CREATIVE DEVELOPMENT AID MODALITIES:
ALLEVIATING SCHOOL CONGESTION IN THE PHILIPPINES

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John T. Sidel | 28 June 2017
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The Coalitions for Change (CfC) Research Paper Series provides a platform for independent perspectives on reforms supported by the Coalitions for Change program. Each paper in the series will examine one reform on a particular development challenge for the Philippines, and will explore the process of change, from defining the development problem, to zeroing in on possible solutions, through to the conclusion of CfC’s involvement in the reform.

The Series is written for those who are interested in lessons gathered from the journey towards specific reforms, or for development practitioners interested in learning from the process of investing in change. The Series aims to contribute to the growing body of work exploring the interface between politics and development, to the communities of practice on doing development differently, thinking and working politically, and towards improving the effectiveness of development programs. A theme throughout the Series will be exploration of the challenges in balancing a reform’s technical soundness with its political feasibility, a defining strategy of the Coalitions for Change program.

The first Paper in this Series features a reform in basic education aimed at reducing congestion for public schools in the Philippines. The reform journey covers five years, and examines how CfC mobilized a team, listened to local knowledge and experiences, pursued reform conjectures amidst changing political and development landscape, and finally arrived at a simple but effective solution to address school congestion in the Philippines: providing the means for the government to secure land titles to build more schools in the years ahead.

While this CfC Research Paper Series was made possible through the generous support of the Australian Embassy and The Asia Foundation Partnership in the Philippines, the views expressed in this publication are those of the author and do not necessarily reflect the views of the Australian Government or that of The Asia Foundation.

Sam Chittick
Country Representative, Philippines
The Asia Foundation
At the inception of the CfC program in early 2012, The Asia Foundation (TAF) office in Manila had limited experience in the realm of education, and it was only due to the Australian Embassy’s longstanding commitment to education and TAF’s longstanding relationships on the ground that CfC was asked to include this realm of policy reform among the four main streams of its work.

The TAF program officer and team leader tasked with investigating possibilities for educational reform had previously focused on economic reform and development entrepreneurship rather than education. Over the course of 2012 and well into 2013, their preliminary explorations of problems and possibilities for ‘transformative change’ through reform in education remained inconclusive, with numerous dead-ends, delays, and difficulties. By the end of their first year, the team was frustrated by the lack of progress they had made. The team had virtually nothing concrete to show for their work.

Viewed from the perspective of 2017, however, the early challenges and ‘teething pains’ of this CfC initiative in education reform appear in retrospect to have set the stage for policy reforms notable for both originality and impact.

This CfC education team focused on a major problem in primary and secondary education across the Philippines – classroom overcrowding or ‘school congestion’ – and pinpointed a previously obscured explanation for its persistence in the face of increasing government budget allocations for classroom construction.

The problem, in a nutshell, was budgetary and procedural constraints on the purchase of land. More importantly, over the course of 2013-2017, this CfC team succeeded in identifying – and in due course introducing – a set of policy reforms that enabled
CfC has been informed by pioneering new thinking about ‘doing development differently’.

In short, without the benefit of previous TAF experience/expertise, Australian Embassy assistance/involvement, or Philippine government initiative/interest, CfC has been the driving force in transforming the way in which school congestion is understood, addressed, and alleviated in the Philippines.

Viewed from the benefit of hindsight, this CfC success story should hardly come as a surprise. From its inception, the Coalitions for Change program in the Philippines has been informed by pioneering new thinking about ‘doing development differently’, ranging from the work of the Development Leadership Program founded by the late Adrian Leftwich, to the notions of ‘development entrepreneurialism’ associated with Jaime Faustino, and the broader Thinking and Working Politically (TWP) Community of Practice, all of which have enjoyed strong support from the Australian Department of Foreign Affairs and Trade (DFAT).

From the outset, CfC was designed to operate – nimbly and creatively – outside the procedural constraints of linear programming and otherwise beyond the parameters of traditional overseas development assistance to the Philippines.

CfC was not supposed to work on predetermined policy reforms as prescribed by the Australian Embassy and/or promoted by the Philippine government itself. Instead, it was anticipated that CfC would engage in a more agile, entrepreneurial, inventive, and opportunistic approach to the promotion of rule-changing, self-sustaining, ‘transformative change’ in the Philippines, identifying problems and then prospects for technically sound, politically possible reforms.

Viewed from this perspective, CfC’s success in addressing problems of school congestion in the Philippines is an apt example of the potential efficacy and impact of the underlying modus operandi inspiring and informing the work of the program.

Against this backdrop, this report provides both a descriptive account of CfC’s school congestion reform initiative and an analysis of its implications, for the program itself and for development practice in general. The report is based on interviews, documentary materials, as well as episodic participant observation of the activities of CfC’s school congestion team dating back to 2012.

The Australian Embassy in the Philippines and The Asia Foundation, through its Coalitions for Change (CfC) flagship program, focuses on key policy reforms to improve lives and promote economic well-being. CfC encourages civil society, private sector, academe, and government to work together and bring about public policies that contribute to development reform priorities for the Philippines.

The CfC program works on development concerns that are consistent with the government’s agenda: promoting economic growth, reducing vulnerabilities, improving education outcomes, and advocating for effective governance.
ASSEMBLING THE TEAM: 2012-2013

Over the course of 2012 and early 2013, CfC’s education reform team got off to a seemingly unpromising start.

Jaime Faustino, a senior program officer at The Asia Foundation office in Manila, had played a crucial role in the conceptualization of the Coalitions for Change program, and it was his own track record in ringing to fruition a set of reform initiatives in preceding years – and his widely circulated arguments about ‘development entrepreneurship’ – which inspired confidence in CfC among key backers in the Australian Embassy in Manila and the Australian government in Canberra.

But Faustino was not included on the CfC program management team, and it was only as an afterthought that he was handed the education reform portfolio. Lacking expertise in the realm of education reform, he himself was curious – but not yet fully confident – as to whether the methods used in, and conclusions drawn from, his previous work on several economic reforms would be successfully applicable to ‘social sector’ reforms.

The team leader Faustino recruited in early-mid 2012, Toix Cerna, was a graduate of the University of the Philippines with a major in Political Science. Cerna had worked for many years for the Transparency and Accountability Network (TAN), a non-governmental organization focused on documenting and deterring corruption in government procurement.

But over time, Cerna had begun to experience frustration with the limitations of this kind of NGO activity, and in 2011 she attended a series of workshops which Faustino was running on ‘Development Entrepreneurship’. She found his non-traditional approach simultaneously innovative, intriguing, eye-opening and unnerving in terms of her own work.

During and after Faustino’s lectures, Cerna badgered him with questions, matching his deliberately unconventional approach with an impassioned defence of established modes of NGO work and a vehement insistence on evidence in support of the new approach he was advocating.

These heated exchanges extended into debates over email and coffee, with Cerna eventually turning to

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Faustino for input and assistance as she crafted a grant proposal for the funding of a new anti-corruption initiative which incorporated 'Development Entrepreneurship' into its project design. It was thus based solely on Faustino’s sense of Cerna’s capacity for toughminded, (self-) critical intellectual creativity and adaptation – rather than specific technical expertise in education – that he recruited her as team leader in 2012.

Alongside Toix Cerna, Faustino recruited two experts from his previous work on economic reforms: Professor Grace Gorospe-Jamon and Dr. Francisco ‘Frankie’ Villanueva.

Faustino knew Jamon from the University of the Philippines, where she had been teaching Political Science and Public Administration for more than thirty years. As Faustino was aware, Jamon had ample understanding of politics and policy-making in the Philippines, as well as abiding connections to her hometown of San Fernando, Pampanga which proved helpful for the team’s work from the outset. She also had a wide range of useful contacts in Manila, especially among the legions of former students she had taught and supervised over the years.

As for Villanueva, Faustino had also worked closely with him on economic reform initiatives in the past and greatly appreciated his intellectual energy and enthusiasm. Villanueva’s postgraduate expertise, doctoral dissertation, and teaching experience lay in the realm of business management, thus complementing the political and administrative strengths of Jamon. As a businessman who headed the Metro Angeles City Chamber of Commerce and Industry, moreover, Villanueva had excellent access in an urban center not far from Metro Manila, whereas in neighboring San Fernando City – the team could engage in preliminary investigations and establish ‘pilot projects’ at an early stage of its work.

Over the course of 2012 and early 2013, Faustino’s persistence had convinced Cerna to recruit individuals with deep knowledge and networks within the education sector to the team.

First, Beth Makayan, a former official in the Department of Budget and Management (DBM), with whom Cerna had worked on various anti-corruption initiatives over the years. Makayan’s work at DBM included responsibility for managing the Department of Education (DepEd) budget, and she was intimately familiar with DepEd’s internal budgeting procedures and with key senior officials in the Department.

In April 2013, moreover, Cerna had contacted Abram Abanil, who had resigned from DepEd just a few months earlier over the introduction and implementation of a new data management system known as EBEIS (Enhanced Basic Education Information System) funded by the Australian Embassy. Cerna and other members of the team had heard many positive references to Abanil from contacts within DepEd, and she reached out to him via Facebook and recruited him to the team in due course. With many years of experience working as a Senior Education Program Specialist in Region 10 (Northern Mindanao) and in a senior position handling IT, planning, and data management in DepEd’s central office in Metro Manila, Abanil had unparalleled expertise, experience, and access to relevant information, including primary data, enabling him to make crucial contributions to the work of the team.

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Meanwhile, over the course of 2012 and early 2013, as Faustino assembled his team, he and Cerna and their colleagues began to immerse themselves in the substantive challenges facing education in the Philippines in the hopes of identifying both problems and possibilities for reform.

As the team discovered, the broad backdrop to questions of education reform in the Philippines was a growing gap between government efforts/investments and educational performance.

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... On the other hand, school completion rates during the same period remained stagnant and, as the World Bank noted in 2016, “the national achievement scores do not suggest that there has been any significant improvement in overall learning achievement in recent times.”

For the Philippine government – and for donors like the Australian government which had spent hundreds of millions of dollars on education in the Philippines – the inadequacy and inefficacy of investing more money had become amply evident, and the need for more structural reforms was likewise apparent. Against this backdrop, Faustino and Cerna’s team began to investigate various possible explanations for the growing ‘performance gap’ in public education in the Philippines. CfC’s initial work plan for education in March 2012 had indicated that the...
As of July 2012, the team was hypothesizing that DepEd’s over-centralization? interference by local politicians? corruption? – and the set of plausible solutions for ‘reform’.

Over the course of 2012 and into early 2013, Faustino and Cerna’s team read and researched, brainstormed and canvassed expert opinion, and held seminars, workshops, and focus group discussions in Metro Manila and nearby Pampanga, but with little discernible movement towards clarity and ‘closure’ on an effective strategy for education reform.

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First, the Special Education Fund (SEF), a source of funding derived from local property taxes and designated for the operation, maintenance, construction, and repair of public schools and school buildings, book purchases, and athletic events and facilities, as per the Local Government Code. Second, Local School Boards (LSBs), whose composition included municipal/city mayors and councilors, DepEd officials, and representatives of parents and teachers, at least according to the 1991 Local Government Code.

But the team learned that municipal and city mayors jealously guarded control of the SEF and typically ran LSBs in an authoritarian manner, if they convened them at all. They also realized that civil society organizations like Synergia and the Bayan Academy for Social Entrepreneurship and Human Resource Development had been doing training and capacity-building for LSBs around the Philippines for a number of years. It remained unclear what, if anything, CfC might be able to contribute to the promotion of education reform through this route.

Thus by September 2012, the team had begun to consider new angles, including the broader budgetary context for education in the General Appropriations Act (GAA) passed by Congress every year, but without any success in identifying an alternative strategy for reform. By October, Cerna was deeply frustrated and contemplating resignation from the team. In a phone call with Faustino, she complained: “We’re changing strategies by the minute!” Faustino shot back: “Yeah, and you better get used to it!”

In retrospect, the final months of 2012 marked the beginning of a clearer and more coherent strategy for the team’s work and by December in a ‘brainstorming workshop’ in San Fernando City, Pampanga, the team had identified classroom construction as an issue worthy of special interest and investigation. In his annual State of the Nation Address earlier that year, President Aquino had promised that there would be ‘zero backlog’ in classrooms by the end of 2013 and committed considerable funds to this end, but as of June 2012, DepEd had reported to Congress that only 4% of classrooms slated for construction had been completed, a finding reinforced by the accounts of local participants in CfC workshops in both Angeles City and San Fernando City, Pampanga. Thus Faustino and Cerna’s team left the workshop in December 2012 with a – literally and figuratively – concrete goal on their final PowerPoint slide: “Get classrooms built where the student-classroom ratios are highest.”

But this goal merely echoed the promise of President Aquino, without identifying either the particular problems preventing the government from achieving its own avowed aims or specific solutions to overcome these problems. As of January 2013, for example, the team was hypothesizing that a major part of the problem with classroom construction was political interference by elected officials – municipal and city mayors, provincial governors, and congressmen – leading to misallocation of resources. Through Villanueva and Jamon, the team had encouraged the formation of local coalitions in Angeles City and San Fernando City, Pampanga, bringing together businessmen, civil society organizations, DepEd officials, and politicians to coordinate and direct the reallocation of funds for classroom construction to the most overcrowded schools.

But as with the team’s earlier schemes for Local School Boards, the potential for extending this local coalition-building approach across the Philippines was utterly unrealistic and unsustainable, if not inevitably ineffective, given how little discretion over classroom construction was left in the hands of local officials. Another dead-end for the team.

Meanwhile, however, through these local coalitions, the team had come to understand more about the specific nature, extent, and pattern of overcrowding in schools across Pampanga and to envisage different ways to address and alleviate the problem.
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For example, it soon became evident that overcrowding in some schools in Angeles City and San Fernando City – with pupil to classroom ratios as high as 99 to 1 forcing schools to operate in two or even three shifts per day – was accompanied by underutilization of available space in other schools nearby, even within the boundaries of these two cities.

But local DepEd and other government officials balked at suggestions that parents could be forced to redirect their children to these undersubscribed schools to alleviate overcrowding elsewhere, given the legal and political obstacles to any kind of zoning or districting for public primary and secondary education. DepEd’s mandate, after all, was one of universal provision of education to all children of school age without residential restrictions on the availability of places. School principals and school division superintendents had no legal precedent for excluding pupils from congested schools and ‘offloading’ them onto undersubscribed schools within the vicinity.

At the same time, DepEd’s voucher system paying private schools to take on school pupils – Government Assistance to Students and Teachers in Private Education (GASTPE) – offered another potential mechanism for alleviating overcrowding in public schools. But the team learned that GASTPE left many parents burdened with ‘top-up’ fees and that the scheme operated in ways which coupled large-scale public subsidization with minimal government regulation of private schools. Given the interlocking and overlapping realms of private school ownership and local politics in a province like Pampanga, the team came to suspect that GASTPE might be part of the problem – rather than the solution. Yet another dead-end for the team.
MID-2013: BREAKTHROUGH

Early 2013 saw the team devote more attention to the underlying bases and overarching processes for allocation of resources for classroom construction, through focus group discussions with coalition partners in Angeles City and San Fernando City, Pampanga.

And once Abram Abanil, the former senior DepEd planning and data management specialist had joined the team they gained access to crucial data at the local, regional, and national levels, offering them a consummate insider’s understanding of DepEd budgetary processes.

By mid-2013, discussions with local school principals and division superintendents in Pampanga, and deeper analysis by Abanil, had produced the dawning realization of a previously unknown obstacle to the alleviation of school overcrowding or ‘congestion’ through the construction of new classrooms. As President Aquino had promised, there were in fact ample funds for new classrooms (see Figure 1 for the significant budget increases).

However, in the built-up urban and suburban areas – like Pampanga – where school congestion was concentrated, there was a) virtually no more ‘buildable space’ on existing school sites; and b) no funding available and usable for the complex task of purchasing new land.

A previously unappreciated element of the growing problem of school congestion in the Philippines, the team realized, was land and the absence of budgetary provisions and bureaucratic procedures for its purchase. DepEd traditionally looked to local governments and wealthy individuals to donate parcels of land for new schools.

Abanil’s analysis of available data in June 2013 told the story. According to DepEd figures, at least 31% of all public schools were overcrowded or congested, while 15% were undersubscribed, and most of the congestion was concentrated in the 17 constituent units of Metro Manila, neighboring (sub)urban provinces, and other major urban centers around the country. At first glance, only 339 (6%) of the 5,558 elementary schools and 187 (11.5%) of the 1,620 high schools located in cities across the Philippines were officially reported to lack space for new classrooms. But once Abanil included previously neglected data on the total area of school sites and calculated pupil to land ratios, the proportion of schools lacking buildable space rose to 40% of all elementary schools and in Philippine cities.
The key task of reform was to enable, encourage, impel, and incentivize the government – in particular DepEd – to incorporate land acquisition into its data analysis, planning, budgeting, and standard operating procedures.

“A major obstacle to the alleviation of school congestion was not lack of government resources for the construction of classrooms but rather the absence of funding streams and bureaucratic procedures for the purchase of land.”

But despite the obvious implications of demographic pressures and economic trends for urban real-estate, within DepEd there was no apparent awareness, interest, or appetite for a pro-active approach to land acquisition for public schools. The impetus for reform had to come from somewhere else: CIC.
In each city, a formal “Partnership for Better Educational Facilities” was established, with Villanueva and Jamon expending their local political capital to make sure that congressmen and mayors were on board and involved alongside local DepEd officials and other interested parties. With the active participation of the DepEd Regional Director, local schools division superintendents, and school principals, data was gathered, patterns of school congestion in Angeles City and San Fernando City were carefully and closely analysed, and a variety of options for alleviating congestion were examined.

In the process, Abanil and the team began to develop a new analytical framework that rendered visible previously obscured patterns of congestion and constraints on buildable space, thus enabling and encouraging local DepEd officials to adapt their planning, budgets, and operating procedures in accordance with realities on the ground.

By February 2014, this exercise had borne fruit at the regional level, with the Region 3 Office of DepEd issuing a memorandum on the ‘Guidelines on the Expanded Analytical System for School Facilities’ for school division superintendents across Central Luzon. In a few short months CfC’s Education and School Facilities team had increased awareness and understanding of school congestion – and inserted analytical and operational tools for addressing the problem – in one of the most densely populated (and congested) regions of the Philippines.

Meanwhile, in both Angeles and San Fernando, the two city-based coalitions embarked on local experiments to address and alleviate school congestion on their own, most notably through an exploration of ways to redirect pupils from overcrowded schools to nearby schools that remained undersubscribed. These experiments required the active participation of local government officials to help overcome the anxieties among school principals and the school division superintendents with regard to the legal, logistical, and political obstacles impeding effective formulation and implementation of such a scheme (as noted above).

In Angeles City, the experiment unfolded over 2014 and 2015 with ample speed and success, thanks to the active endorsement and involvement of two young and energetic city councilors. Thanks to their efforts, insistence, and authority, the councilors were able to enlist barangay (neighborhood) officials across Angeles City to assist in the complex and laborious exercise of undertaking a kind of local census of school pupils to determine their numbers and their places of residence.
Armed with this new data, school principals and the school division superintendent were able to identify opportunities for the alleviation of school congestion in Angeles City through redirection and re-allocation of pupils to schools located in proximity to their areas of residence. By enlisting barangay officials, public awareness of congestion – not only congestion for schoolchildren in classrooms but also congestion for local residents in terms of traffic, resources, and needed services like trash removal – increased and provided political ‘cover’ for local reform. By June 2015, the Sangguniang Panlungsod (City Council) had approved an ordinance that formalized “A Systematic Approach in Dealing with School Congestion in All Public Schools in Angeles City.” The ordinance institutionalized use of Abanil’s analytical framework – dubbed the School Congestion Analytical Tool or SCAT – and an Enrollment Referral and Coordination System to redistribute schoolchildren more in line with family residence and school capacity. It further committed the Angeles City Government to construct new classrooms in schools with available land, to acquire additional land for schools requiring more classrooms but lacking buildable space, to establish new schools where necessary, and to advocate for inclusion in DepEd’s budget special allocations for the acquisition of land to reduce school congestion.

The implementing rules and regulations for the city ordinance, spelled out a set of guidelines for the Enrollment Referral and Coordination System, with priority for enrolling new entrants given to residents of the barangay where a school is located, and congested schools empowered to refer new entrants residing in barangays more than 1 km away to schools closer to their areas of residence.

This unprecedented commitment of a city government to address and alleviate school congestion – and equally unprecedented experiment with a formal referral system – was enabled, encouraged, and impelled by the work of CfC’s Education and School Facilities team.

Alongside Abanil’s invention and application of the SCAT, the team worked closely with the two city councilors to draft the city ordinance and its implementing rules and regulations on the basis of its work in Angeles City since early 2013. Thanks to the team’s networks and lobbying efforts among senior officials in the Department of Education (DepEd), they were able to overcome their anxiety and uncertainty with regard to the referral system. In February 2015, DepEd Undersecretary for Legal Affairs Alberto Muyot, a former student of team member Grace Jamon at the University of the Philippines, issued a ruling that “the Department sees no legal impediment in addressing public school congestion through a referral system” such as that outlined in the ordinance under consideration in the Angeles City Council.

A few short months later, the ordinance and its implementing rules and regulations were approved, with immediate effect and implementation in Angeles City. By 2016, the Enrolment Referral and Coordination System was up and running, with hundreds of new enrollees redirected to local schools in ways which helped to correct imbalances in classroom sizes across Angeles while realigning school assignment with family residence, thus reducing congestion both in the schools and the streets of the City. A local fight against school congestion had been won.

But the impact and implications of CfC’s success in Angeles City remained decidedly limited. In San Fernando City, after all, CfC’s Education and School Facilities team had the same kind of access and influence through Grace Jamon that Frankie Villanueva provided in Angeles City, but local government officials’ appetite for engagement with the problem of local school congestion was more modest.

Unlike Angeles City, where many ‘referable’ schoolchildren came from families living in neighboring municipalities (and thus ineligible to vote in city elections), maldistribution of pupils in San Fernando schools was entirely an in-city problem. This left elected officials anxious about the electoral impact of a referral scheme that might inconvenience and alienate local parents (i.e. voters). Thus San Fernando City Council never really followed through on its initial interest in addressing school congestion. No referral system was established. Nor were any ordinances passed committing the City government to other kinds of serious, sustained engagement with the problem of school congestion.

Thus if CfC’s successful experiment in Angeles City could not be replicated in neighboring San Fernando City, how could it possibly be rolled out – ‘horizontally’ – across the Philippines, or scaled up – ‘vertically’ – to the national level? As with other reform initiatives under CfC and otherwise, the decentralized nature of Philippine democracy enabled and encouraged ‘pilot projects’ in localities with receptive or ‘reformist’ local government officials. But it remained unclear how to move from a single local ‘pilot project’ to policy reform at the national level.

Now that CfC’s Education and School Facilities team had learned from their experience in Pampanga, it was time for them to craft a persuasive plan for tackling school congestion among national-level policy-makers in Metro Manila.

From the outset, the CfC team was conscious of the need to create a strategy for a national-level reform to address the problems of school congestion in the Philippines, but the team was also wary of the dangers of a premature engagement with the central offices of the Department of Education (DepEd) and with senior policymakers and politicians in the national capital.

For starters, the team lacked both credibility and a clear, coherent proposal for reform. As for DepEd, it was a huge – and highly centralized – department seemingly resistant to innovation and reluctant to involve itself in the complex, corruption-ridden, and often controversial processes of land acquisition. How then could the CfC team come up with a strategy for overcoming the built-in obstacles it had identified to expanding buildable space for much-needed new classrooms in highly congested areas?

Already in August 2013, members of the team had met with DepEd Undersecretary for Legal Affairs Alberto Muyot, and DepEd Undersecretary for Planning Lino Rivera, another former student of Grace Jamon at the University of the Philippines. But both Muyot and Rivera remained skeptical with regard to the outcome and potential applicability of the on-going experiment in Central Luzon. In September of the same year, the team mobilized its contacts among Pampanga congressmen and key figures in the House of Representatives, including the Chairman of the Appropriations Committee and the House Minority Leader, to try to win insertion in the budget of a new line-item for school site acquisition. But the absence of support from DepEd doomed this preliminary effort.

Undeterred, the team continued to make inroads. Over the remaining months of 2013 and throughout 2014, the team provided regular briefings and updates to senior DepEd officials – including Education Secretary Bro. Armin Luistro – on the progress of its work in Pampanga. The team’s goal was to generate interest in – and a sense of ‘ownership’ of – the reforms which CfC was producing to address problems of school congestion in the Philippines.

Meanwhile, the team’s engagement with these senior DepEd officials was coupled with and complemented by Faustino’s simultaneous work on a separate CfC land titling reform initiative beginning in early 2014. Faustino had previously worked on land governance reform, and a team he had led had helped to win passage of the Residential Free Patent Act in 2009 and draft the implementing rules and regulations (IRRs) after the act was signed into law in early 2010. The new law created a faster, simpler, and less expensive mechanism for administrative titling of residential lands than that offered by judicial procedures.

In the course of the Education and School Facilities team’s research in 2013-2014, the insecurity of schools’ titles to the land on which they were built had emerged as a consistent and significant problem inhibiting expansion and construction of new buildings and classrooms and
Within the DENR, there remained considerable reticence to resolve this land titling ambiguity, given their fears of alienating other agencies and local government units and overstepping the powers and prerogatives that some insiders argued should rest with the Office of the President.

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complicating the purchase of additional land for the same purpose. Research revealed that only 10% of the 46,000-plus public schools in the country held legal title to the land on which they were built, leaving 90% without the clarity and security of ownership. With the real estate boom increasing not just land prices but pressures on local governments and the families or heirs of private donors to reclaim school sites for ‘development’ and sale, the Department of Education found itself embroiled in more and more land disputes in the courts. According to DepEd Undersecretary Muyot, over two hundred such cases were in litigation at any one time, imposing heavy legal costs on the Department and, given the rules and regulations of the Commission on Audit (COA), effectively impeding the awarding of permits for the construction of new classrooms on these school sites.

On this point, however, as Faustino knew amply well, the implementing rules and regulations for the Residential Free Patent Act offered effective guidance and potential assistance. The brief (two-page) law had explicitly included a provision stipulating that “public land actually occupied and used for public schools, municipal halls, public plazas or parks and other government institutions for public use or purpose may be issued special patents under the name of the national agency or Local Government Unit (LGU) concerned.” But the IRRs for the law remained conspicuously silent on this point, and within the Department of the Environment and Natural Resources (DENR), the national government agency responsible for drafting the IRRs and executing the law, there remained considerable reticence to resolve this ambiguity, given their fears of alienating other agencies and local government units and overstepping the powers and prerogatives that some insiders argued should rest with the Office of the President.

Against this backdrop, from early 2014 Faustino reconstituted his old land governance reform team under the rubric of the Coalitions for Change program and began to work to help push the promulgation by DENR of new rules enabling public schools to obtain titles to the lands on which they were built. The team encouraged DepEd Undersecretary Muyot to meet with his counterpart at DENR to raise the issue, preparing the ‘talking points’ for a preliminary meeting, which was held in December 2013.

Early 2014 witnessed forward movement with the signing of a Memorandum of Agreement between DepEd and DENR committing the two departments to a resolution of the missing rules and regulations for the titling of lands housing public schools as well as the formation of a Technical Working Group to draft the new rules, which provided for administrative titling of public school site lands by provincial offices of the DENR as per the Residential Free Patent Act. But while the new rules were quickly drafted, subsequent months saw considerable foot-dragging on the part of DENR, with the Secretary referring the matter to the Office of the Chief Presidential Legal Counsel for a legal opinion. By late 2014 it had become clear that the proposed new rules could remain in legal limbo indefinitely, leaving the question of public school land titles essentially unresolved.

In response, Faustino’s land governance team continued to work behind the scenes to help push the process forward to fruition. The team drew on its members’ own personal connections and political capital, as well as those of senior DepEd officials, to lobby for the new rules in the Palace. The team drafted a memorandum for the Secretary of Education to send to the Executive Secretary, “Two senators and a cousin of the President were recruited to help push for the resolution of the issue.

By October 2014, a confidential memo had been written by the Chief Presidential Legal Counsel ruling that the DENR had full legal authority to issue land titles to public schools under the Residential Free Patent Act, and by March 2015, the hitherto reluctant Secretary of DENR signed the Department Administrative Order authorizing the new rules.

Subsequent months saw some resistance to the new rules within the bureaucracy, most notably the Land Registration Agency (LRA) and its local Registers of Deeds, but by the end of 2015 more than two thousand (2,000) titles had been issued to public schools under the new procedures. Another 2,800 titles were issued in 2016.

These successful efforts by Faustino’s land governance team and their knowledge and expertise on administrative titling clearly fed into the success and on-going work of CfC’s Education and School Facilities team. In the first instance, the extension of the provisions of the Residential Free Patent Act to cover school sites enabled hundreds of schools suffering from congestion to obtain land titles and thus to overcome obstacles to the construction of new classrooms. At the same time, Faustino’s role in helping to alleviate the growing headache of legal disputes over school sites won the Education and School Facilities team stronger access and influence, as well as trust among senior DepEd officials. The team now had real credibility if not formal credentials.

Meanwhile, their planning and data management specialist, Abram Abanil, was making serious headway with the introduction of his School Congestion Analytical Tool (SCAT) among his former colleagues in the central offices of the Department. By August 2014, DepEd Undersecretary for Planning Rivera had proposed a Department Administrative Order (DAO) institutionalizing SCAT and integrating it within the planning procedures of the Department. By the end of the year, Abanil and other members of the team were beginning to work on a new set of “Guidelines on Acquisition, Surveying and Titling of School Sites.” If adopted, these guidelines would institutionalize within DepEd a set of operational procedures which would help to overcome the Department’s resistance to land acquisition and thus eliminate a major obstacle to the alleviation of school congestion in the Philippines.

Over the course of 2014 and 2015, Abanil’s data analysis and the team’s assiduous efforts to promote land acquisition for alleviating school congestion began to attract more interest and engender more action among policy-makers and politicians in the national capital.

Late 2014 saw the team generating support among senior DepEd officials and also Senator (and Senate Finance Committee chairman) Francis ‘Chiz’
By mid-2015, the team had won a major victory. A special provision of the 2015 General Appropriations Act awarded DepEd P335 million (roughly US $8.3 million) for the acquisition of school sites to address congestion in existing schools. While the amount allocated for land acquisition remained small, an important precedent was established, both within DepEd and beyond.

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In June 2015, Education Secretary Luistro signed a set of formal guidelines for acquisition of lands under the 2015 GAA. Originally drafted by the CfC team, these brief guidelines incorporated key elements of Abanil’s SCAT – most notably the pupil/student to land ratio – as the basis for determining school congestion levels, and, crucially, formally empowered School Division Superintendents “to consider Acquisition of New School Sites as a decongestion strategy (italics in the original).” The guidelines also provided a short step-by-step outline (and flowchart) of the process through which land acquisition should unfold. In other words, CfC’s Education and School Facilities team had successfully convinced the DepEd to openly acknowledge the need to acquire land to relieve school congestion as well as to actively incorporate new budgetary provisions and operational procedures for land acquisition. As Secretary Luistro said in an interview with television station ABS-CBN:

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ENDGAME: LOCKING IN THE REFORM, 2015-2017

Despite this success in winning provision for land acquisition in the General Appropriations Act (GAA) of 2015, abiding questions remained unanswered with regard to the sustainability of the reform.

The sum awarded by Congress to DepEd for land acquisition was small, the six-page guidelines for use of this new budget were not detailed, and it remained to be seen if – and if so, how – the funds would actually be used for land acquisition. More importantly, success in winning a small budget and brief guidelines in 2015 was no guarantee that DepEd would sustain the reform on its own. Indeed, as early as August 2015, there were already indications that the limited new budgetary provision for land acquisition to relieve school congestion would be reduced in the 2016 General Appropriations Act.

With these concerns in mind, the CfC team immersed itself in the process of land acquisition, both to make sure that the funds allocated would be properly used, and as a critical learning exercise. Through Abanil’s data analysis, it had been determined that two cities within Metro Manila – Caloocan City and Quezon City – suffered from high rates of congestion in schools highly constrained in terms of buildable space. Contacts with DepEd officials in Caloocan City in the latter half of 2014 generated interest in land acquisition, but efforts to find land for purchase proved unsuccessful.

In February 2015, however, through DepEd Undersecretary Rivera the team established contact with Quezon City School Division Superintendent Helen Go, who showed considerable enthusiasm for the initiative and ability to overcome obstacles to land acquisition. The team worked with Mrs. Go to identify and negotiate the purchase of parcels of land for new schools in Quezon City.

Meanwhile, August 2015 saw movement on land acquisition by DepEd officials in Cavite, a highly urbanized – and increasingly congested – province just south of Metro Manila. In Antipolo City, Rizal Province, just east of Metro Manila, and in Batangas Province, south of Cavite, local School Division Offices also expressed interest in purchasing land to help alleviate school congestion in their localities. In both Cavite and Antipolo City, it was a CfC-sponsored DepEd workshop which had informed local school officials of the available funds and procedures for alleviating acute congestion in their schools and impelled them to embark on the new processes of land acquisition.
January 2016 saw the successful purchase of the first parcel of land by DepEd in Quezon City, with movement on the identification, appraisal, and acquisition of a handful of other properties in Quezon City and provinces adjacent to Metro Manila unfolding over the rest of the year.

Throughout the year, Faustino and Cerna's team maintained communications with a variety of DepEd officials involved in the process, to encourage and assist them in the land acquisition process and to draw upon and document their experiences for purposes of further institutionalizing the reform. By the end of the year, seven purchases of land had been completed by DepEd (two in Quezon City, one in Cavite, and four in Bulacan), thus making demonstrably good use of the available budget allocation in the 2015 General Appropriations Act and providing new schools and classrooms for no less than 27,990 school pupils.

As the transition from the Aquino to the Duterte Administration unfolded in mid-2016, efforts were made through Congress and otherwise to encourage the new Education Secretary Leonor Briones on this front. Team member Grace Jamon was a former student and colleague of Briones at the University of the Philippines, and thanks to her the team gained direct access to the Office of the Secretary, much as she had enabled contact and communications with the two key undersecretaries at DepEd over previous years.

DepEd budget hearings in Congress in September 2016 provided another opportunity for the team. As the hearings unfolded, the team’s allies in the House of Representatives and Senate chimed in with pointed questions about the adequacy of budgetary provisions and operational procedures for land acquisition to alleviate school congestion, thus conveying to the new administration a strong signal of public interest and political pressure with regard to the issue. These questions also forced DepEd to collect new data and clarify the new procedures, thus deepening the institutionalization and sense of ownership of the reform within the Department.

In the end, the budgetary allocation for land acquisition by DepEd was reduced to P76 million, given the difficulties experienced by DepEd in spending the P335 million allocated in the 2015 GAA. But despite the reduced allocation, the budgetary process culminating in the 2016 GAA represented a further victory for the team. For two years running, DepEd had allocated funds for the purpose of land acquisition, and in so doing it had established within its National Expenditure Program a regular line-item for “Acquisition, Improvement, Survey, and Titling of School Sites” specifically designated as intended “for the acquisition of school sites to address congestion.”

Meanwhile, the team focused its energy within DepEd. Their goal was to ‘lock in’ more fully the reforms it had designed to address and alleviate the problem of school congestion, through land acquisition and otherwise. Abanil continued to work with his former colleagues in DepEd’s planning and data management offices to find ways to institutionalize use of his School Congestion Analytical Tool (SCAT) within the Department’s planning, budgeting, and operational procedures. Over the course of 2015 and 2016, moreover, Abanil and other members of the team worked closely with the newly appointed head of the School Titling Office (STO) to document the processes through which the new land purchases unfolded and to develop a set of detailed guidelines for future land acquisitions by DepEd.

Here it is worth noting the daunting complexity and contingency of land acquisition processes, from identification of parcels to appraisal, negotiation of purchase, surveys, authorization and ‘downloading’ of funds, and eventually payment and transfer of title to the land. These processes involved a diverse range of national government agencies and local government offices, with a wide range of considerations and complications threatening difficulties, delays, and dead-ends. If DepEd were to establish regularized procedures if not accelerated processes for land acquisition, then existing budgetary provision could be more fully and effectively used.
The Department Order clarified and strengthened the powers and prerogatives of the School Titling Office (STO), empowered and instructed the STO to develop ‘forms, policies and procedures for the acquisition, surveying and titling of public school sites’, and to utilize and update existing databases and “the analytical framework to be used in determining the Department’s priorities in terms of acquisition, survey, and titling of school sites.”

and then expanded so as to provide a recognized and reliable set of resources and mechanisms for alleviating school congestion on a larger scale.

A key goal was to ensure the sustainability of the reform. By early 2017, there were ample signs that the team was succeeding in approaching a point where the reforms it had introduced over the preceding years were becoming ‘locked in’ at DepEd. Crucial here was the work of the School Titling Office (STO), which had evolved from its more tenuous status as a task force set up to address both the growing numbers of legal disputes over school lands and the new opportunities for acquiring land titles afforded by the extension of the Residential Free Patent Act to cover school sites.

The team acquired a ‘capacity-building’ role for STO over the course of 2016. The team helped STO present its budget estimates for land acquisition before the DepEd Management Committee. In addition, the team used Abanil’s data to identify heavily congested school divisions with major constraints on buildable space, and then worked with STO to hold workshops and circulate booklets and other materials among School District Superintendents and other officials from School District Offices (SDOs). These efforts helped to inform key local DepEd officials about the procedures, requirements, and documents necessary for land acquisition (as noted above in the cases of Cavite and Antipolo City), and inspired confidence in the central DepEd office’s strong support for local movement on this front.

More importantly, perhaps, over the latter half of 2016 and the early months of 2017, the team succeeded in drafting, circulating, and winning support among senior DepEd officials for a Department Order establishing a permanent set of ‘Guidelines on the Acquisition, Surveying and Titling of School Sites’.

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The Department Order empowered and instructed Schools Division Superintendents to designate personnel and devote resources to facilitate SDO engagement in the acquisition, surveying, and titling of school sites. By April 2017, this Department Order had won the approval of senior officials and was awaiting formal approval by Education Secretary Briones. In other words, CIC’s Education and School Facilities team was on the verge of ‘locking in’ DepEd’s adoption and institutionalization of procedures to acquire land to alleviate congestion in schools lacking more buildable space.

At the same time, the Enrollment Referral and Coordination System developed by the team in Angeles City was finally gaining traction at the national level. By March 2017, DepEd’s Planning Service Director had directed his staff to examine the viability of a new Department Order scaling up the referral system to the national level, and in April 2017 the author met a member of his staff (on a visit to Angeles City) who reported that movement on this front was accelerating. They were even hoping to establish the new system before the onset of the next school year in June 2017 (unrealistic, but indicative of the sense of urgency and enthusiasm for the scheme within DepEd).

Meanwhile, the Mayor of Angeles City, Edgardo Pamintuan, had emerged as the new President of the League of Cities of the Philippines, providing an excellent opportunity for him to showcase the successful experiment his city had undertaken with the assistance of CIC before the mayors of the 140-plus cities of the archipelago, and thus to help ‘socialize’ local government units into a supportive stance vis-à-vis the scheme.

Thus by early 2017, the preliminary efforts by CIC’s Education and School Facilities team in 2012-2013 in Pampanga had borne fruit in the adoption and institutionalization of a diverse set of budgetary provisions, operational procedures, and bureaucratic commitments to alleviate school congestion in the Philippines.

Over the course of 2015 and 2016, the challenges of acquiring seven parcels of land in Quezon City, Bulacan, and Cavite provided a steep learning curve for the newly established STO, and Faustino and Cerna’s team was on hand to provide assistance and guidance.

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Coalitions for Change inculcated a deeper understanding of the school congestion issue and, through exploring and experimentation, successfully introduced and institutionalized potential solutions within the Department of Education. The flexible and iterative ways CfC pushed for this education reform emphasize the value of pursuing creative modes of aid delivery not just in the Philippines but the rest of the developing world.

CONCLUSIONS

The activities and achievements of CfC’s Education and School Facilities team over the course of 2012-2017 must be understood against the backdrop of the policies and programs of both the Aquino Administration and the Australian Department of Foreign Affairs and Trade (DFAT) in support of education in the Philippines.

On the one hand, the Aquino Administration had devoted considerable resources to the expansion and improvement of primary and secondary school education, as seen in its commitment of unprecedented resources to increases in the numbers (and salaries) of teachers, the extension of compulsory and free public education from kindergarten to 12th grade (‘K-12’), and, notably, the construction of new classrooms in schools across the country.

But, as the CfC’s research showed, these outlays and efforts were undertaken without an understanding of the growing problem of congestion in schools in densely populated areas. A problem dramatically exacerbated by the addition of three more years to the school curriculum with the Philippines’ introduction of ‘K-12’ program. Figures from the 2013-2014 school year indicated that as many as 3.85 million schoolchildren in 2,300 schools were suffering from classroom congestion, with average numbers of pupils per classroom well above the limit of 45 stipulated at the time by DepEd. Schools were thus relying on multiple daily shifts to cope with increasing congestion. Classroom experience and performance were not improving in line with funding increases.

With demographic and economic growth pushing up school enrolments and real-estate prices, the failure of DepEd to address the problem combined with increasing claims on untitled school sites. These trends guaranteed a deepening crisis of school congestion over the years ahead, with no solution – or even efforts at a solution, or sustained attention to the problem – in sight.
The team proceeded by asking the right questions of the right people, exploring different options, experiencing manifold difficulties, delays, and dead-ends, and experimenting with a range of possible solutions. Instead of following a pre-scripted, linear progression, the team pursued a multiplicity of circuitous paths, which eventually converged and produced transformative reform.

Over the course of the same period, the Australian government had devoted considerable effort and resources to supporting Philippine education. In particular, DFAT’s 6-year Aus$150 million Basic Education Sector Transformation (BEST) program combined teacher training and guidance on management, curricula, and assessments with support for organizational and data management systems, teaching and learning materials, and school facilities. As part of the BEST program, Australia committed Aus$45 million to a Classroom Construction Initiative, designed to enable the construction of 800-1000 classrooms to provide an additional 90,000 places for pupils in schools across the Philippines.

But as evident in an Australia-supported World Bank report on “Assessing Basic Education Service Delivery in the Philippines” published in June 2016, the real dimensions and dilemmas of school congestion in the Philippines did not figure prominently in the thinking of overseas development agencies committed to improving educational outcomes in the archipelago. Thus the complex and hidden challenges of finding solutions to school congestion remained unaddressed.

The CfC’s Education and School Facilities team’s discovery of the real roots of the Philippine’s performance gap in education was thus surprising and unexpected. The team’s eventual focus on school congestion came without any real direction or encouragement from either the Philippine government or the Australian Department of Foreign Affairs and Trade (CfC’s funder). Viewed in this context, the team’s success in identifying and analysing the complex source of the problem of school congestion, exploring and experimenting with a set of potential solutions, and introducing and institutionalizing them within DepEd stands as a major achievement.

How, then, to explain CfC’s success in addressing and alleviating problems of school congestion in the Philippines? As suggested above, the success of Faustino and Cerna’s team must be understood in terms of their commitment to the original premises and essential promise of CfC as a program designed for ‘thinking and working politically’ and for an iterative, adaptive, ‘entrepreneurial’ approach to development work.

As they proceeded, Faustino and his team scrupulously maintained a timeline of their work, documented their findings, progress, and activities, and transmitted occasional updates to the CfC Program Management Team at The Asia Foundation and the Australian Embassy. But they were largely left to solve the problem, rather than being closely monitored or micromanaged. At the same time, the team was only able to operate in this fashion because of the individual and combined strengths and skills of its constituent members. The team was composed entirely of Filipinos and Filipinas, deeply immersed in the social relations, political realities, and policy processes of the 21st-century Philippines. They could operate effectively because of their highly developed linguistic, social, and political communication skills, a requirement for effective policy advocacy work in local- and national-level contexts in the country.

The team members were also all highly motivated and personally dedicated to their work, as seen time and again in their investment of political and social capital in the initiative. All members of the team were sufficiently smart, self-confident, and thick-skinned to adapt to the difficulties, delays, dead-ends, and disagreements inherent in their work. All members of the team were fully able to admit when and where they were uncertain, ignorant, or wrong, and to acknowledge the limits of their abilities and expertise.

The team also possessed a rare complementarity of skills and roles in its members: Faustino as coach, mentor, and meta-theorist; Cerna as manager and motor; Abanil (and Makayan) as insider experts; Jamon and Villanueva as political analysts and networkers. Faustino’s land governance team – composed of economists, geodetic engineers, and lawyers – functioned according to a similar logic. Here we see the Coalitions for Change itself operating internally as a ‘coalition’ of the willing, the eager, and the able.

Finally, the team operated according to a modus operandi that was simultaneously flexible yet focused. On the one hand, the team made experimental use of ‘pilot projects’ in Pampanga and opportunistically availed of all manner of personal connections and political pressure points among local government officials and members of Congress, as well as within DepEd to advocate for and advance its reform agenda.

On the other hand, the team accumulated hard data, detailed knowledge, and expertise in the policy arena and devoted close, careful attention to the crafting of technically sound reforms, while maintaining an abiding focus on the ‘end game’ of institutionalized budgetary provisions and bureaucratic procedures within DepEd that would guarantee effective operation and implementation of the reforms without further involvement or incentivizing on the part of CfC.

Thus overall, the success of CfC in establishing new rules and procedures to address and alleviate school
congestion in the Philippines bears testimony to the validity, value, and even ‘value for money’ of the underlying premises and operating procedures of the program.

Australia’s earlier and more traditional investments in the realm of education delivered brick-and-mortar results, at great expense, to a middle-income country quite capable of building its own classrooms. This CfC activity, by contrast, worked at relatively little expense to institutionalize new processes enabling the Philippine government’s Department of Education to address a hitherto unidentified obstacle to the longstanding – and worsening – challenge of school congestion.

Unlike a main-frame development program, or a sub-contracted consultancy, CfC has, at its best, operated with agility and flexibility to identify and address major problems, and to explore and introduce technically sound, politically possible solutions which neither the Philippine government nor overseas development agencies really have on their agendas or even their radar screens.

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As suggested above, in the case of school congestion in the Philippines, CfC’s achievements have been impressive and instructive. More broadly, these achievements demonstrate the effectiveness of creative modes of aid delivery that are particularly well suited to reform challenges found in many middle-income countries across Asia and elsewhere in the developing world.

BY 2017, COALITIONS FOR CHANGE HAD:

- Dramatically increased awareness and understanding within DepEd of the nature, extent, and dimensions of overcrowding and congestion in schools across the Philippines;
- Introduced and institutionalized a set of analytical tools and operational procedures within DepEd for use in planning, budgeting, and responding to problems of school congestion;
- Incorporated key elements of the School Congestion Analytical Framework (SCAT) within DepEd’s planning, budgeting, and operational procedures;
- Identified the line-item in DepEd’s annual National Expenditure Program and the General Appropriations Act for acquisition, surveying, and titling of land for school sites as a recognized mechanism for alleviating school congestion;
- Activated on-going and imminent adoption of a Department Order establishing guidelines for acquisition, surveying, and titling of land for school sites;
- Dramatically strengthened the capacities of the School Titling Office (STO);
- Disseminated information on and awareness of school congestion and land acquisition among School Division Superintendents and other officials of School Division Offices, especially in highly congested areas;
- Disseminated information on and enhanced awareness of school congestion and land acquisition among members of Congress and local government officials;
- Activated (almost certain) adoption of a Department Order establishing a nation-wide Enrollment Referral and Coordination System;
- Facilitated purchase of seven sites for schools in highly congested areas to accommodate more than 27,000 schoolchildren;
- Empowered DepEd to avail of the Residential Free Patent Act to obtain secure title to land, resulting in nearly 5,000 newly titled schools since January 2015 and prospects for thousands more securely titled schools now freed from legal uncertainties and constraints to build more classrooms in the years ahead.
THE AUTHOR

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THE PROGRAM

The Coalitions for Change (CfC) program is designed to support policy reforms consistent with the Philippine Government's priorities, and consistent with the Australian Government's aid program. To date, CfC has supported coalitions working on improving education outcomes, promoting economic growth, and advocating for effective governance. CfC has also worked to support reforms related to reducing vulnerabilities to disaster, and for ensuring peace and stability in Mindanao.

The program supports coalitions that bring together government, civil society, the private sector, and the academe, and facilitates opportunities for all to work together towards transformative change for the country.

For more information about CfC and this publication, contact:

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