition to the local-government code and electoral reform bills, USAID supported several other pieces of legislation:

- USAID financed research, provided technical assistance, and initiated meetings that facilitated discussions on ancestral domains. While drafted legislation has not been passed, a department administrative order was approved, laying the grounds for issuing certificates of ancestral domain.
- The USAID private sector office has worked with agricultural groups and think tanks to encourage agricultural policy analysis and deliberation of key agricultural issues. As a result, opposition to ratification of the General Agreement on Tariffs and Trade was reduced and a new consensus emerged on agricultural policies to make Filipino farmers more competitive in more open markets.
- A USAID-supported coalition of marginalized fisherfolk will continue its quest for a Comprehensive Fisheries Code.
- The Mission supported drafting of the Cooperative Code, establishing a more flexible, supportive framework for cooperative business.
- A coalition of the urban poor supported by USAID is highlighting policy inconsistencies among different urban housing laws.
- The Mission supported technical assistance for drafting an amended Build, Operate, and Transfer Law, making it easier for national and local government to form partnerships with the private sector for installing infrastructure.

USAID has aimed its assistance directly at several of the most critical challenges to economic, political, and social reform in the Philippines.

The Asia Foundation pursues more direct legislative-strengthening activities than any other donor in the Philippines. The foundation's strategy, termed "external forces programming," has used USAID grants effectively. But funds for this work also come from the foundation's core budget and U.S. corporations and private foundations.

The foundation has supported advocacy, monitoring, and support groups with grants, generally \$50,000 a year or less, including the Center for Legislative Development, the Center for Investigative Journalism, CongressWatch, the Social Weather Stations, and PANLIPI. Recent efforts of these groups to bring people's organizations and the disadvantaged into the legislative process promise to move Philippine democracy to the next level of responsiveness and accountability.

The foundation also supports the National Coalition of Fisherfolk as it works toward a National Fisheries Code, and Salegan, an alternative law group that helped draft the Urban Development and Housing Act. Asia Foundation support not only improves legislation and the legislative process, it helps members of disadvantaged groups become self-sufficient in advocacy. In the process, Congress becomes more accessible and accountable.

Like USAID, Asia Foundation staff also use *indirect* approaches to legislative strengthening. To encourage more frequent, higher quality research on the legislative process, the foundation provides some support to the Congressional Studies Association.

Finally, beginning in the Marcos years, the foundation arranged international training for legislators, advocacy NGO leaders, and researchers to expand their knowledge and skills. That is how Soc Reyes ended up as a congressional fellow and, ultimately, founder of the Center for Legislative Development.

Several other U.S. organizations play a useful but indirect role in legislative strengthening. The U.S. Information Service regularly sends legislators, staffers, and NGO leaders to the United States under the International Visitors Program. Recently, it paid for an American fellow to work as a researcher–analyst with Soc Reyes.

The Ford Foundation supports several advocacy groups, though not for explicitly political activities. Ford staff would probably describe the foundation’s program emphases as civil society, local government strengthening, and analytical capacity building. Several activities, however, overlap and complement the legislative work of USAID and The Asia Foundation. For instance, Ford provides core financial support to both the Center for Legislative Development and the Center for Investigative Journalism.

It also supports the Women’s Legal Bureau work conducting public consultations to develop a legislative agenda; Pakisama’s organization of peasant groups and local instruction in lobbying and negotiation; and the analytical work of the Institute for Philippine Culture and Center for Social Policy and Public Affairs, which is essential for effective legislation. Without Ford support, it appears certain that NGO advocacy groups working with Congress would be fewer and weaker.

Team members were interested to learn the Internet is emerging as a useful resource for the more adventurous advocacy and media groups. The Center for Investigative Journalism already uses it regularly for research, communication, and dissemination. The Net will inevitably become useful to the Philippine Congress over time.

WHAT DOES IT MEAN?

What does the Philippines case tell us about

legislative strengthening? First, the team believes the Philippine Congress will anchor the “most successful” end of a legislative-strengthening continuum, an important starting point for an analytical framework. Second, the case can be used to draw lessons learned, perspectives that are important in themselves and focus our vision for viewing other cases. Finally, it offers insights that can be used for a first “pencil sketch” of our impressions of what the Philippines case means for legislative strengthening programs.

There are reasons for cynicism about the future of Philippine democracy, and the CDIE team was exposed to most of them during our visit: continuing elite dominance of politics and society, widespread corruption, rural violence, electoral irregularities, a judiciary for sale. Yet we came away optimistic about democracy and the legislature’s role within it. Why?

History and culture matter. When politics was reopened in 1986–87, broad agreement emerged on basic elements of the new political organization: accessible legislators, activist NGOs, term limits, strong local government, liberal economics, social justice. This consensus seems to have been built on a multilayered foundation: 90 years of history in which an active legislature was part of the rhetoric and reality of national life, a broadly shared understanding of the concepts and values of democratic culture, identification of the Marcos era as a litmus test for what the new government should *not* be, and a broader commitment to reform than at any time in the past.

Near-mastery of the basics. Many administrative systems are well established in the Philippines and readily available to the legislature and those who work with it. Legislative debate is recorded and published fairly quickly, something essential to the broadest

possible participation of legislators, lobbyists, researchers, and the media. Plenary sessions and committees are open and operate under widely accepted rules of order that make legislative activity reasonably effective and transparent. While not steeped in *all* the skills of legislative lobbying, advocacy groups are already adept at forming coalitions, publishing newsletters, running press conferences, and bringing their views to the attention of legislators.

Openness and collaboration. A sociopolitical role for NGOs, as partners to legislators, executive agencies, and local governments, as mobilizers of the disadvantaged, and as a thorn in the side of the system, is formalized in the 1987 Constitution and widely accepted in society. The press is open and free, and by the standards of the region, balanced and effective. “The Senate at Work” and “Probe” TV programs regularly acquaint citizens with the work and the shortcomings of Congress. And, significantly, NGO leaders, even leftists, acknowledge the legislature and entire political system are far more accessible than before.

A self-critical system. In two weeks, the team identified dozens of possible shortcomings in the legislative process. But invariably we did so under the guidance of one or another local observer who regularly reviews the system, assesses its strengths and weaknesses, and proposes improvements. We saw numerous signs—balanced media coverage, reform-minded legislators, active NGO coalitions—that give us confidence the system will continue to move in the right direction.

Observations in the Philippines suggest at least three types of donor programming are relevant for legislative strengthening:

1. *Offer standard institutional support.* The Asia Foundation supported, through funding for the Secretariats and a grant to

the Center for Legislative Development, five years of training courses for congressional staff. Such training is a valid *inside* approach to helping a legislature attain threshold performance levels. In legislatures less well established than the Philippine Congress, additional support for technical assistance, library books, and computer systems may be needed. They don’t guarantee a legislature will become effective, transparent, or accessible, but they do establish an administrative base for achieving those goals.

2. *Support legislative partners.* USAID, The Asia Foundation, and the Ford Foundation offered support to advocacy NGOs, people’s organizations, the media, and executive branch agencies. Participation of these groups illuminates previously murky processes, introduces new viewpoints and information, and assists legislative work. The groups draft, review, and critique bills; attend committee meetings and hearings; inform legislators; and facilitate public acceptance of reform legislation.
3. *Pursue crucial legislation.* In recent years USAID has pursued, generally through intermediaries, a surprisingly varied set of legislative actions influencing local government, tariff reform, ancestral domains, fishing rights, electoral reform, labor-management relations, and build-operate-transfer procedures. This *indirect* approach to policy dialog is responsive to an open, democratic setting. It is more complex, more overtly political, and more promising than traditional efforts that aim to change the minds and behavior of a small group of bureaucrats and authoritarian leaders. Done right, it honors and enhances the role of the democratic legislature in democratic reform and strengthens democratic culture.

Having observed a range of support activities by donors, the team reflected on the operational characteristics of legislative programming:

Low cost. Many legislative-strengthening activities, like many throughout the democracy sector, have a modest price tag. The Center for Legislative Development, the Center for Investigative Journalism, and CongressWatch operate on \$100,000 or less a year. One-time efforts, such as disseminating educational materials on tariff reform by the Chamber of Commerce, cost far less.

Labor-intensive. But inexpensive programming needs to be supported by a significant capacity to observe and analyze the social, political, and economic scene. Applying the multipronged approach outlined above on a sustained basis implies “foundation” tactics (regular scanning of the landscape for potential partners and activities, frequent analysis of needs, and quick, flexible response mechanisms).

Alternative approaches. These approaches can and perhaps sometimes will be applied in-house. If not, USAID programmers may prefer to seek intermediaries (grantees or contractors) capable of applying these skills or form a partnership with a panel of external advisers.

It is impossible for the CDIE team to paint the full canvas by constructing a full-blown analytical framework for legislative strength-

ening from a single case. However, our pencil sketch from the Philippines includes the following:

Understanding the context. A long list of legislative-strengthening activities is *not* required in the Philippines. However, many routine activities—training typists to transcribe parliamentary debate, installing computers to support a legislative information system—may be highly appropriate in Cambodia or Bangladesh.

Multipronged programming. The Philippines case indicates at least three types of donor support to the legislative function. Succinctly described, these are *inside*, *outside*, and *indirect* programming.

Foundation programming. Donors need to possess, acquire, or borrow flexible, responsive skills in analysis and programming.

A menu of good practices. CDIE team members were frequently impressed by the creativity and good practices of informants and organizations. Sharing information on good practices from group to group and country to country would save countless hours and millions of dollars spent on reinventing the wheel of nitty-gritty legislative programming. For example, any donor official or advocacy group leader concerned with increasing the legislature’s transparency would benefit from a cursory review of “Voter Feedback” newsletters from CongressWatch or “Paper Trail” articles from the Center for Investigative Journalism.

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