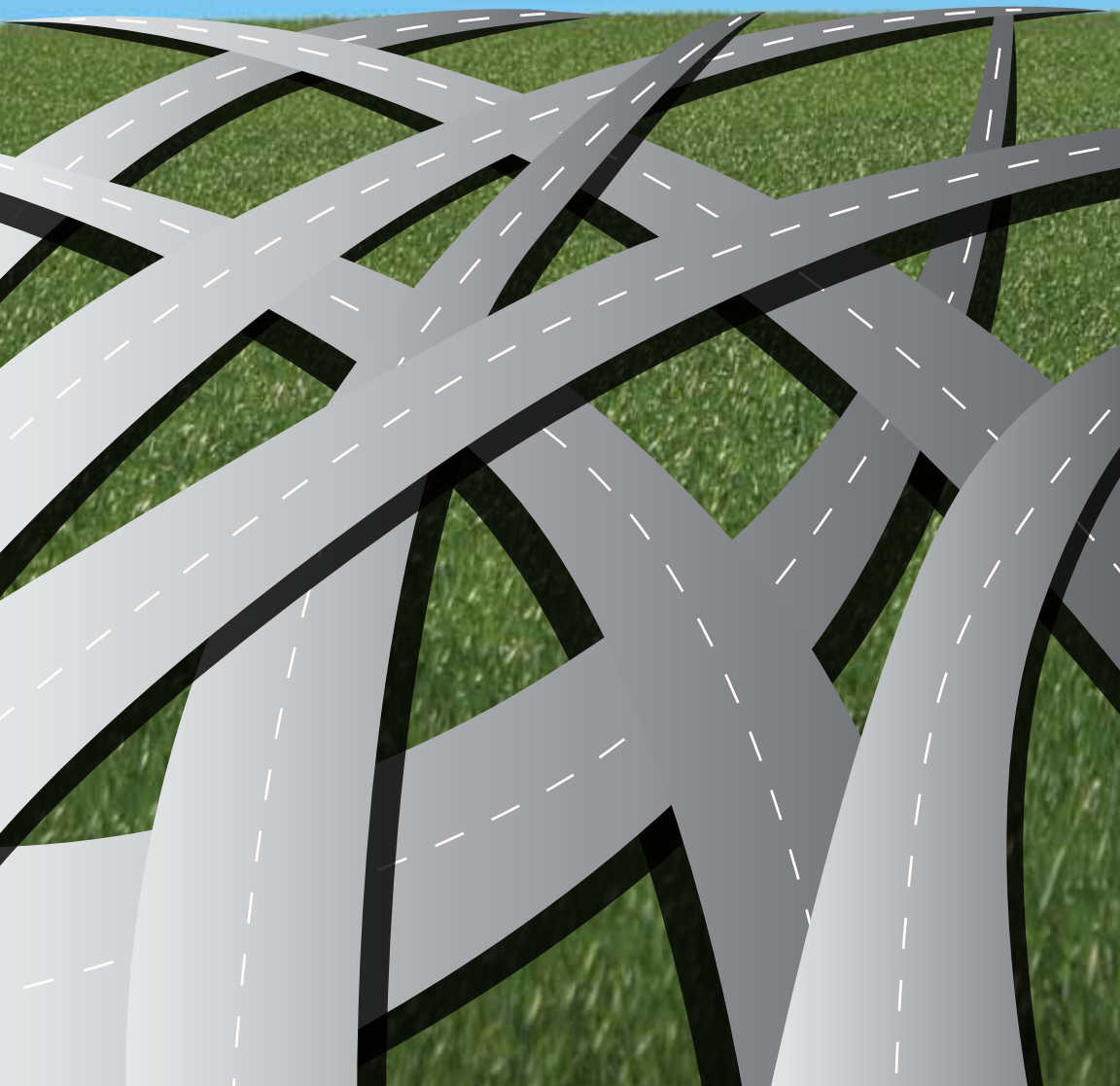# Room For Maneuver

Social Sector Policy Reform in the Philippines

Edited by Raul Fabella, Jaime Faustino, Adrian Leftwich
and Andrew Parker

ROOM FOR MANEUVER
Social Sector Policy Reform in the Philippines

ROOM FOR MANEUVER

Social Sector Policy Reform in the Philippines

Australian Aid

The Asia Foundation

DLP
Policy and Practice for Developmental
Leaders, Elites and Coalitions
DEVELOPMENTAL LEADERSHIP PROGRAM

Room For Maneuver
Social Sector Policy Reform in the Philippines

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In memory of Adrian Leftwich

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Message from Australian Aid

As a growing middle-income country, the Philippines faces many challenges in keeping pace with the development needs of its people. Social sector reforms that establish people's fundamental human rights, clarify the accountability relationship between government and citizens and enhance the efficiency and effectiveness of public institutions are critical for establishing the foundations of a democratic, accountable and well-performing society.

The four cases presented in this volume on anti-violence against women and children, reproductive health, freedom of information and education reform provide insights into the mix of analytical work, coalition building, struggle and perseverance that are needed by committed reformers and their supporters to achieve the reforms that they wish for.

The process by which reform takes place depends on the complex interaction of many factors: reform leadership at the highest level; a motivated, well-organized constituency for change; credible evidence with a well-argued case and positive media coverage; and public support. Coalitions that fail to bring these elements together are unlikely to succeed.

This is the second volume of reform cases documented by The Asia Foundation supported by Australian Aid and other partners. The social sector cases presented in this volume complement the economic reform cases analyzed in *Built on Dreams; Grounded in Reality* published in 2011. Taken together the two volumes constitute an invaluable guide to all who are actively involved or interested in how the process of reform takes place in the Philippines.

Australian Aid's partnership with The Asia Foundation in the Philippines, through the *Coalitions for Change* initiative, seeks to build on the body of knowledge presented in this volume and find ways to more effectively support social and economic reforms that benefit all Filipinos and especially the poor.

Our congratulations and appreciation to all the members of the research team who have brought this readable yet analytically rigorous volume to life.

Elaine Ward
Acting Minister Counsellor
Australian Aid - Philippines
April 2013

Message from The Asia Foundation

Since its founding in 1954, The Asia Foundation has worked to achieve a peaceful, just, and thriving Asia. Informed by six decades of experience and deep local expertise, our programs address critical issues affecting Asia in the 21st century—governance and law, economic development, women's empowerment, environment, and regional cooperation.

In the Philippines, The Asia Foundation's programs promote better governance to support national and local economic growth, strengthen the rule of law, and foster peace and development in Mindanao. Through its network of partners, the Foundation helps government, local non-government organizations, and the private sector to strengthen democratic institutions and foster sustainable economic growth. In 2011, the Australian Agency for International Development (Australian Aid) and the Foundation started the *Coalitions for Change* to foster sustainable reforms through networks and coalitions in across Australian Aid's Philippine portfolio comprising education, subnational governance, disaster risk reduction, and conflict management.

This book is part of the Foundation's goal of contributing to better understanding of the reform process. In a 2010 Asia Foundation Occasional Paper, Thomas Parks and William Cole outlined how to translate the concepts underlying political settlements into principles, strategies, and guidelines for practical action by donors and other development assistance organizations. In 2011, with support from USAID and Australian Aid, the Foundation published *Built on Dreams, Grounded in Reality: Economic Policy Reform in the Philippines,* a volume of seven case studies on Philippine economic policy reforms. In May 2012, Jaime Faustino proposed a *development entrepreneurship* model that recognizes the central role of local leaders who undertake iterative processes to find "technically sound, politically possible" reforms.

This book shifts focus from economic policy reform to the campaigns of leaders, networks, and coalitions in social sector reform. It explores ways in which local leaders and coalitions act politically to achieve institutional and policy reform in the social sector in the Philippines. We hope that lessons from this book will be useful in the work of civil society organizations,

policymakers, government leaders, and development agencies.

This publication would not have come to fruition without the support of our development partner, the The Australian Government, which recognized and insisted on the need to increase understanding of the reform process in the Philippines. We would like to acknowledge our partners in producing this volume, and the dedicated local reformers who championed change in the social sphere. I would like to express our gratitude for their hard work, astuteness, and tenacity.

A special note for the late Adrian Leftwich, co-editor of this volume who was an intellectual leader who influenced the Philippine and other Asia Foundation offices.

Steven Rood, Ph.D.
Country Representative

Profile of Organizations

The Asia Foundation is a nonprofit international development organization committed to improving lives across a dynamic and developing Asia. Informed by six decades of experience and deep local expertise, our programs address critical issues affecting Asia in the 21st century—governance and law, economic development, women's empowerment, environment, and regional cooperation. In addition, our Books for Asia and professional exchange programs are among the ways we encourage Asia's continued development as a peaceful, just, and thriving region of the world.

The Developmental Leadership Program (DLP) is an international research initiative committed to promoting internal learning and to improving effectiveness and understanding of how to influence change.

DLP's core focus is on the political processes that drive or constrain development. Their work is particularly concerned with two things: first, the critical role of leaders, elites, and coalitions in forging the locally legitimate institutions that promote sustainable growth, political stability, and inclusive social development; and second, to embed a better understanding of these processes in

the thinking, policy, and practices of the aid community.

The Australian Agency for International Development (Australian Aid) is the Australian Government's agency responsible for managing Australia's overseas aid program. The objective of the aid program is to assist developing countries reduce poverty and achieve sustainable development. In the Philippines, Australia's aid program has an overarching objective to assist the Philippines to meet its development goals, especially in reducing poverty, increasing economic growth, improving basic education and enhancing national stability and human security.

About the Authors

Adrian Leftwich, Ph.D.

Dr. Leftwich was the research director of the Developmental Leadership Programme (www. dlprog.org), a multiple-stakeholder research and policy programme. He studied in the Universities of Cape Town and York (where he obtained his PhD) and has taught at the Universities of Cape Town, York, Lancaster, and Reading in the United Kingdom. In addition to a wide range of articles in major journals, his monograph and edited publications include "South Africa: Economic Growth and Political Change" (1974); "Redefining Politics" (1983); "Democracy and Development" (1996); "States of Development" (2000) and "What is Politics?" (1984 and 2004).

Dr. Leftwich succumbed to lung cancer on April 2, 2013. This book is one of the many legacies he left. He will be missed.

Raul V. Fabella, Ph.D.

Dr. Fabella is a professor of economics at and former dean of the University of the Philippines School of Economics where he teaches Advanced Microeconomics, Game Theory, Agricultural Economics, and International Economics, and does research in the emergence

and impacts of institutions and regulatory regimes. He earned his MA in Economics from the UP School of Economics and his doctorate from Yale University. Dr. Fabella is known for his outstanding accomplishments and remarkable contributions as a scientist, researcher, mentor, leader, collaborator, and administrator in the field of economics at the University of the Philippines and throughout the country.

Dr. Fabella is recognized for his pioneering works on novel analytic constructs which turn out to be useful for problems in economics, particularly issues in rent-seeking, lobbying, and exchange rate. Going beyond the academe, he is also involved in the country's economic policy debate, tackling issues such as exchange rate policy, tax and public expenditure policy, and currency overvaluation, among others, and continues to provide strong, intellectual rigor and evidence-based perspectives. His dedicated work and contributions to the achievement of development and good governance in the Philippines was recognized by President Aquino when he conferred on Dr. Fabella the title of National Scientist.

Jaime Faustino

Mr. Faustino works at the Philippine Office of The Asia Foundation Philippines. Based on case research and project implementation, he conceptualized a model, called *development entrepreneurship*, that increases the likelihood of finding and introducing technically sound, politically possible reforms. In 2011, he co-edited *Built on Dreams, Grounded in Reality: Economic Policy Reform in the Philippines* with Dr. Fabella. The book traced the political battles of five successful and two unsuccessful in strategic sectors including civil aviation, sea transport, telecommunications, and property rights among others.

A graduate from Duke University, North Carolina with a BA in History, Jaime lived and worked in Alaska, Nicaragua, and Spain before returning to the Philippines, where he received his MA in political science at the University of the Philippines.

Andrew Parker, Ph.D.

Dr. Parker is a Social Development Adviser in the Australian Embassy Manila's Development Cooperation Branch. His work focuses on providing strategic and technical advice to the Australian aid program on issues relating to civil society engagement, local governance, and social protection. Parker has been responsible

for steering the Coalitions for Change program through its initial start up phase and is an enthusiastic believer in the potential for civil society and government to engage constructively to achieve better development outcomes.

Prior to joining AusAID, Parker, a British national, worked as a Senior Economist at the World Bank in Washington DC and Manila with other tours of duty in Papua New Guinea, Lesotho and Nepal. He completed his MSc in agricultural economics at the University of East Anglia in the United Kingdom in 1991 and subsequently taught agricultural economics and gained his doctorate from the University of Pretoria in South Africa in 1998.

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Ms. de la Cruz worked as a program officer at the Foundation, most recently on the Economic Reform and Development Entrepreneurship Program. She has worked in several areas of interest, including gender and development, combating trafficking in persons, economic reform and development, and development entrepreneurship, among others. Before joining the Foundation, she was a project officer at the Philippine Commission on Women, the government's machinery for the advancement of women, where she worked on the improvement of gender analysis and

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Ms. Domingo is an independent consultant on development who has 15 years of experience in project management and monitoring, research, and knowledge management with various local and international organizations in the country. She is currently conducting research works for both The World Bank and the Affiliated Network for Social Accountability in East Asia and the Pacific (ANSA-EAP). Prior to that, she worked as a consultant on the USAID Integrity project and as a program officer at the Australian Embassy in the Philippines. She also previously worked at The Asia Foundation on the Law and Human Rights Program and the Electoral Reform Program, the National Anti-Poverty Commission, and the Philippine Commission on Women.

Ms. Domingo finished her BA in sociology at the University of the Philippines, and gained

some units in international studies from the same institution.

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Ms. Purple Romero is an investigative journalist whose interest is bringing to fore issues on climate change, human rights, corporate social responsibility, and the judiciary. She is part of the *Newsbreak* team that wrote the book on "Shadow of Doubt: Probing the Supreme Court," which tackles politics within the Supreme Court. She also worked as a journalist in Indonesia, covering news on health, climate change, and the economy. Her work has been recognized by many award-giving institutions; she has received accolades from the ASEAN Journalism Awards, the Developing Asia Journalism Award, and the Philippine Legislators' Committee on Population and Development Foundation.

Ms. Romero gained her bachelor's degree in broadcast journalism from the De La Salle University in Dasmariñas, Cavite.

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Ms. Reyes is a program officer at The Asia Foundation, primarily in charge of coordinating the programmes of the TAF-AusAID Partnership in the Philippines. She works on multiple thematic areas, including national and local governance, anticorruption, electoral reform, citizen participation, public policy, and development in Mindanao. Prior to joining The Asia Foundation, she worked as a researcher tasked to develop the tool for the Government (G-Watch) project, a civil society-led anticorruption initiative which aims to monitor programs and projects of government.

She has a masters' degree in public management from the Ateneo de Manila University. She also has a BA in public administration from the University of the Philippines Diliman.

Jamir Niño P. Ocampo

Mr. Ocampo is an independent consultant working closely with the Foundation for Economic Freedom to increase citizen's participation in elections. Prior to his work with the FEF, he was a senior technical officer at the National Anti-Poverty Commission. Mr. Ocampo has conducted research for various issues in health and medicine, local governance, environment, and elections, to mention a few.

He earned his BA in economics at the University of the Philippines, and his master's degree in environmental management at Kyoto University.

Riza T. Halili

Ms. Halili has been conducting research and advocacy work on various social sector issues such as education, health, and anti-corruption. She worked as a deputy team manager of the Philippine Desk at the Affiliated Network for Social Accountability in East Asia and the Pacific (ANSA-EAP). She also worked as a project officer at Procurement Watch, and later at the Diaspora for Good Governance, focusing on monitoring procurement for school infrastructure. She conducted research for the Philippine Institute for Development Studies on the review of procedures of student financial assistance programs and school-based management grants.

She graduated with a BA in Economics with a minor in English Literature from the Ateneo de Manila University. She is currently pursuing her Master's degree in International and Development Economics at the Australian National University in Canberra, with a scholarship awarded by AusAID.

List of Acronyms

ACSCU	Association of Christian Schools, Colleges, and Universities
ACT	Alliance of Concerned Teachers
ADB	Asian Development Bank
AER	Action for Economic Reforms
ATIN	Access to Information Network
AusAID	Australian Agency for International Development
AWIR	Abuse of Women in Intimate Relationships
BLCP	Bishops-Legislators Caucus of the Philippines
C4RH	Catholics for Reproductive Health Movement
CBCP	Catholic Bishops Conference of the Philippines
CCJD	Center for Community Journalism and Development
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CEAP	Catholic Educational Association of the Philippines
CHED	Commission on Higher Education
CIBAC	Citizens' Battle Against Corruption
CIDA	Canadian International Development Agency
CLD	Center for Legislative Development
CMFR	Center for Media Freedom and Responsibility
COCOPEA	Coordinating Council of Private Educational Associates
DECS	Department of Education, Culture and Sports
DepEd	Department of Education
DOH	Department of Health
DOJ	Department of Justice
DSWD	Department of Social Welfare and Development
DSWP	Democratic Socialist Women of the Philippines
DV	Domestic Violence
ECFL	Episcopal Commission of Family and Life
EDCOM	Congressional Commission on Education
EO	Executive Order

FoI	Freedom of Information
HB	House Bill
HOR	House of the Representatives
IBRD	International Bank for Reconstruction and Development
ICP	International Conference on Population and Development
ICPD-PoA	International Conference on Population and Development – Program of Action
IFI	International Financial Institution
IRA	Internal Revenue Allotment
ISSA	Institute for Social Studies and Action
JBIC	Japan Bank for International Cooperation
KALAKASAN	Kaibigan Laban sa Karahasan (Friends Against Violence)
LCE	Local Chief Executive
LDP	Laban ng Demokrating Pilipino (Struggle of the Democratic Filipinos)
LEDAC	Legislative Executive Development Advisory Council
LGBT	Lesbian, Gays, Bisexual and Transsexual
LGU	Local Government Unit
LRC-KSK	Legal Rights and Natural Resources Center-Kasama sa Kalikasan
LSB	Local School Board
MOVE	Men Opposed to VAW Everywhere
MPS	Mean percentage score
NCCA	National Commission for Culture and the Arts
NCRFW	National Commission on the Role of Filipino Women
NEAT	National Elementary Achievement Test
NFP	Natural Family Planning
NGA	National Government Agency
NGO	Non-governmental organization
NIPS	National Institute for Policy Studies
ODA	Official Development Assistance

OGP	Open Government Partnership
OP	Office of the President
PACU	Philippine Association of Colleges and Universities
PAPSCU	Philippine Association of Private Schools, Colleges, and Universities
PASS	Philippine Association of Schools Superintendents
PCDSPO	Presidential Communications Development and Strategic Planning Office
PCIJ	Philippine Center for Investigative Journalism
PCW	Philippine Commission on Women
PDAF	Priority Development Assistance Fund
PEPSA	Philippine Elementary School Principals Association
PhP	Philippine Peso
PILIPINA	Kilusan ng Kababaihang Pilipina (Movement of Filipino Women)
PLCPD	Philippine Legislators' Committee on Population and Development
PNGOC	Philippine NGO Council on Population, Health and Welfare, Inc.
PNP	Philippine National Police
POPCOM	Commission on Population
POPDEV	Population and Development
PSAA	Private Schools Administration Association
PSC	Philippine Sports Commission
PTA	Parent-Teacher Association
RA	Republic Act
RH	Reproductive Health
RHAN	Reproductive Health Alliance Network
ROR	Right of Reply
RTI	Right to Information
SALIGAN	Sentro ng Alternatibong Lingap-Panlegal (Center for Alternative Legal Services)
SB	Senate Bill
SBM	School-based management

SEDP	Secondary Education Development Program
SEF	Special Education Fund
SIBOL	Sama-samang Inisyatiba ng mga Kababaihan Para sa Pagbabago ng Batas at Lipunan (Collective Initiatives for Transforming Law and Society)
SWS	Social Weather Stations
TAN	Transparency and Accountability Network
TEEP	Third Elementary Educational Project
TESDA	Technical Education and Skills Development Authority
Tevsaphil	Technical Vocational Schools Association of the Philippines
The Forum	The Forum for Family Planning and Development
UN	United Nations
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UP	University of the Philippines
UPCWS	University of the Philippines Center for Women's Studies
USAID	United States Agency for International Development
VAW	Violence against women
VAWC	Violence against women and their children
WAND	Women's Action Network for Development
WCC	Women's Crisis Center
WEDPRO	Women's Education, Development, Productivity and Research Organization
WLB	Women's Legal Bureau
WHO	World Health Organization

Executive Summary

Four case studies—anti-violence against women and children, reproductive health, freedom of information and education governance—explore the politics of social sector reform in the Philippines. The case writers focus on how they happened, who initiated and persevered in their prosecution, what the institutional contexts that enveloped the arena were, and why or why not the advocacy succeeded. The goal of the collection was to come to some understanding of the following:

How advocates and interest groups work through formal and informal channels to shape perceptions and increase the political likelihood of their favored futures.

What the factors (structure, institutions, and agency) are that make for relative success or failure.

How leaders, elites and coalitions may be identified, supported, nurtured, and helped.

The detailed cases illustrate the usefulness of regarding the relation between structures and agents as the key framework for understanding local context. The particular structure of power, authority, institutions, and customary political practices in the Philippines is the unavoidable context for the conduct of developmental leaders, entrepreneurs and reform coalitions as it establishes both constraints and opportunities for action by them, and especially by their core leadership. Their skills as development entrepreneurs—or leaders in understanding and reading the context, the shifting configuration of power across various congresses, the windows of opportunity, and the critical junctures were important in shaping both their strategies and the outcomes. External actors can learn from these studies, too, particularly with regard to where they can assist to promote reforms that are consistent with their aid policy objectives.

These studies are intended to help advocates and international development partners to understand better that development of all kinds and in all spheres and sectors is both technical and political, and that using a technical lens without a corresponding political lens, and vice versa, reduce the effectiveness of efforts to introduce reforms.

Introduction

Room for Maneuver: Synthesis and Overview

Raul Fabella, Jaime Faustino, Adrian Leftwich and Andrew Parker[1]

With its long democratic traditions and recent higher than average economic growth, the Philippines is a puzzle. Political scientist Paul Hutchcroft notes that "no country in Asia has more experience with democratic institutions than the Philippines" (2011). Despite this, there are no genuine political parties with platforms, and its politics is dominated by family-based patronage politics. Inherited from the U.S. colonial era, its politicized bureaucracy fosters an environment where political connections matter, not merit. In recent years, economic performance has improved considerably. Between 2000 and 2011, economic growth averaged 4.7 percent. This is well above the 1990s average of 2.9 percent and the average of 1.7 percent average in the 1980s (Asian Development Bank, March 2012).

Despite these positive developments, growth has not been inclusive, as poverty remains persistently stubborn (see for example NSCB 2013, Balisacan 2007; ADB, 2009; and Habito, 2010). Philippine and development experts around the world are trying to understand what can be done to achieve that elusive goal of promoting inclusive growth.

One promising set of lessons is a series of Philippine case studies of the politics of introducing transformative micro-economic reforms in telecommunications, sea transport, civil aviation, water privatization, and property rights (Asia Foundation, 2011). These reforms removed barriers to competition and promoted investment, growth, and employment. The book concluded that institutional change was achieved primarily by a set of individuals who had the technical skills to recognize sound solutions and political capacity to navigate complex socioeconomic and political terrains. Key concepts were integrated into a model, called "development

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[1] The authors would like to thank Dr. Steven Rood for his comments.

entrepreneurship", for engendering institutional change. The model empowers local leaders, called development entrepreneurs, who use an iterative process and entrepreneurial skills to find and maneuver through wickedly complex contexts to introduce technically sound, politically possible reforms that improve social welfare.[2]

With the assistance of AusAID and USAID, The Asia Foundation published a volume to analyze the experience of recent economic policy reform cases.[3] Following this, and given the Foundation and AusAID's mutual interest in social reform, it was agreed to undertake the analysis presented in this volume to assess the applicability of the *development entrepreneurship* model to social sector reform, with the aim of better understanding how social sector reform occurs in the Philippines, the drivers of success and failure, and what can be learned to assist on-going reform efforts designed to promote inclusive growth. Findings from the research are also intended to inform implementation of the *Coalitions for Change* initiative—part of a new country partnership between The Asia Foundation and AusAID in the Philippines established in 2011.

The four case studies in this volume explore the politics of social sector reform in the Philippines with emphasis on how they happened, who initiated and persevered in their prosecution, what the institutional contexts that enveloped the arena were, and why or why not the advocacy succeeded. The goal of the collection was to come to some understanding of the following: How advocates and interest groups work through formal and informal channels to shape perceptions and increase the political likelihood of their favored futures.

What the factors (structure, institutions, and agency) are that make for relative success or failure.

How leaders, elites and coalitions may be identified, supported, nurtured, and helped.

To explore these questions, the book begins with this introductory

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[2] Faustino, J. (2012, May). *Entrepreneurship: A Model for Transformative Institutional Change.* Occasional Paper No. 12, The Asia Foundation.
[3] Faustino, J. and Fabella, R. (eds.) (2011). *Built on Dreams, Grounded in Reality: Economic Policy Reform in the Philippines*. The Asia Foundation.

chapter and followed by a detailed explanation of the analytical framework used in assessing the reform cases. Chapter Three outlines the formal and informal structures and practices of Philippine politics that is the backdrop for each of the cases. Chapter Four explores the successful passage of the Anti-Violence Against Women and their Children Act (2004) that was designed to increase protection against violence on women and children. Chapter Five focuses on ongoing reform efforts to introduce a Freedom of Information Act to establish a legal procedure to obtain government-held information. Chapter Six discusses the passage of the Responsible Parenthood and Reproductive Health Act (2012) that seeks to ensure universal access to methods and information on birth control and maternal care. Chapter Seven details the politics of the Governance of Basic Education Act (2001) that altered the organizational structure of the national educational system. The final chapter discusses some of the lessons on the politics of social reform.

In seeking to better understand the political processes shaping the outcomes, each of the cases used the relationship between structure and agency as the over-arching analytical framework, as outlined in greater detail in Chapter Two. By 'structure' in this context we refer to both the broad features of the economic, political, and social structure of a society, sector, or issue area, as well as the formal and informal institutional arrangements that shape (but do not determine) behavior within a given domain. 'Structure', therefore, refers to the configuration of both constraints and opportunities. By 'agency' we mean quite simply the intention, capacity, and ability of actors, or agents, (individuals, groups, organizations, or coalitions) to think and act strategically. That is, in the context of the structural constraints and opportunities, to make choices and take decisions, so as to seek to achieve their objectives and hence shape, reshape, or improve the institutional or policy environment. Actors always can only work within, around, or below the institutional constraints to push for or resist change. In other words, when social sector reform is viewed as a political process, it becomes clear that reformers set out to work within or around a structural and institutional context in order to shift or change it. However limited it may be, there is always room for maneuver.

But within this framework a specific objective was also in part to evaluate the role of development leadership in these processes. However,

recognizing that a single developmental leader is seldom able to achieve much on her or his own, the researchers also analyze the manner in which leaders in each of these stories mobilized people and resources through a variety of forms of coalition building. They also examine how such coalitions managed their internal politics and also established links and avenues of influence with other players in the political system (gatekeepers, connectors, champions) in pursuit of (especially) legislative goals.

Noting and building on parallels and patterns from other studies (for example Grindle, 2002; and DLP, 2012), the purpose of this brief synthesis chapter is to identify some common themes, generalizations, and lessons that have emerged from this series of case studies. This will provide the reader with some initial conceptual markers and a thematic orientation for the discussion on the substance and narratives of the individual cases.

Four initial qualifications need first to be made.

The first is that in many respects the social sector reform cases analyzed here are not typical of the classic social sector arenas—such as health, education and pensions, for example. Though the cases discussed here (against domestic and sexual violence, for freedom of information, and the public provision of reproductive health facilities and education) have been issues of considerable social significance, they have been more in the nature of issue area cases of reform, rather than classic social sector cases.

Second, many of these classic social sector reforms have often been initiated by key players within the public sector (Grindle, 2002). In the present context, however, the cases analyzed here (with the exception of the reform of the education bureaucracy) were initiated by a variety of what can best be classified as advocacy groups, evolving over often considerable periods of time (in the case of the campaign for a Freedom of Information Act, going back at least 15 years).

Third, the notion of reform is used throughout to describe attempts to change policies and institutions but does not imply any normative judgment about the virtues of the reform.

That being said, a fourth initial qualification needs to be made. In general, shifting an established institution or forging new policies in the social sector (indeed any sector) is generally more difficult than defending

an existing institution or practice (formal or informal), policy, or practice. When social behavior is deeply embedded in the broad institutional, cultural, and normative status quo, it is commonly very hard to change. When such practices are aligned with the interests of particular groups—and backed by a variety of justifying ideologies—they are even harder to shift. And even where institutional or policy change is achieved, it does not mean that practices will change overnight. The variety of formal institutional provisions concerning equality for women in OECD countries, for example, has only slowly been accompanied by de facto change in practices.

In the synthesis that follows we start with the broad issues that emerge from these specific studies and then drill down into the more specific aspects of the politics of the processes involved and particularly the role of leadership and coalitions.

Social sector reform as contentious politics

It is important to start by stressing that if social reform—anywhere in the world—is about meaningful and often hotly contested issues, it will always be political and highly contentious. Attempts in the United States, for instance, to alter the arrangements governing the public provision of healthcare, or arguments in Europe about classification of and access to drugs, same-sex marriage, the ordination of women priests, or secular education (in France in particular) all raise the political temperature, as do attempts at reform by governments, for example, in the classic social sector areas such as pensions or access to the price of education. Analysts of these contestations—whatever their own preferences may be—need to recognize that there are often strongly held ideas and interests on both sides of any social sector issue. This is no less true in the Philippines as these cases demonstrate. Where reforms do not involve major issues of public policy or ethical, moral, or ideological preferences (as in the case of the reform of the education bureaucracy), they seem to attract less public attention, but can nonetheless also involve an often intense intra-bureaucratic, political struggle, as a variety of interests will inevitably be involved with much to lose and to gain from reform.

Social sector reforms compared with economic reforms

An earlier study by The Asia Foundation (2011) demonstrated that some aspects of the politics of economic reform have often been less a matter of public debate and contestation, but have involved development and politico-bureaucratic leaders building small but effective reform coalitions at the top of the political system to achieve key shifts in policy, as demonstrated for Latin America by Arnold Harberger (1993). Another interesting case of this kind of economic policy reform initiated and achieved in New Zealand underlines the argument here that such economic reforms are usually concentrated around a small reform coalition in key positions of power (and authority) within the public sector (often the treasury) in association with influential players in the private sector (Wallis, 1998; for a useful survey see Peiffer, 2012).

An interesting finding of the present studies is that precisely because social sector reform involves the direct interests and ideas of a much wider public and diverse groups in civil society, the politics of reform and resistance is likewise often more public, unlike certain aspects of economic policy reform. This is not to suggest that all economic policy reform—for example with respect to issues of land or food subsidies, or some of the experience of structural adjustment in Africa—is more technical, less contentious, and less public. Many have been hotly contested, and there will always be winners and losers. But it is to underline the almost inevitable public contentiousness of social sector reform, especially in some of the issue areas analyzed in the cases that follow, where strong beliefs and interests align on both sides of the reform issue.

Technical and political aspects of reform

All aspects of development involve both technical and political dimensions. There is seldom only one technical way to do anything—whether it is the route of a road, enhancing tax collection, or the development of a secondary education system. But whatever solution is decided on needs to be technically sound, that is it must be workable for achieving its objective. There are also always both technical and political aspects to social sector reform. But in the case of these advocacy-type social sector reform issues, the technical dimension means that the case (for or against) needs to be

argued coherently and with appropriate supporting evidence—not simply on ideological grounds. Being able to display evidence that shows, for example, that a freedom of information act can contribute to the consolidation of democratic processes by enhancing accountability and transparency and hence contribute to the delivery of better services is one way of getting the technical argument established. Likewise, if comparative evidence from elsewhere can demonstrate that easily accessible reproductive health services can contribute to national health (and hence reduce health costs), limit population growth and hence also unemployment and poverty, a technical case is at least made, rather than simply an ideological, or from one point of view, a moral case. The same is true for those opposing both freedom of information and reproductive health legislation.

So a key message from this work is that getting the technical arguments clear—and doing the necessary research to back them up—is an important aspect of the politics of this type of social sector reform. External agents can often assist this aspect of the process by conducting or funding research that can produce evidence in relation to such issues, and should be alert to the possibilities for doing so in a variety of different contexts.

But precisely because there is often a clash of profoundly held ideas and interests around issues of this kind, reform is not simply a technical matter, but also a political one. Provided there are political spaces and avenues for it, negotiations around the forms and particulars of legislation are therefore possible (and desirable), and compromises are, in principle, achievable. For example, it has been argued that there are a variety of ways in which greater freedom of information can be provided and legislated for, without an over-arching freedom of information act. This may not represent what campaigners for a freedom of information act want, and it also may be a strategy by governments to resist wider transparency and accountability. But it least indicates a space where maneuver is possible. External players can sometimes also assist these processes by providing, brokering, or facilitating opportunities for such discussions.

Because the contexts are distinctive in each country, the precise configuration of both the technically sound and politically possible formulae for social reform will also be different. Social sector reform campaigners

need to think and strategize in a way that is consistent with the logic of local appropriateness, rather than alleged universal principles and practices.

External support and assistance

External agencies can help to promote or resist reform. In a number of cases in this study, external agents played a significant role in various respects. For example, funding research around the decentralization of school administration was one instance. Elsewhere, the *Open Government Partnership* (2011) an international agreement (now with 47 partners) dedicated to accountable and transparent government, has been seen by those campaigning for a freedom of information act as representing external and positive leverage, especially as the Government of the Philippines was one of its founding members. Legislative advocacy can be a very expensive activity, and often campaigners work with limited budgets and time. External financial and technical support for the campaign for the Anti-Violence against Women and Children (VAWC) Act helped the coalition that worked for this. But at the same time, external agents need always to be sensitive to the local context and to the needs, knowledge, and preferences of campaigners, so as not to impose either external preferences or conditions upon them. Similarly, external players who wish to support such campaigns within civil society need to recognize that circumstances change, that different congressional compositions occur after elections, and that windows of opportunity and constraint (positive or negative critical junctures) open or close on active support. So external players, like internal ones, need to be sensitive and flexible to these changing circumstances, and hence be prepared to intensify support when windows open. To be able to do this they need informed (and updated) political analysis.

Duration of reform processes

As a number of these cases illustrate, social sector reforms often take considerable periods of time, spanning multiple congresses, and with varying degrees of success. This means that advocates and their supporters (internal and external) need both to analyze and understand the shifting configurations of power, interest, and personnel in the formal positions of

authority in the government and legislature, as leaders and representatives in Congress change, and also to adjust their strategies to meet such twists and turns. As will be explained below (and is elaborated in Chapter Three), the processes of legislative politics in the Philippines (which combine formal democratic procedures with strong residual elements of patronage) means that presidential support appears to be a sine qua non for effective social sector reform in the Philippines, whether of the classic or advocacy kind. This being so, reform advocates need to understand that other or priority issues may often arise to take precedence for the president, and thus eclipse a particular campaign for social sector reform, pushing it into the sidelines of politics or delaying it until later (perhaps a new congress).

Bureaucratic reform

There is only one case of bureaucratic reform in this volume, that of the decentralization reform of the education department. In many respects this type of reform is different to the other cases of advocacy reform explored in this collection, though it may be closer to some aspects of economic reform and even classic social sector reform, both of which have strong policy implications. What is clear from this study is that bureaucratic reform in a social sector area (education in this case) unquestionably requires political leadership and initiative from the top of the agency or department concerned and from the central political executive, and is far less likely to arise from wider political or public demand in civil society. Work on decentralization in other parts of the world, for example, appears to confirm this in many ways. But by the same token, the efficacy and implementation of such bureaucratic reform requires widespread cooperation from the top of the agency to the bottom if it is to work. Where officials have an incentive (personal, bureaucratic, or political) to make it work, its chances of success in achieving the goals for which reorganization was intended will be greater. In the case of the reform of the education department, it is not clear whether this was the solution for the problem it was intended to help resolve, or whether its effectiveness was swamped by other factors that were not taken into account in both the preceding technical and political analyses.

Being politically savvy

It goes without saying that being politically savvy is a sine qua non for effective social sector reform: it is a necessary but far from sufficient condition for success. As mentioned earlier, while it is probably easier to defend an established social sector policy or institution than change it, both reformers and resisters will need to be savvy, and in some respects, both adopt similar political strategies. Understanding the issue and the evidence, knowing the political landscape, identifying the key players (decision-makers), mapping out the room for maneuver within the formal and informal institutional and political context, as well as spotting or exploiting the critical junctures (windows of opportunity) for advancing or retarding a campaign are all part of what it means to be savvy. Rigorous analytical skills, on the one hand, and knowing the players and the game, on the other hand—hence understanding the relation between structure and agency—are the necessary skills for those who wish to promote social sector reforms of this kind.

Coalitions

Though the role of development or reform entrepreneurs or leaders is vital in the politics of social sector reform (and is discussed below), in each of the cases analyzed in this volume, they never acted on their own but in concert with other individuals and organizations in a variety of different coalitions. The central place played by coalitions (formal and informal) in the politics of economic, social, and political reform is increasingly recognized (Levi and Murphy, 2006; Brady and Spence, 2009; Developmental Leadership Program, 2012), and the case studies explored in this book all confirm in a number of ways the findings of other work. In all three social sector reform cases discussed here, coalitions were central to the politics of the processes. A number of key findings are worth spelling out in further detail.

Social sector coalitions—understood as groups of individuals or organizations that come together to achieve a goal they could not achieve on their own—need to be understood and managed as two-level games— horizontal and vertical. That is, the leaders of organizations of groups not only have to negotiate consensus about goals and strategies amongst themselves— the horizontal level—but they also have to make sure that in agreeing on goals

and strategies they can bring their followers with them (the vertical aspect). In all the cases discussed, managing these horizontal and vertical aspects of coalitions in the politics of reform was never easy.

Large, inclusive, and informally structured coalitions (as in the ongoing case of the campaign for the Freedom of Information Act) can be important in persuading lawmakers that an issue has wide public support and is not the cause of a special interest (such as journalists and the media in this instance). Extending the campaign to gain the support of a wider public can be of considerable importance in persuading lawmakers that the issue has broad support and hence may have electoral consequences for legislators.

Ideologies and differences of opinion about strategy, tactics, and points for compromise are common challenges that coalitions have to face. And it is widely recognized that coalitions are more effective when they can agree on a common set of proposals and goals. But it is not always recognized that getting early agreement on these can be very important, because without that much time, energy, and resources may be squandered, and the reform process may be prolonged.

Managing the internal politics of a coalition and its relations with other external groups is therefore as much a part of the process as the campaign itself and is critical for its success. Disputes, defections, and disagreements all weaken a coalition and detract from its core and prime purpose. Constituent elements of a coalition therefore need to be prepared to compromise if some gains are to be achieved.

While preexisting networks that underpin many coalitions may result in the usual suspects being active, they are also useful in that they can help in establishing the basis of trust so necessary for any coalition to work.

Establishing a coalition to promote particular aspects of social sector reform may also precipitate the formation of a counter-coalition to defend the status quo or oppose the reform proposal, and this may often deepen the issue, polarize public opinion, and drive the legislature and executive to caution. Therefore the way a social sector reform campaign is framed can be important for both gaining support from a wider public and also reducing the extent and nature of opposition.

Coalition strategizing

All the case studies confirm that in the Philippines gaining the support of the president is essential for any hope of legislative success, as also explained in Chapter 3. But the president is not easily reached, and as a consequence, coalitions for social sector reform have had to strategize carefully in order to gain her or his support. This has involved a number of common tactics and strategies:

- Identifying and using networks and connections that run up to and into the executive department is important.
- Recognizing that engagement with the state and its personnel is going to be necessary.
- In the context of Philippines legislative politics, it is important for the coalitions for reform to establish contact and build relationships with key players in congress who will be likely to have close links with the president. The speakers of the two houses and committee chairs are amongst the key figures with which coalitions need to establish good relationships.
- Choosing champions who can support the campaign and who may have links to the executive and these key congressional players has to be carefully done, especially with respect to which champions may be willing and able to use their political capital to promote the cause of the reform. Champions, gatekeepers, and connectors are all critical players in the politics of social sector reform.
- Political and legislative conditions change, and can change fast. Reformers need to appreciate and be sensitive to these so as to revise strategy and tactics as things change.

Development leaders

All the cases have shown that key players or leaders, play a key role in the politics of social sector reform. Usually a core leadership group drives the politics of reform. Development leaders are often the principal drivers of the reform initiatives. In particular, their skills and strategies need to align with

the wider processes outlined above and for which all the cases provide strong evidence.

Such leaders need to be able to manage the coalitions effectively, minimizing conflict and defection, and negotiating both consensus and support.They need to be able to commit and use their political capital to promote the reform.They need to be able to make contact and seek to build relations with the champions, gatekeepers, and connectors.

They have to be effective in exploiting trigger events, windows of opportunity, reform or critical junctures—that is unpredictable events that alter the political landscape and favor reform (though there can also be conjunctures which retard reform). In the Anti-VAWC case, the leadership tried to capitalize on sensational, high-profile public cases of violence against women to extend support for the reform initiative with both the public and legislators. Reform junctures at the macro levels also provide opportunities to introduce reform. The close alliance between Senator Angara and President Estrada (1998-2001) was critical for the introduction of the major reorganization and decentralization in the education bureaucracy discussed in Chapter 7.

Conclusion

Overall, then, the politics of social sector reform in the Philippines, as analyzed in the detailed cases that follow, all illustrate the usefulness of regarding the relation between structures and agents as the key framework for understanding local context. The particular structure of power, authority, institutions, and customary political practices in the Philippines is the unavoidable context for the conduct of developmental leaders and reform coalitions, as it establishes both constraints and opportunities for action by them, and especially by their core leadership. Their skills as developmental leaders in understanding and reading the context, the shifting configuration of power across various congresses, the windows of opportunity, and the critical junctures were important in shaping both their strategies and the outcomes. External actors can learn from these studies, too, particularly with regard to where they can assist to promote reforms that are not only consistent with their aid policy objectives, but very central to their public pronouncements

about them, for example on gender equality, accountability, and transparency (AusAID, 2011). But a condition for being able to translate policy goals into practice is the necessity to be able to undertake objective political and social analysis of a sector or issue area, something also strongly advocated in Australian Aid policy (AusAID, 2011: 7). These studies will help all parties to understand better that development of all kinds and in all spheres and sectors is both technical and political, and that using a technical lens without a corresponding political lens, and vice versa, may hamper their ability to introduce lasting and transformative social change.

References

Asian Development Bank (2009). *Poverty in the Philippines: Causes, Constraints and Opportunities.*

Asian Development Bank (2012, March). *Philippine Outlook 2012.*

AusAID (2011). *Effective Governance. Thematic Strategy*, Canberra, AusAID. Retrieved from http://www.ausaid.gov.au/aidissues/Documents/thematic-strategies/governance-strategy.pdf.

Balisacan, A. (2007). *Why Does Poverty Persist in the Philippines? Facts, Fancies, and Policies.* SEARCA Agriculture & Development Discussion Paper Series.

Brady, D. and Spence, M. (2009). *Leadership and politics: a perspective from the Growth Commission.* Oxford Review of Economic Policy, 25(2) pp. 205-218.

Developmental Leadership Program (DLP) (2012). *Coalitions in the Politics of Development.* Retrieved from http://www.dlprog.org/ftp/info/Public%20Folder/Coalitions%20in%20the%20Politics%20of%20Development.pdf.html.

Faustino, J. (2012, May). *Entrepreneurship: A Model for Transformative Institutional Change.* Occasional Paper No. 12, The Asia Foundation.

Faustino, J. and Fabella, R. (eds.) (2011). *Built on Dreams, Grounded in Reality: Economic Policy Reform in the Philippines.* The Asia Foundation.

Grindle, M. (2002). *Despite the Odds: The Political Economy of Social Sector Reform in Latin America,* in Christopher Abel and Colin M. Lewis, eds., *Exclusion and Engagement: Social Policy in Latin America.* University

of London Press, pp. 83-110.

Habito, C. (2010). _An Agenda for High and Inclusive Growth in the Philippines._ Asian Development Bank.

Harberger, A.C. (1993). _A Handful of Heroes._ The American Economic Review, 83(2) pp. 343-350.

Huthcroft, P. (2011). _The Power of Patronage: Democratic Ideals and Institutional Realities in the Philippines since 1986._ Keynote address at Annual International Conference, April 2011.

Levi, M. and Murphy, G. (2006). _Coalitions of Contention: The Case of the WTO Protests in Seattle._ Political Studies, Vol. 54, 651-670.

National Statistical Coordination Board (2013, April 23). _Poverty incidence unchanged, as of first semester._ Press Release.

Open Government Partnership (2011). Retrieved from http://www. opengovpartnership.org/about

Peiffer, C. (2012). _"Reform" Coalitions. Patterns and Hypotheses from a Survey of the Literature._ Concept Paper 03, Developmental Leadership Program. Retrieved from http://www.dlprog.org/ftp/info/Public%20Folder/ Concept%20Papers/Reform%20Coalitions.pdf.html.

Wallis, J. (1998). _Understanding the Role of Leadership in Economic Policy Reform._ World Development, 27(1) pp. 39-53.

Beyond Political Economy
The Politics of Social Sector Reform in the Philippines: The Analytical Framework

Adrian Leftwich

Introduction

This chapter sets out the analytical approach that we have adopted in this set of studies that analyze the politics of social sector reform in the Philippines.

In encouraging the researchers to adopt a broadly common analytical framework, our aim was to help them to identify and address common variables in each of the case studies, and that this, in turn, would enable common comparative themes to emerge that would inform policymakers when considering whether, where, when, and how to support future reform in similar and other sectors. This chapter sets out the rationale for such a framework and its essential elements. But it is worth adding that the Developmental Leadership Program (DLP) is currently (2012) working on a framework for political analysis that will take thinking and practice beyond political economy; that is, beyond the important beachhead which political economy approaches have established in analyzing the political processes which drive or frustrate development. Our hope in the DLP is that this new framework will form the basis for a practical and user-friendly guide to political analysis for policymakers and practitioners.

From Political Economy To Political Analysis: The Context

The recent (and important) mantra in the international community to understand the political and social context better has given rise in the past decade to a demand for improved tools to help practitioners and policymakers do this analytical work. However, almost without exception, the tools for understanding politics that have been put together have been

described and understood as tools of political economy analysis. This wide range of methods and approaches has greatly helped to bring the analysis of politics to the forefront of thinking about developmental issues. However, the approaches have tended to be something of a goulash of methods, each of which has assimilated (and often confused) within them a variety of very different levels, forms, and foci of analysis and analytical approaches (Haider and Rao, 2010; Hudson and Leftwich, 2012).[4] The confusions that this has generated are many and have perhaps contributed to some of the difficulties that policymakers and practitioners have experienced in trying to embed this kind of understanding of the politics of development in their thinking, planning, design, and implementation work. However, there are at least three aspects of the confusion that deserve mention, as they form the backdrop to the enhanced analytical framework used by the researchers in their work on this project.

Confusions about political economy

The first confusion has been whether political economy is a method or a narrative. That is: is political economy an analytical framework, tool, or in other words, a technique (in the sense that cost-benefit analysis, or supply and demand curves, may be seen as frameworks and techniques)? Or is political economy a descriptive or narrative account of the realities of a particular set of relationships and practices within a society, sector, or organization (as in 'the political economy of Malawian agriculture'), and hence a description of the structure of power?

The second source of confusion is that some versions of political economy analysis appear to combine and merge institutional analysis with political economy analysis and throw in a dose of attention to politics, almost as an afterthought. Some (the World Bank in particular) ignore—or refuse to discuss—politics completely, and virtually all political economy

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[4] The DLP is preparing an analytical guide which will not only show that these different approaches address very different aspects that shape politics in the real world, but will also offer a user's guide to how it is possible to use these three frameworks to make sense not only of how a particular national political order works, but also how sub-national components work politically, as well as sectors (such as agriculture or health) or issue areas such as gender, climate change, or freedom of information.

approaches fail to define what they mean by politics, though they sometimes smuggle it in, heavily disguised with false wigs and conceptually cross-dressed as political economy, rather than as politics. Yet each of these distinct frameworks (institutional analysis, political economy analysis, and political analysis) address entirely different aspects of social reality in any society, and hence cannot easily be merged in a single framework, in the same way that a stethoscope is not designed to take the temperature, and a thermometer cannot be used to check heart rate. In practice, however, these different tools or approaches are either not systematically differentiated, or they are thrown together in one large framework labeled "political economy". In both respects they serve only to complicate if not undermine understanding, and hence make use of the frameworks very difficult for those who most need to use them.

The third confusion—or better still, distortion—is the ongoing and well-sustained illusion that there is only one form of political economy analysis, whereas in fact there are many (Staniland, 1985; Caporaso and Levine, 1992; Grindle, 2001). However, by systematically skating over and ignoring the plurality of schools in political economy, one dominant tradition has emerged, and the impression is thus given that there is only one political economy analysis, which I call here "the basic model". This model has become the public orthodoxy.[5]

The basic model - the economic analysis of politics

What is the basic model? To cut to the quick, this model represents an approach to politics that is essentially the economic analysis of politics, or the economics of politics, sometimes associated with terms such as 'public choice' or 'collective choice', with its roots in the working assumptions of neoclassical economics. This approach is not a discipline but a way (and only one way) of studying the problem, and has been described by its advocates in very similar terms. Iain McLean, for example, describes it as the application of economists' methods to politics, and in particular, to two central problems:

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[5] One of the tasks for academic analysts to undertake is a detailed political analysis of why it is that only one approach, or school, in political economy analysis has come to dominate the major donors.

the "collective action problem and the problem of aggregating preferences" (McLean, 1987:9). And the doyen of public choice theory, Dennis Mueller, describes it more fully thus. It is, he says:

"[The] economic study of nonmarket decision-making, or simply the application of economics to political science. The subject matter is the same as that of political science: the theory of the state, voting rules, voter behavior, party politics, the bureaucracy and so on.... The basic postulate of public choice, as for economics, is that man is an egoistic, rational, utility maximiser" (Mueller, 2009: 1-2). See also Robert Abrams (1980).

The assumptions of this basic model of political economy focus on the rational choice of individuals with their own interests, preferences, and incentives in varying institutional contexts. Viewed through this kind of analytical framework, politics is—broadly speaking—perceived and treated essentially as a market (and usually a well-established one with clear, known, and accepted rules of the game, referees, and enforcers), within which people wheel and deal to seek their advantage. And in this political market, there are buyers and sellers of public policies, providers and consumers of public services, and demand by society, and supply by the state. Politicians are there only to sell policy wares that will be popular so as to advance their careers and enable them to stay in office or in power, while citizens are there to get as much as they can from the state, and as cheaply as possible (e.g. through low taxation rates).[6]

Proponents of this approach, not surprisingly, hold that the methods of economics are the appropriate methods for the analysis of politics: and some go a lot further to argue that the methods are appropriate for our understanding

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[6] Here is how Merilee Grindle aptly describes this approach: "Thus, in seeking to ex-plain the behavior of politicians, rational choice theorists generally assert that politi-cians naturally prefer more power to less; survival in office to defeat; reelection to loss; influence to irrelevance. Voters naturally prefer politicians who provide benefits that improve their individual welfare to those who do not. Bureaucrats naturally pre-fer higher budgets to lower ones, more discretion to less, more opportunities to pro-mote their own welfare to fewer, career promotion to demotion. These individuals are distinct from economic actors only in that they are conceptualized to be interacting in a political market in which competition is about power to provide or receive ben-efits from public policy, public investments, and resources controlled by government' (Grindle, 1999).

of marriage, racial, or ethnic discrimination and even smoking—indeed for all aspects of human behavior (Becker, 1976). [7]

Few would question the explanatory usefulness of the assumption that individuals and groups seek to advance their interests. But with its emphasis on exploring this assumption within given institutional constraints, as in a market relationship, does this standard political economy approach really help us to understand whether and how people (individuals or groups) go about doing that, on their own, or in formal or informal coalitions, or what the optimum size and purpose of such coalitions should be, and how best they can reach internal consensus on goals and strategies? Can it really help to account for the differences in power (as well as the varying sources and forms of power) that so commonly determine policy or institutional outcomes, and how is that power used or deployed in the service of goals and aims? Does it tell us how conflicts of interest (and also conflicts of ideas) and collective action problems are actually managed? What happens within, between, and behind the formal institutional arrangements? How significant and tight are these institutional constraints, and what room for maneuver is there for actors and agents (including developmental entrepreneurs and leaderships) within them? Does it tell us how and why and with what effects people in different institutional, socio-economic, and political contexts aggregate, articulate and advance—and sometimes even reconcile—their ideas and interests for or against policy innovation or institutional reform? Does it give us an insight into how groups frame their demands and strategize for their achievement in different ways, or whether and how prior experience, trust, and networks help to support emerging campaigns and coalitions to achieve institutional or policy change, however small? And where most political economy tools recognize that institutional arrangements frame political, economic, and social behavior, does it help us to understand how such institutions evolve, change, or are shaped? Does it help to reveal how those with de facto power (economic, military, ideological) (Acemoglu and Robinson, 2012) deploy that power to defeat or influence those with authorized and legitimate de jure

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[7] The classic statement of this approach can be found in William Mitchell's 1968 paper on "The New Political Economy". But precisely the same themes can be found in recent work, such as that of Mueller (2003).

power in order to advance their interests and thereby often undermine or transform the formal institutions of politics in their favor? Does the basic model of political economy analysis address the effects of contingent events—windows of opportunity or critical junctures (Kingdon, 1984/2011)—on the course of events, and how different people and groups respond to the opportunities these create, or not as the case may be?

In short, the parsimonious assumption of standard model political economy that individuals and groups everywhere pursue their interests does not tell us how they do it, how they win, or why they lose, nor how policy or institutional reform is advanced or held back, or how they deal with (or even reconcile) conflicting interests. Nor does it tell us how ideas and ideologies influence preferences, choices, alignments, and allies.

Yet that is the real stuff—the real inner workings—of politics, change, and development. And only a detailed political analysis can reveal that in each case, whether in the macro contours of national power, authority, and politics in society, whether in a sector (health, education, or agriculture) or in an issue area (social or otherwise) such as freedom of information or gender equality.

It was this inability to address, let alone answer, these kinds of questions that led to our dissatisfaction with standard model political economy. This dissatisfaction was fuelled by our experience and observation that not only does politics matter, but also that developmental actors or agents (or developmental entrepreneurs) can make a difference in institutional and policy reform. There is always room for maneuver. Analyzing the politics of social sector reform in the Latin America, Merilee Grindle came to the same conclusion: namely, that "the ways in which winners, losers, and reformers interact in complex institutional arenas demonstrates that spaces for strategic action exist and that such actions can alter outcomes" (Grindle, 2001: 11).

We therefore set out to provide the research teams that undertook the case studies explored in the following chapters with a simple but clear analytical framework to follow and apply in their research into the various fields of social sector reform. The elements of this framework are sketched out below.

The Framework For Political Analysis Of Social Sector Reform In The Philippines

Four analytical frames of reference

We started by marking out four distinct and analytically separable spheres or dimensions. These are of course not separate or isolated from each other in the real world. But it is useful to think of them as such— as heuristic devices in analysis in order to get a better analytical understanding of the context. The four frames of reference we have used are: (a) structural analysis; (b) institutional analysis; (c) agential analysis exploring agency, power, and the relations of power; and (d) political analysis. At the same time, we asked the researchers, when analyzing the politics of social sector reform, to use these frameworks to help think in terms of the way in which agents (individuals, organizations, or coalitions) interacted with structures (institutional arrangements, both formal and informal, and the wider structure of power)— given that both (agents and structures) have causal power (Archer, 1996).

Structural analysis

Having identified the problem and the reasons why it is important to understand it better, researchers were encouraged to situate it—that is, to place it within its structural context. In macro terms, that is of course the broader context of the Philippines (and Chapter 3 sets out to do that). But each problem—whether sectoral or an issue type problem (such as climate change, gender, or press freedom) will also have its own structural context and historical legacies. This needs to be understood in terms of the economic, social, and political factors that have shaped it and which in turn establish the constraints on and opportunities for change.

Institutional analysis

Institutional analysis has a different and more refined purpose. Its function is to explore and map both the formal and informal institutional arrangements, that is, the rules of the game (North, 1990): all those written and unwritten laws, conventions, codes, and standard operating practices that shape (but do not determine) human behavior in and around a particular

problem, specific issue, or issue area. Whereas formal institutions are generally understood to refer to the formal rules of the game (such as constitutions, laws, regulations, acts, regulations, etc.), the informal institutions refer to the social or cultural practices, norms, customary ways of doing things, and even ideologies, that are not written down in law but which everyone knows (whether they like them or not). A sector or issue area—e.g. agriculture or education or civil rights or gender—will have its own subordinate institutional structure, consisting of the formal and informal rules that shape behavior, interactions, and relations within that sector or issue area, usually deeply anchored in a prior and evolving history.

Having established the structural context, all researchers took as their first step an effort to map the institutional structure that constituted the context within their case studies occurred, whether this was in the field of the freedom of information campaign or the prevailing institutional arrangements governing reproductive health. The overarching chapter (it follows this one) sets out to provide a common socio-economic and political sketch of the national structural context of the Philippines, and it also used a broadly similar approach.

Agential and power analysis

This represents another and deeper dimension, but not an unrelated one. We have reserved the term 'agential and power analysis' to focus on the mapping of the key players (individuals or organizations); the nature, degree, and sources of their power (whether de jure or de facto, or economic, political, or ideological) as well as their relations and interaction through, behind, or outside the institutional structure. At the macro level, this refers to the broad structure of power and wealth in a society, how it is constituted, and who has it. Is it based on land or capital or trade? What or who are the big beasts, if any, of political or economic power (national and foreign)? Are they united, divided, in competition? What are the sources and forms of cultural and ideological power (e.g. the Catholic Church)? Is economic power of key elites (landowners, for instance) balanced in some degree by the power of the vote, the means by which large numbers of relatively poor people are supposed to exercise countervailing power? But, given their pervasiveness in Philippines politics,

do patronage relations nullify or compromise the supposed benefits effects of voting? All these considerations apply equally to sectors or issue areas within an economy and society, whether in the health, fiscal, or educational spheres, and at village level or in a large private or public organization.

Political analysis

Finally there is political analysis. This addresses the formal and informal political processes, activities, ploys, and maneuvers used by players (stakeholders), and through which decisions actually get made. Based on the preceding agential and power analysis, we it is important to know who not only the key players are (individuals, officials, committee chairs, groups, coalitions, lobbies, and parties, for instance), but also where they are situated and how they interact with each other in the particular problem area for analysis. These may have been mainly domestic players and processes, but external agents and agencies can also influence the way politics happens within the structure of the institutional arrangements and the configuration of the political economy. How did reformers and resisters organize? In the case of these social sector reform stories, we needed to know who the reform players were, whether they arose from prior networks, where they got their resources from, how they framed their strategies, what coalitions they formed, and how they were run, who their contacts (connectors, champions, gatekeepers) were in the formal and informal structure of power and how they accessed them, and how they articulated, timed, and integrated their actions and campaigns with and into the formal decision-making processes of the Philippines executive and legislature.

Of course, separating these four analytical dimensions is an artifice. In the real world, the relationships and practices these analytical frameworks seek to capture are not separable and isolated, but overlap and interact with each to produce the outcomes that happen. The challenge, always, is to capture them and abstraction and differentiation is a necessary and unavoidable feature of social science work. More to the point, and analytically speaking, these different frameworks represented very useful starting points for doing so. Though of course they overlap, each set of relationships is nonetheless situated its own evolving history, and the data which each framework enabled

the researchers to synthesize their findings into explanatory arguments about how each of the sets of relationship interacted with the others to produce the outcomes.

So, using this methodology, each of the case studies analyzed a particular sector or issue area (sexual and domestic violence, bureaucratic reform, freedom of information, or reproductive health). And each area had its own institutional structure, power structure, and typical patterns of politics. Each, to some degree, had its own policy community (some broader than others) where debate, contestation, and politics occurred around a particular issue or set of related issues—and yet all were part of the wider Philippine context. The findings are presented in the chapters that follow.

Conclusion

The broad question that this project set out to explore was how social sector reform occurs in the Philippines, and in particular, what can be learned about the politics of the processes that have driven or constrained it. The framework for analysis sketched above has sought to move beyond basic model political economy, and it comprises a disaggregated set of approaches for political analysis, for understanding how politics happens. Each of the case studies sought to use this analytical framework to analyze the way in which agents (developmental or institutional entrepreneurs, reformers, developmental leaderships, and coalitions etc.) have worked politically to pursue their goals in the structural context of a web of formal and informal institutions and through a given (though seldom static) structure of formal and informal power and authority, with all its attendant constraints, opposition, and opportunities.

To the extent that these questions have been usefully answered in the chapters that follow, the case studies will have helped to vindicate or revise the analytical approach sketched above. Moreover, in its explanation of how actors operate politically in a specific (and in this case, common) institutional and political context, each study will also have contributed to a better understanding of the relations between structure and agency in the Philippines. Thus, the case studies will have identified both the room for, and the processes of, maneuver for future activity in this sector.

References

Abrams, R. (1980). *Foundations of Political Analysis*. New York: Columbia University Press.

Acemoglu, D. and Robinson, J. (2012). *Why Nations Fail*. London: Profile Books.

Archer, M. (1996). *Culture and Agency: the place of culture in social theory*. Cambridge: Cambridge University Press.

Becker, G. (1976). *The Economic Approach to Human Behavior.* Chicago: University of Chicago Press.

Caporaso, J.A. and Levine, D.P. (1992). *Theories of Political Economy*. Cambridge: Cambridge University Press.

Grindle, M. (1999). *In Quest of the Political: The Political Economy of Development Policy Making.* Centre for International Development, Harvard University. CID Working Paper No. 17.

Grindle, M. (2001). *Despite the Odds: The Political Economy of Social Sector Reform in Latin America*. RWP01-021, Boston: John F. Kennedy School of Government, Harvard University.

Haider, H. and Rao, S. (2010). *Political and Social Analysis for Development Policy and Practice: An Overview of Five Approaches*. Birmingham: GSDRC.

Hudson, D. and Leftwich, A. (2012). *Beyond Political Economy and on to Political Analysis*. Developmental Leadership Program (DLP). Retrieved from http://www.dlprog.org/ftp/

Kingdon, John W. (1984/2011). *Agendas, Alternatives and Public Policies.* London: Longmans/Pearson.

Mclean, I. (1987). *Public Choice. An Introduction*. Oxford: Blackwell.

Mitchell, William C. (1968). *The New Political Economy.* Social Research 35 (1), pp. 76-110.

Mueller, D.C. (2009). *Public Choice III.* Cambridge: Cambridge University Press.

North, D.C. (1990). *Institutions, Institutional Change and Economic Performance.* Cambridge: Cambridge University Press.

Staniland, M. (1985). *What is Political Economy? A Study of Social Theory and Development*. New Haven: Yale University Press.

The Philippine Context for Social Reform

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Introduction

How do social sector reforms happen? There are various theories about how social reforms get engendered. One common view is to say that a social change can only be triggered by large enough exogenous shocks that make the status quo untenable. Massive shifts in the surrounding environment—whether political, technical, or physical—force societal adaptation in the form of institutional change. This, however, leaves social change to completely fickle chance. Many thinkers believe that endogenous social change is possible and can be purposively channelled. Historical institutionalism (see, e.g., Thelen, 1999) emphasizes positive and negative feedbacks as preconditions for social change. The social pain from bad institutions tends to rise over time, thus progressively undermining the hegemonic claim of the status quo. The final blow comes at critical junctures, when exogenous shocks allow institutional alternatives to sweep away the old. Game theorists have weighed in on this conversation. Institutions are viewed here as self-enforcing outcomes of strategic games (Weingast, 1994). If institutions are self-enforcing equilibria, however, no change can be triggered internally. An elaboration of this is that the status quo is one locally stable equilibrium in a multiple-equilibrium game. Large enough exogenous shocks can push the system into a new stable equilibrium. Greif and Laitin (2004), noting the exogenous origin of change in this game view of institutions, introduced the concept of self-re-enforcing equilibrium. A self-enforcing equilibrium may nonetheless fail to be self-re-enforcing, meaning that over time, its stability erodes and finally fails.

But these interesting mechanisms are surprisingly quite mute about the role of human agency. At best, the latter is mechanically folded into the constants of the feedback loops, the increasing returns, or the quasi-parameters of the game. We believe that every status quo institution is one

stable equilibrium in a possibly multiple-equilibrium game. Human agents operate on society's belief system as they envision and urge alternative futures (equilibria) upon the polity. Exogenous shocks become conjunctures when interpreted by human agents as not only showing up the bankruptcy of the status quo but also the salience of the proposed alternative. Thus, the replacement equilibrium is not a random draw from the set of candidate stable equilibria. Background spadework by human agents loads the dice in favour of some alternative future (equilibria). In this way, institutional change is the end product of a dance under the canopy of negative feedbacks between human agency shaping societies' belief system and critical junctures.

Towards a better appreciation of the cases, we provide in this chapter a broad contextual picture that situates the analytical and explanatory narratives of each case in a tapestry of formal and informal institutions. This chapter encompasses the following:

1. The formal institutions consisting of the three most important organs in the tripartite system involved in the making of rules and laws in the Philippines, and the formal rules and processes that are supposed to govern their interactions;

2. The informal rules that, though operating under the surface, nevertheless determine the real distribution of power and prerogatives among the constituents of the system;

3. A part of the informal rules, the role of patronage politics starting at the local level and radiating upwards towards national politics that gives the presidency significant influence;

4. The role of civil society organizations since the 1987 Constitution, and the institution and role of the party-list system;

5. The role of the disjointed elite and its dominance of decision-making for a weak, gridlock-prone state and weak governance in general;

6. The role of human agents who pursue alternative futures by discovering cracks in the elite ranks, cobbling together coalitions and exploiting favourable conjunctures to push reforms.

Institutional Structure

Formal Democratic Institutions

After the People Power revolution in 1986 that drove the Marcos autocracy from office, President Aquino, after a year of revolutionary governance, restored formal democratic institutions through the 1987 Constitution. This established a democratic republic with a presidential system. The national government has three branches: (1) the executive branch, headed by the president-elected-at-large for a single six-year term, (2) the legislative branch, and (3) the judicial branch. The executive branch consists of 26 cabinet secretaries and equivalent ranks in specialized agencies, the national bureaucracy, and the military, of which the president is commander-in-chief. The legislative branch or Congress is a two-chamber legislature consisting of the House of Representatives (also known as the Lower House) and the Senate of the Philippines (also known as the Upper House). There are 24 seats in the Philippine Senate; the holder of each is elected nationally for six years with a single re-election. There are 220 representatives in the House of Representatives elected for a term of three years by district with a single re-election. The judicial branch consists of the Supreme Court, the Court of Appeals, the Regional Trial Courts, and other special courts (i.e. juvenile, family or sharing courts). The president appoints the justices of the Supreme Court. Each branch of the national government is coequal to and independent of each other. The principle of check-and-balance is inherent in the formal structure of the national government.

The Legislative Branch and Law Making

Given that four of the five cases discussed are reforms passed through the legislature, we provide an overview of the Philippine legislative process. The similarity of the constitution adopted by the Philippines to that of the United States is partly explained by colonial relationship between the two countries that prevailed in the early 20th Century.

Table 1: Philippine Legislative Process

Step	Details
Bill filed	A bill is sponsored by a legislator in either chamber.
1st Reading	A bill is read in the plenary and referred to a committee.
Committee Hearing and Report	A committee conducts hearing on the bill; A committee report is prepared when the committee decides to recommend the bill's approval.
2nd Reading	Once a bill is scheduled for 2nd Reading, sponsorship speeches, debates and/or amendments take place at plenary level. The body may approve, reject, or return the bill to the committee.
3rd Reading	Final passage of the bill in each chamber. If there is no counterpart, the approved bill is forwarded to the other chamber.
Bicameral Conference Committee	If there are differences in senate and house versions, a bicameral conference committee is organized to harmonize the bill.
Enactment	A bill is finally enacted into law when: 1. President signs the bill, or it lapses into law if the president fails to act on it within 30 days. 2. Congress overturns a presidential veto by a vote of 2/3 of its members.

Apart from the powers to pass laws, Congress can conduct hearings in aid of legislation, examine, and approve the national budget, confirm cabinet appointments and carry on congressional inquiries on issues of current concern. These could be and have been used to persuade the executive branch, government bureaucrats, as well as private market players to cough up payolas for themselves, their allies, and their kin.[8] Strategically placed lawmakers may also introduce budget insertions during the national budget deliberations to finance pet projects that may advance private particularistic interest. A congressional insertion on a roadway that passes the real estate assets owned by a senator practically doomed his presidential ambition. These insertions may be vetoed by the president exercising his line item veto power. Thus, the formal legislative structure masks a lot of informal operations that are tolerated as part of the law-making game.

In their book, *The Rulemakers* (2004), investigative journalist Sheila Coronel and co-authors document the many instances when legislators use their power to further enrich themselves and entrench their families in power. In the first section, entitled *Pork,* Earl Parreño details the who, the what, the where, and the how of pork barrel funds in Congress. According to Parreño, pork barrel is seen by legislators as a "way of correcting the failure of the budgets of national agencies to provide for the needs of the lawmakers' constituencies" (2004: 35).

The President in the Legislative Process

While the three branches are in theory co-equal, the president and executive branch are significantly more influential than the others. One significant avenue of influence is the president's own political party. Political parties in the Philippines are often characterized as personality-driven. Candidates changing parties to improve the chances of victory or the flow of funds (turncoatism) is common and carries no social opprobrium. A candidate with a realistic shot at the presidency tends to attract a temporary coalition of parties bound together not by a program but by the prospect of victory and all that this entails. The most famous turncoat was Ferdinand Marcos, who

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[8] Payola are illegal secret payments.

bolted the Liberal Party to become the standard bearer of the Nationalista Party and won the presidency in 1965.

After the candidate wins, the coalition supporting him or her will grow further by accreting new members from other parties. That the president controls the Lower House is an informally accepted outcome. The president calls on his or her partymates, now likely to be the majority party to support his or her priority bills. This may not be enough. Opportunistic partymates will still find excuses to refuse to toe the line. The executive branch must figure a way to pull in recalcitrants.

An important weapon in the presidential arsenal is the national budget. While the formal rules assign the power of the purse to Congress, the reality is there is considerable presidential leverage. In the 1990, the Countywide Development Fund (CDF) was developed during the term of President Ramos (1992-1998). The CDF is a fixed financial allocation provided to every legislator for public works projects of his or her choice. For members of the Lower House, the projects are naturally located in his or her electoral district. In the popular press, it is called "pork barrel" and for good reason. The CDF has since been renamed the PDAF (Priority Development Assistance Fund). The PDAF of a member of the House in 2010 was PhP70 million ($1.6 million) and for a senator was PhP 200 million ($4.6 million). The presidential leverage on legislators comes from his or her exercise of the informal power of release of the PDAF. Most times, it's just the timing of the release; at others, it is outright non-release.

The PDAF is important for a re-electionist member of the Lower House to improve or maintain popular standing in his or her district. One public criterion for a congressperson's effectiveness is how much resources he or she pulls in to the district. For maximum popularity the PDAF is directed to many small but visible projects (a basketball court, say) rather than large consequential ones. More importantly is that he or she must be seen to tangibly come across when approached by constituents for particularistic favors, such as with hospital bills, funeral costs, etc. This is part and parcel of the universe of informal norms that has to be abided by. How to finance this? It is an informal rule that the legislator chooses not only the projects but also the contractors for the projects. This facilitates an informal financial flowback

to the legislator. The flowback to the legislator (known more derisively as "kickback") is sometimes rumored to be around 40 percent of the total allocation.

Accommodating legislators get their PDAF allocation from the executive branch early, while perceived recalcitrants are left to cool their heels. The leverage is strongest during election years (which occur every three years) when legislators up for reelection need the informal side-payments the most. This practice is constantly criticised as corrupt in the press, but because it is understood or defended to partly finance a form of entitlement for the poor, it has staying power.

In addition to PDAF, the release of funds is another major source of presidential and executive power. These executive-issued approvals, called "Special Allotment Release Order" are the key to unlocking resources in the budget. Without it, line items in the national budget will simply remain unfunded and turned into "savings" available for the discretionary use of the executive. (Boncodin 2010) Successive presidents have used this power to issue SAROs to discipline legislators and local government officials. Recognizing the previous abuse of this authority, the administration of President Benigno Aquino III (2010-2016) has embarked on an effort to reduce the discretionary authority. In May 2012, the Department of Budget and Management issued Circular No. 2-8 entitled "Treating the General Appropriations Act (GAA) as a Release Document: Promoting Transparency and Building the Credibility of the GAA." The policy is expected to come into effect in 2014.

The president has other weapons in his or her arsenal to get the legislators to align. The chief executive has power over funds, such as intelligence funds, calamity funds, and revenues from government corporations such as Philippine Amusement & Gaming Corporation (PAGCOR), which oversees legal gambling in the country. The president has been known to invite key legislators and to pass around bags of cash (so there would be no paper trail) when a crucial legislative vote is hanging in balance. President Arroyo's alleged misuse of the earmarked road maintenance fund for election spending is now a subject of a case being heard by the Office of the Ombudsman. Many times the issue is no more than the timely passage of the national budget that explains a 100-percent attendance during the vote. This has been the subject of many

a controversy and legislative blue-ribbon enquiries to no avail. Thus, while in theory Congress holds the formal power of the purse, being the national budget-approving body and as an independent, co-equal body, the executive's informal powers make it seem otherwise. Add to that the president's power to appoint up to 10,000 holders (David, 2007) of bureaucratic positions explains why some observers think that the Philippine president is too powerful and blurs the formal separation of powers (De Dios and Esfahani, 2001; De Dios, 2008).

The Supreme Court and the Legislative Process

When Congress passes a bill and the president either signs or allows it to lapse into law after 30 days, it becomes a law of the land. But the constitutionality of the law can be contested in the Supreme Court. Usually, a review is prayed for by the opposition and may be granted or denied. When granted, the constitutional merits of the law are argued by the contending parties in the Supreme Court. The Supreme Court then decides whether or not the whole law or some specific provision is constitutionally infirm. It may then be rejected outright or sent back to Congress for re-crafting to cure the infirmity(ies). Box 1 below provides a brief example of the role of the Supreme Court in resolving the constitutionality of a law.

Box 1

The Supreme Court and Indigenous Peoples Rights Act

Enacted in October 29, 1997 the Indigenous Peoples Rights Act (IPRA), Republic Act no. 8371 was a landmark social legislation recognizing for the first time the rights of indigenous peoples over so-called "ancestral domain." Effectively this meant that the activities within these domains (mining, forest product harvesting, etc.) require the "prior and informed consent" of indigenous peoples or their representatives. A special civil action suit for Mandamus and Prohibition was lodged with the Supreme Court in September 25, 1998 arguing that IPRA was unconstitutional because it violated the presumed ownership rights of the state over those domains by virtue of the *regalian doctrine.* The Supreme Court heard the case and dismissed the petition in December 2000.

The judiciary—which includes the Supreme Court and the lower courts—does not, as a whole, enjoy a high regard in the Philippines and abroad.[9] The judiciary is viewed rightly or wrongly as a poor means for settling disputes. Stories of judicial decisions for sale are too many to dismiss as the handiwork of the disgruntled. Justice delayed remains the salient face of justice denied.

The rise in extrajudicial killings may have been partly because of the widely held conviction that the judges can either be bought or threatened to render favorable verdicts. Cases of judges refusing to hear a case because of the manifest violent tendency of the accused's family or clan are common (the latest being the recusal of the judge picked by lot to hear the Maguindanao-Ampatuan Massacre case involving the violent Ampatuan clan). Between 2001 and 2010, there were more than 1,000 extrajudicial killings recorded by the Commission on Human Rights. Prominent among these are the summary killings of journalist and newspapermen who step on the toes of powerful local overlords.

Civil Society and the Legislative Process

The 1987 Philippine Constitution explicitly recognizes the role of NGOs in democratic development and enshrines their right to participate on all levels of decision-making:

- "The state shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation." (Article II, Section 23)
- "The state shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means." (Article XIII, Section 15)
- "The right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making shall not be abridged. The State shall, by law, facilitate

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[9] See for example "SWS Net Satisfaction Ratings of the First Quarter 2011 Social Weather Survey: 4 April 2011."

the establishment of adequate consultation mechanisms." (Article XIII, Section 16)

A noteworthy formal institutional innovation of the 1987 Constitution crafted to empower NGOs and the marginalized sectors mandates a party-list system of representation in the Lower House of Congress (Article VI, Section 5). In 1995, *Republic Act 7941* was passed defining the party-list system, the formula for proportional representation in the House of Representatives, and the appropriation of funds. To obtain a seat in the house, the party-list needed two percent of the total national votes. Those who received more than two percent (2%) of the votes are entitled to additional seats in proportion to their total number of votes but could not hold more than three seats. Party-list representatives get the same privileges as regular representatives, such as PDAF allocation. This has given them the platform and the wherewithal to launch or support their own projects. Those with progressive movement backgrounds have been noisy advocates of social reforms bills, such as the Reproductive Health (RH) bill and Anti-Violence against Women and Children (VAWC) bill included among the cases studied.

Of late, however, the informal relations have begun to infiltrate the party-list system: marginalized groups have begun to list as their prospective representatives notable members of the elite in the hope improving their own chances of winning. Even more worrying, members of the elite have begun to bankroll their own party-list parties. Thus, the son of former president Gloria Arroyo, Mikey Arroyo, remains a congressman despite running into district-level term limit because he became a nominee of the security guards and tricycle drivers party-list, which won a seat. The traditional vertical alignment of loyalties has begun to trump the formal institution designed to engender a horizontal alignment.

Since the restoration of democracy and the 1987 Constitution, civil society organizations have had considerable success in introducing social policy reforms. CSO and NGO participation in crucial reforms, including advocacy for key legislations, such as the Anti-Violence against Women Act, the Anti-Trafficking in Persons Act, the Juvenile Justice Bill, the Indigenous People's Rights Act, the Clean Water Act, has been substantive. In almost all of

these advocacy campaigns, NGOs invested significant amounts of time (taking decades and multiple congresses in some cases), and at times, had assumed adversarial positions to push for their advocacies. An assessment of civil society organizations in the Philippines observed:

"The number of legislative acts passed in the past ten to 20 years attests to the effective advocacy of many nongovernment organizations and sectoral organizations. And they have gained skills and experience in pushing for better laws for the benefit of the marginalized social groups. Senior citizens have pushed for legislative reforms that have resulted in higher discounts for more items." (Jose 2011:112)

Still and all, the development outcomes of many of these laws did not seem to match the prior expectations.

The Local Government Code

The Local Government Code enacted in 1991 was an ambitious mandate to devolve state functions, powers, and responsibilities previously discharged by the central government to thousands of local governments in the country. The devolved functions include:

Responsibility for the delivery of various aspects of basic services, such as some health and social services, some environment and agriculture projects, and some public works undertakings, school building, tourism facilities, promotion, and development; The exercise of certain regulatory powers, such as over the reclassification of agricultural lands; the enforcement of environmental laws; the inspection of food products and imposition of quarantines; the enforcement of the national building code; the processing and approval of subdivision plans.

The Local Government Code also expanded opportunities for civil society participation in local development councils, local health boards, and local school boards, among others.

The Local Government Code also significantly increased the financial resources available to local government units (LGUs) through several channels. The most important is the Internal Revenue Allotment (IRA), the local government's share of internal revenues collected by the national

government and based on land area and population. The Local Government Code empowers LGUs to tax real estate and generate revenue from local fees.

Local Politics: Unequal Opportunity

It is common in the Philippines for LGU politics to be dominated by one or two families. The mayor's office is a family heirloom passing from one member to another as the current holder runs up against the nine-year term limit (three terms, each of three years) mandated by law. The legal three-term limit (under the Constitution and the *Local Government Code* or RA 7160) intended formally to prevent the emergence and persistence of political dynasties is thus informally subverted by recruiting other family members to run and to ride on the established political machinery.

This is interesting and deserves a closer look. Electoral politics, as an industry, is characterized by increasing returns to scale and network externality (see, e.g., Pierson, 2000) with the family political machinery playing the role of firms. The set-up cost for political machinery is great. Only candidates—either with considerable wealth (in the local setting the source may be inherited land, retail trade, or gambling), or with backing from entrenched clans—have a shot. But once a family or clan wins the mayor's office, it costs additionally next to nothing to put another member into the city or municipal council on track to inherit the mantle. Job openings are awarded as patronage to loyal followers. The cost of continued subvention to local (barangay or village) leaders to keep the machinery honed is considerable. To finance this as well as recoup steep election spending, local officials expect and may indeed be expected by constituencies to informally extract a flowback from projects and purchases awarded to favorite and accommodating suppliers and contractors. Political power can also be transformed into privileged access to local economic opportunities, including illegal activities such as *jueteng* (a numbers game popular among the poorest households). In many localities, the jueteng lord is himself the mayor or governor. So lucrative is jueteng that its reach rises very high in the government hierarchy. Involvement with jueteng, in fact, managed to topple a president (Estrada) from office in 2001 (Fabella, 2004).

To keep potential challengers at bay—and since the national government is incapable of deterring and may even at times encourage its formation—many families maintain private armies and enforcers apart from the power to co-opt public enforcement by formal appointment of henchmen into enforcement agencies. The most famous case is the Ampatuan clan of Maguindanao province, which maintained a sizeable private army and where the national government not only tolerated but also helped equip the army, ostensibly as a bulwark against the Mindanao Islamic Liberation Front (MILF) insurgency. Formally, the Philippine government is mandated to go after and disband private armies; informally, it strikes a modus vivendi with some of them.

Elections, therefore, do not normally perform as junctures of renewal where the candidates' innate capacities and/or performance are adjudged. They are rather junctures that periodically pit the financial capacities and even violent resolve of contending families and clans. Thus, the popular election phrase 'guns, goons, and gold' aptly encapsulates the touchstone of dynastic power. As with markets with economies of scale, a natural monopoly emerges with one clan becoming entrenched. The Ampatuan clan perpetrated the heinous Maguindanao Massacre where 58 people (among them 30 journalists and immediate family members of the Magundadatu clan opposed to the incumbent Ampatuan clan) were summarily gunned down on their way to register the candidacy of an opposing candidate. This illustrates the readiness of some clans to use violence to maintain electoral dominance.

From Municipality to Province and Beyond

Dominated municipal or city politics creates a legitimate opportunity at higher province-level positions. It is common to have the mayor's wife being the vice-governor or the district's representative to the Lower House of Congress. A family or clan with a credible capacity to deliver the votes of a local jurisdiction can leverage this position to extend its influence on the provincial stage. It would naturally be courted by candidates for provincial positions, who in return offer party candidacies for subordinate positions to clan members. Likewise, candidates for provincial positions, such as district congressman or governor with the solid local bailiwicks are the most electable. Thus, the

local patronage game is re-created and reinforced at the provincial level, since the flow of resources to clan coffers increase. This is how provincial political potentates emerge (examples: the Dazas of Northern Samar, the Dutertes of Davao, the Josons of Nueva Ecija, the Ongs of Cagayan, etc). The modus operandi does not change much as it outgrows the municipality: use the office to strengthen the clan's financial and private enforcement capacities, cobbling together several local leaderships into a cohesive electoral machinery that can deliver votes and victories through guns, goons, and gold. There are exceptions that prove the rule: those candidates that made their mark nationally such as movie actors, former cabinet members, and champion boxers with substantial private wealth to bring to the table.

In this environment, it is hardly surprising that good governance seldom becomes good politics. Capuno, Fabella, and Solon (2009) have shown some evidence that raising the share of economic projects spending in the total budget reduces the probability of winning in local elections. The logic of good politics thus normally militates against the delivery of local public goods and inclusiveness.

Colonial Heritage

There is reason to believe—and Hutchcroft (2011) so argues—that many features of Philippine democracy can be traced to the Spanish and American colonial occupation. Both the Spanish and American colonial authorities chose to reaffirm and maintain indigenous local and regional power networks to solidify the tenuous administrative control of the center. This political settlement suited powerful local elites grounded in tribal loyalties, large landholdings, commercial interests, and local political dynasties.

The Spanish colonial authorities imposed the Iberian *encomienda* system of large landholdings granted to and run by a *señor* or *don*, which essentially acted as tax farms for the central authority. This spawned contempt for, and desire to, subvert the designs of the central government among the populace which has persisted till today. The underlying tribe- and kinship-based loyalties and practices persisted. The American colonial occupation, for its part and in the pursuit of the American Destiny, imposed formal governing institutions patterned after the American model, a constitutional democracy

with Lockean tripartite system of checks and balances.

The imposition of the de jure governing institutions did not so much uproot the indigenous norms, beliefs, and practices as sent them underground. The de jure institutions crafted to nurture accountability and procedural equity conflicted with de facto institutions affirming kinship, loyalty, and exclusiveness (see de Dios, 2008 for a fuller discussion of this conflict). Every law has to be enforced, and at that juncture the interest of the state and the family can diverge. We can summarize the conflict in this way: "The law says I should pay *x* amount in taxes, but I am your cousin, and you have the discretion to decide that I pay *y* instead. You owe it to me as a cousin, and I owe you in return. Furthermore, we split the difference." Conflicts are frequently resolved in favor of the de facto norms.

Thus, at ground level the operation of the de jure institutions is distorted by de facto constraints to reinforce and serve the traditional foci of regional and local power. These interests have never been fully harnessed to support national development. The left used the traditional characterization feudalism to summarize it.

Post-Independence Struggles

After political independence from the USA in 1946, the new national leadership pursued administrative and fiscal centralization to curtail the power of the traditional local elite. One can view the import substitution policy in the 1950s, as one policy that tried to shift the economic center of gravity from the regions and agriculture to Manila and industry. In other words, import substitution could be viewed as a state-building project. But import substitution, as it centralized, also increased the potential for rent-seeking. For example, foreign exchange rationing meant that those with privileged access to foreign exchange can rake it in quickly and massively. This is how Ferdinand Marcos, then a congressman and future dictator, made a killing. The rent gravy train put too much strain on the fledgling de jure institutions and forced it to buckle. The family- and kinship-based loyalties reasserted themselves and eventually undermined the state-building project.

President Marcos publicly defended his martial law regime as a centrifugal blast against feudal centripetal fragmentation of the elite. But his

own grand project fell prey to the allures of family and clique-serving rent-seeking. Former National Security Advisor Jose Almonte's (2011: 4) summary of the conflict between family or clan and national interest deserves repeating: "For generations our political economy has enabled a few to accumulate wealth by manipulating the political process. The political culture this developed has produced a democracy that emphasizes the family over the community, and private gain over the public good—a political culture where our sense of civic entitlement has been stronger than our sense of civic responsibility."

Which is why the Philippines entered the 21st century with a long-term economic performance bearing the large footprint of a weak state.

Long-Term Economic Performance

While the Philippine economy has been growing, long-term growth has been slow and spasmodic. It was characterized by a chronic boom-and-bust cycle with a periodicity of about ten years up to the end of the last century. The per-capita income of the Philippines, tops during the fifties, is now at the bottom of the original ASEAN members. Since 1986, many social and economic reforms have been pursued with varying degrees of success. Global economic policy trends have left their mark. Trade has been slowly liberalized—thanks to international treaties to which the Philippines is a signatory, such as WTO and the ASEAN Common Effective Preferential Tariff (CEPT). Since the 1990s, when the Washington Consensus ruled the policy roost, the deregulation of many sectors of the economy—such as telecoms, aviation, retail trade, power, and oil—has been ongoing, if most times spasmodically. Thus, while most of the crises in the past were induced by domestic imbalances as in fiscal or BOP fronts, during the first decade of the 21st century, the boom-bust cycle has muted, and the growth slowdowns have been induced mainly by external factors such as the subprime crisis and recession in the West.

The abiding feature throughout these two periods is the depressed investment rate compared to the rest of emerging Asia. Gross fixed capital investment hardly made 20 percent of GDP while it stands on average at over 30 percent in emerging Asia (Table *2*). Chronic fiscal pressure—due to weak revenue performance and weighty debt service—put a strain on government spending, in general, and on infrastructure spending, in particular. Likewise,

the national savings rate used to track the investment rate in the vicinity of 20 percent. This used to support the view that financing constraint was the chief bar to high investment (the savings deficit view). But the chronic fiscal pressure cannot wholly account for the low government capital outlay (2.5 percent of GDP while it is around 8 percent of GDP elsewhere in the region). Nor can the low national savings rate account for low gross domestic investment. A country can be income poor and still invest a larger proportion of its income in the future. This is what the Asian tigers did a half-century ago. What separates the Asian tigers from most development also-runs is a strong collective capacity, which the Philippines society seems unable to mount.

The savings deficit explanation for weak investment received a fatal blow since 2002 when the Philippines became—and has persisted—as a net lender to the world, helping to finance the deficit of the USA. The savings rate has inched upwards to 25 percent but the investment rate remains on or below 20 percent. This investment shortfall is a conundrum of some salience in the Philippines.

Weak State and Weak Governance

The dominant catch-all explanation in the Philippines for poor economic performance is the weak state and its alter ego, weak governance (see, e.g., Habito, 2010). But what explains weak governance? The most accepted explanation is elite capture. For example, elite-owned conglomerates and oligopolies dominate strategic upstream sectors often get blamed for anemic private sector investment (widely suggested the literature, e.g., Bocchi, 2008). The presumption is that these entrenched private interests block entry, abuse market power, and realize abnormal profits through their undue influence on national policy-making. Upstream inefficiencies thereof are passed on to downstream businesses, making for higher costs of doing business. These, in turn, deter investment in these sectors. For example, the high power costs, the highest in the region, and a deterrent to capital-intensive and energy-intensive investments (such as copper smelting) are alleged to be due to power oligopolies with special nod to the small group of power generators making up the supply side of the electricity spot market (WESM), and the Manila Electric Company, the monopoly power distributor in Greater

Metro-Manila, the commercial and industrial core of the Philippines.

An ADB study (2007) pointed to the following as the most binding constraints: chronic fiscal deficit, severe infrastructure deficit—especially power and transport—pervasive market failures pointing to regulatory deficit, and lack of investor confidence due to governance problems. Habito (2010) observed that all these constraints have a common root, namely, weak governance. Most accounts by economists stop at weak state or governance (Habito, 2010; Bocchi, 2007). The elite capture theory tries to account for weak governance. On closer scrutiny, however, the elite capture story is more popular than compelling.

Weak Governance and Large Conglomerates

First, most upstream industries in the world—not just in the Philippines—are nothing if not oligopolies—whether they be power, cement, banking, telecoms, fuels, port and transport facilities, and even social networks. Indeed, one generally accepted economic generalization is the following: all fixed capital-intensive industries are oligopolistic or worse. That is because of the relentless push by falling average cost towards consolidation. Thus, oligopoly or market power cannot explain differential competitiveness of countries. The United States caught up with Europe during the Gilded Age (1878-1900) when it was under the grip of the robber barons who were often caricatured as puppeteers controlling the US Congress. They brandished (sometimes abused but also bankrolled investment on the strength of) market power. Japan became an economic power on the backs of oligopolistic *zaibatsus*; South Korea, in its turn, rode the mighty *chaebols* to OECD status.

Second, the elite—like death and taxes—will always be with us, and their influence on policy will always be disproportionate to their number. The conglomerates and oligopolies they spawned were very visible in the catch-up period of the Asian tiger economies. They came under different guises: besides the *chaebols* in South Korea and *zaibatsus* in Japan, there were taipans in Taiwan, Hong Kong, and Malaysia, and now dollar billionaires in the People's Republic of China. Indeed, it may be plausibly argued that the Asian tigers deliberately spawned the formation of elite conglomerates to support their visions (see, e.g. J. Chalmers Johnson's classic on Japan's Ministry of

International Trade & Industry). In those countries, elite capture seemed to have served rather than harm the long-term public weal.

Even the concentration of power among a few does not always spawn poor economic performance. Power in the People's Republic of China is concentrated in a very salient elite, the 80-million strong Communist Party of China and the Central Committee, and within the party, the power of the Politburo is unquestioned. Ronald Findlay and Kevin O'Rourke (2007) openly ponder on what they call the "Omega question": why the concentration of power in the hands of a few in the Asian tigers, most evidently in South Korea, did not beget massive rent-seeking as it did in Latin America, Africa, and the Philippines.

To resort to elite capture to explain weak governance without further elaboration would be simplistic and naive. The elite is not, as sometimes suggested, always a homogeneous whole whose interests are everywhere aligned. If the Philippine elite is homogeneous with a shared vision of the future and its construction, the country will be a strong state with a strong center, which it is not. A coherent elite will engender a strong central state as it does in North Korea. Whether it will be inclusive is another matter, and North Korea is a case where the strong state issuing out of coherent elite is far from inclusive. But it does not have to be always inconsistent with inclusive growth.

Rent-Seeking Investment

There is no question that the weak center normally invites investment in rent-seeking activities that exacerbates weakness (Fabella, 1995; 1991). When the rules of the game and their enforcement are subject to truck and barter, there is much to be gained from setting up private satraps to collect levees on others people's harvest. This is done through either (a) biased rules (through legislative capture); or (b) biased enforcement (through regulatory capture); or (c) both. When these satraps are widespread, they support the war chest to emasculate the center further.

Political economy analyst Calixto Chikiamco observes that both for offensive and defensive purposes, the elite invest heavily in politics and

political candidates.[10] This investment will be unproductive and will not happen if the state is strong. It is an accepted narrative that taipan Lucio Tan maintains a loyal coterie of key legislators to keep legislative encroachments into his interests at bay. Notably, the upward adjustment of excise taxes that threaten his tobacco and beverage interests has been repeatedly pushed back. Danding Cojuangco, the chairman of the board of San Miguel Corporation, one of the largest conglomerates in the country, was actually the titular head of a political party, the National People's Coalition, which Joseph Estrada rode as the vehicle to win the Philippine presidency. Estrada's close friendship with the tobacco and beverage magnate, Lucio Tan, insured that his campaign had an overflow of money. That Estrada as president will bite the hand that fed him for the sake of public interest would be farfetched.

Weak State and Infrastructure

The contradictions of the weak state surface as incoherence in the pursuit of its projects. This is very pronounced in public investment and the provision of public goods. Economists Felipe Medalla, Raul Fabella, and Emmanuel de Dios (2007: 15) noted that the conflict between the demand of patronage and public investment manifests itself as the Divide-by-N syndrome:

> "The infrastructure dilemma, therefore, is as follows: the division of powers, political incentives, and the inequitable socio-economic structure prevent any meaningful effort at revenue generation; much of the revenue generated and allocated through the legislated budgetary process is, in any case, dissipated by political hyperdivision (the divide-by-N syndrome), short government horizons, and weak planning capacities."

The weak center disqualifies it as a credible broker in social dilemma games. Weakness at domestic resource mobilization and the fact that available resources tend to be fractured by prior claims and entitlements (automatic

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[10] Calixto V. Chikiamco, "The Mother of all reforms," *BusinessWorld*, December 2, 2009.

debt service, Internal Revenue Allotment, Priority Development Assistance Fund) conspire to underinvest in human and physical infrastructure and foster dependence on foreign borrowing.

This marriage of economic and political power—even when socially damaging—is difficult to put asunder, especially in jurisdictions where the usual channels of accountability—say, elections—are blocked or sufficiently detrited. To Joseph Yap of the Philippine Institute of Development Studies (a government policy think tank), the challenge has the ring of the chicken-and-egg situation: the country needs stronger institutions to loosen the grip of the elites, but at the same time, it needs to reduce influence of elites to strengthen institutions. If the elite is a homogeneous lot, this indeed presents an iron vise. But, perhaps, the vicious circle is less iron than construed.[11]

Opening for Social Reforms

The weak state is predicated on a fragmented and incoherent elite pursuing heterogeneous and inconsistent visions of the future. A heterogeneous elite will have diverse and sometimes conflicting interests. These interests are dynamically evolving, and so the convenient political settlement struck among the elites keeps being contested, destabilized, and re-negotiated. The elites can thus be played one against the other in the arena of social and economic policy—especially in those junctures when the political equilibrium is being challenged. President Joseph Estrada, despite powerful allies, was chased out of office in 2001 by a coalition of Makati-based commercial and industrial elite and the armed forces that considered him uncouth and too chummy with unsavory gambling characters.

When timed properly and managed by intelligent political action, it is possible for some inclusive social and economic advocacies to squeak through. That seems to be the history of reform in the formally democratic Philippines.

Advocates of social change can exploit cracks in the elite ranks, enlarge the cracks by coalition building, and drive reform measures through with the help of favorable conjunctures.

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[11] Josef Yap, "The Philippines: Weak institutions drag on economic performance," Development Economic Policy, PIDS, 1 January 2011.

A policy battle that clearly manifested the fissure among the Philippine elite was the Agricultural Land Reform Code (RA 3844), a piece of major land reform legislation enacted in 1963 under President Diosdado Macapagal. It proscribed agricultural share tenancy and established a leasehold system where farmers paid fixed rentals to landlords. The Land Bank of the Philippines was established to finance the purchase of large landholdings for resale to small landholders.

This was bitterly opposed by the landed elite, but with limitation to rice and corn farms, nonetheless got passed with the support of urban businesses, the industrial elite, and the Catholic Church. The limitation of the law to rice and corn farms was a concession to the powerful sugar and coconut interests. Another policy battle which also illustrates the elite fracture involved the value of the peso: the weaker peso favored by the export and import agriculture and the extractive industry elite (especially by the powerful sugar bloc) in the 1950s and 1960s was opposed and beaten back by the coalition of urban and import substitution elites and labor unions. Chronic balance-of-payment crises periodically tested the stability of this settlement without permanently dislodging the strong currency policy.[12]

It is our firm belief that it is this very diversity and incoherence among the elite groups that opens the window for policy reform in the economic and social sectors. This is the premise behind our thinking on the central role of development entrepreneurship in some economic policy reform successes in the Philippines (Faustino and Fabella, 2011a, b). In other words, reform advocacies need the agency of development entrepreneurs who prepare the way for and ride conjunctural waves towards meaningful change. Roll-On, Roll-Off (RO-RO) sea transport, the alternative to traditional load-on-load-off mode was, for some time, being pushed by advocates without much headway. The upcoming presidential elections in 2003 provided a breakthrough. The perceived strength of the likely challenger in vote-rich Mindanao Island initiated a search for a program to blunt the lead. Cheaper sea transport services were foisted as the principal clamor of the organized Mindanao elite. The latter was pitted against the shipping elite. This suddenly catapulted RO-

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[12] A "balance-of-payment crisis" is a period when a nation is unable to pay for essential imports and/or service its debt repayments.

RO to the top of the executive agenda. In the Anti-Violence against Women and Children case included in this volume, the advocacy spearheaded by prominent elite (notably the legal—but for a while—estranged wife of ex-President Estrada) could not quite clear the hump until the suicide of known battered wife of a prominent Ilocos congressman.

There are rich lessons for policy reformers. Instead of endlessly decrying the existence of the elite and the powerful conglomerates they control, it may be more fruitful to employ the art of jujitsu, where one uses gentle, flexible, pliable, or yielding moves to manipulate the opponent's force against himself rather than confronting it with one's own force. It has also been described as riding instead of defanging the behemoths, and then playing the behemoths against other behemoths.

Conclusion

This chapter has provided a broad introduction to formal and informal Philippine political space in an attempt to contextualize social sector reform. We presented the formal institutions involved in policy, law, and rule-making with emphasis on the legislative branch, where most of the social reform battles were fought. We then essayed on the formal structure of the executive and the judicial branches, focusing on their role in the enactment of laws. As counterpoints to the formal structures, we dwelt lengthily on informal institutions that—while operating under the woodwork, so to speak—distort or even reverse the intended impacts and mandates of formal institutions. Such, for example, is the informal power of release of pork barrel allocations to legislators lodged in the executive branch, which it uses to induce support for priority bills. We presented a brief walk-through of local politics and the role of formal institutions such as the Local Government Code, the term limit, and the Internal Revenue Allotment. The IRA forms a good part of the returns to investment in politics by facilitating kickbacks from local projects. The formal institution of term limit, designed to prevent and/or decrease the prevalence of political dynasties, became blunted by the logic of increasing returns to scale in politics and the instrumentality of family members. Since the 1987 Constitution formally enshrined the participation of civil society, the role of civil society organizations in social change advocacy has dramatically

increased. The 1987 Constitution innovated by mandating the party-list system, where CSOs, representing marginalized groups, can run as parties and win representation in the Lower House. The party-list system gave these groups a voice. Lately, however, the system, designed to foster horizontal alignment among voters, has been infiltrated by the informal but more entrenched vertical alignment tendencies.

This synopsis forms the backdrop for understanding elite politics and its role in social policy change. Easily the most popular default explanation for bad socio-economic outcome is weak governance, which is the most important manifestation of a weak state. Elite capture, on the other hand, is the favorite explanation for the weak state. But elite capture as definitive explanation requires elaboration. We argued that the weak state emerges from an incoherent and fragmented elite. The political settlement that the elite forge is prone to gridlock. When the elite is coherent, that is, they share the same vision of the future and agree on the scaffoldings for its construction, the state that they capture will be coherent and robust. When the elite is incoherent, that is, they either diverge in their vision of the future or cannot agree on the how of its construction (recall the proverbial Tower of Babel), the state they capture will be weak or incoherent. Better to dwell on how coherence could be imbued onto the elite, but that is another matter.

The window for social reforms hinges heavily on elite fissures. The elites have divergent—and even conflicting—interests, and the political settlement they reach are temporary, constantly being challenged and re-negotiated. The situation can be gamed so that one group of elite becomes arrayed against another. We gave instances of policy changes which clearly demonstrated elite fissures and re-negotiated political settlements. Advocates of social reforms have exploited these cracks and pushed reforms through, taking advantage of favorable conjunctures. This does not make the task less daunting. The process is, as in the case of economic policy reform (Fabella and Faustino, 2011), non-linear, stop-go, and profoundly unpredictable. One can push for a very long time with nary any recompense; one can also be suddenly pleasantly surprised. Thoughtful local leaders can spot the fissures, enlarge them by coalition-building, and when conjunctures are favorable, drive meaningful social change through. External assistance, applied prudently and

strategically, often proved crucial to sustaining the effort and clinching the prize. As with most social outcomes, there is no sufficient condition; only a dizzying array of necessary ones. This collection is a tribute to that view.

References

Almonte, Jose T. (2011, July 21). *Leveling the Playing Field,* given before the 11th FVR-RPDEV Lecture Series entitled Competition and a Level Playing Field, in partnership with the Hanns Seidel Foundation and TA Trade Advisory Group, Makati City.

Amsden, A., DiCaprio, A., and Robinson, J. (2009, August). *Aligning Elites with Development, WIDER Angle*. UN University-World Institute for Development Economics Research.

Asian Development Bank (2009, December). *Poverty in the Philippines: Causes, Constraints and Opportunities*. Retrieved from http://beta. adb.org/sites/default/files/pub/2009/Poverty-Philippines-Causes-Constraints-Opportunities.pdf.

Asian Development Bank (2007). *Philippines: Critical Development Constraints*.

Boncodin, E. (2010, January 30). *The President's Budgetary Powers.* Forum on the Powers of the Presidency: Preventing Misuse and Abuse, Asian Institute of Management.

Bocchi, A. (2008, January). *Rising Growth, Declining Investment: The Puzzle of the Philippines, Breaking the "Low-Capital-Stock" Equilibrium.* Policy Research Working Paper 4472, The World Bank. Retrieved February 2012 from http://www.scribd.com/doc/16912994/Rising-Growth-Declining-Investment-The-Puzzle-of-the-Philippines.

Booth, D. (2011, January). *Aid, Institutions and Governance: What Have We Learned? Development Policy Review* (special issue) Volume 29, Issue Supplement s1, pages s5–s26. Bloomberg news. Retrieved from http://www.bloomberg.com/news/2011-12-15/philippine-remittance-growth-slows-as-global-economy-falters-1-.html.

Capuno, J., Fabella, R., and Solon, O. (2009). *Is Local Development Good Politics? Local Development Expenditures and the Re-Election of Governors in the Philippines in the 1990s*. Asian Journal of Political Science, volume 17, 265-289.

Chikiamco, C. (2009, April). *Incentive Problem Part 3.* Business World.

Chalmers, J. (1982). *MITI and the Japanese Miracle: The Growth of Industrial Policy, 1925-1975.* Stanford University Press.

Chua, Y. and Rimban, L. (2011). *Democracy at Gunpoint: Election-related Violence in the Philippines.* Makati City: The Asia Foundation and Vera Files.

Coronel, S. Chua, Y., Rimban, L., and Cruz, B. (2004). *The Rulemakers*: *How the Wealthy and Well-Born Dominate Congress.* Manila: Philippine Center for Investigative Journalism.

David, K. (2007). *Politics, perils, and the pain of building institutions.* Lecture before the General Assembly of the Human Development Network March 28, 2007. Retrieved from http://www.hdn.org.ph/files/karina_david.pdf.

De Dios, E. (2008). *Institutional Constraints on Philippine Growth.* University of the Philippines School of Economics Discussion Paper No. 0806, University of the Philippines School of Economics. Diliman, Quezon City. Philippines.

De Dios, E. and Hadi, E. *Centralisation, political turnover, and investment in the Philippines* in J. Edgardo Campos, ed., *Corruption: the boom and bust of East Asia*. ed. Quezon City: Ateneo University Press, 2001, 101-130.

Fabella, R. (1991). *The Bias in Favor of Pro-Tariff Lobbies*. Journal of Public Economics 44, 87-93.

Fabella, R. (1995). *The Social Cost of Rent Seeking under Countervailing Opposition to Distortionary Transfers*. Journal of Public Economics 57, 235-247.

Fabella, R. (2006). *What Happens When Institutions Do Not Work: Jueteng, Crisis of Presidential Legitimacy and Electoral Failures in the Philippines.* Asian Economic Papers 5(3), 104-125.

Faustino, J. and Fabella, R. (2011). *Development Entrepreneurship in Built on Dreams, Grounded in Reality: Economic Policy Reform in the Philippines*. Makati City: The Asia Foundation.

Greif, A. and Laitin, D. (2004, August). *A Theory of Endogenous Growth* a CDDRL-Stanford IIS working paper. Retrieved February 2012 from http://iis-db.stanford.edu/pubs/20684/Greif_and_Laitin_2004.pdf.

Hutchroft, P. (2011). *Keynote Address to Philippine Political Science Association* in Civil Society Organizations in the Philippines, *A Mapping and Strategic Assessment*, edited by Linda N. Yu Jose. Quezon City: Civil Society Resource Institute.

Habito, C. (2010). *An Agenda for High and Inclusive Growth in the Philippines*. Asian Development Bank.

Social Weather Station (2011, January). *High expectations of PNoy: to keep his promises, and to serve the poor.* Third Quarter 2010 Social Weather Survey. Retrieved from http://www.sws.org.ph/pr20101222.htm.

Lopa-Perez, M. and Macasaet, S. (2010, May). *Civil Society Assessment of the 2004-2010 Medium Term Philippine Development Plan (MTPDP).* Quezon City: Caucus of Development NGO Networks (CODE-NGO). Retrieved January 2012 from http://code-ngo.org/home/images/stories/pdf/CSA_Summary_FINAL.pdf.

Medalla, F., Fabella, R., and De Dios, E. (2007, August). *Beyond the Remittances-Driven Economy* a CNAPS (Center for National Policy and Strategy) monograph*.*

Pierson, P. (2000, June). *Increasing Returns, Path Dependency, and the Study of Politics*. American Political Science Review 94, 251-67.

Rodrik, D. (2008, June). *Second-Best Institutions.* NBER Working Paper Series no. 14050. Retrieved December 2011 from http://www.nber.org/papers/w14050.pdf.

Thelen, K. (1999). *Historical Institutionalism in Comparative Politics.* Annual Review of Political Science 2, 369–404.

Weingast, B. (1996). *Political Institutions: Rational Choice Perspectives* in *A New Handbook of Political Science*, edited by Robert Goodin and Hans-Dieter Klingemann. Oxford University Press.

Yap, J. (2011, January). *The Philippines: Weak institutions drag on economic performance* a Philippine Institute for Development Studies paper.

The Passage of the Law to Address Violence Against Women in the Philippines

Abigail R. de la Cruz and Michelle H. Domingo

SECTION 1: INTRODUCTION

Violence against women (VAW) is a worldwide issue that nations had historically failed to substantively address until the United Nations (UN) brought it to the surface and campaigned for its elimination through the 1981 Convention on the Elimination of All Forms of Discrimination Against Women. In the Philippines, VAW is just as pervasive as elsewhere, occurring most often within the bounds of intimate relationships, such as in the family, the household, or in dating relationships.

In recognition of these realities and in response to its commitment as a UN member state, the Philippine government promulgated *Republic Act 9262*, otherwise known as the Anti-Violence Against Women and their Children Law, on March 8, 2004. Signed by then President Gloria Macapagal-Arroyo, the law was hailed by many as a landmark piece of legislation on women's rights.

The journey that culminated with the law being passed involved a decade of preparatory work and legislative lobbying, coupled with research studies, mass mobilizations, media campaigns, capacity building activities, and networking by a number of women's coalitions.

Philippine law defines VAWC as "any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which results in, or is likely to result in, physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty" (Republic of the Philippines, 2004). It also

recognizes "battered wife syndrome"[13] as an acceptable legal defense if a female victim of abuse kills or injures her abuser.

The passing the law was a successful reform outcome and is worthy of examination. Specifically, this study will attempt to address the following research questions:

1. How did the Anti-VAWC Law come to be passed?
2. Who were the key players both within and outside the legislative process who were responsible for promoting the Anti-VAWC Law?
3. How did they work politically in the institutional and political context to achieve their goals?

The findings of this study will provide useful lessons for reform advocates, policymakers, and donors pursuing similar social sector policy reform campaigns.

This study employed qualitative methods to obtain and analyze data. Key informant interviews with representatives of women's organizations and government agencies involved in the passage of the law were undertaken. Information from these interviews were compared and cross-checked with data from official documents, such as transcripts of committee deliberations and plenary discussions, sponsorship speeches, and bills filed, news reports, academic papers, and other articles by individuals and civil society organizations.

SECTION 2: IMPORTANCE OF AN ANTI-VIOLENCE AGAINST WOMEN LAW

Violence against Women Defined

As noted above, violence against women (VAW) is a global gender issue. In 1981, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (UN CEDAW) called on member states to take all appropriate and effective steps to end gender-based violence, including

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[13] A scientifically defined pattern of psychological and behavioral symptoms found in women living in battering relationships as a result of cumulative abuse.

the enactment of laws, provision of preventive and rehabilitation measures, compilation of studies and statistics, and conduct of public information activities. In relation to this, a series of world conferences on women were undertaken to highlight the different forms of gender-based violence in an attempt to understand the totality of the issue and bring it into the public consciousness.

The United Nations General Assembly (UN GA) defines VAW as "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (UN GA, 1993). The Fourth World Conference on Women (Beijing, 1995) declared VAW as one of twelve critical areas of concern (UN, 1995).

VAW is manifested in various forms including domestic violence, rape, forced marriage, trafficking of women and girls, forced prostitution, female genital mutilation and compulsory sterilization and abortion. These forms show that VAW happens at various stages of women's lives, irrespective of race, culture, religion, sexual orientation, wealth, or location.

Extent and Magnitude of Violence against Women

A 1993 World Bank study concluded that among women aged 15 to 44 worldwide, gender-based violence accounts for more death and ill-health than cancer, traffic injuries, and malaria (World Bank, 1993; Heise, et al. 1994: 17; UN Women, 2011).

Domestic violence is among the most insidious forms of VAW (UN CEDAW Committee, 1992). Referring to the study by the World Health Organization, UNICEF country-level studies, estimate that 20 to 50 percent of women have experienced domestic violence, making it the most prevalent form of gender-based violence worldwide (UNICEF, 2000: 4). According to the WHO ten-country study, the prevalence of physical and/or sexual violence by a partner varied from 15 percent of women in urban Japan to 71 percent in rural Ethiopia, with rates in most countries being in the 30 to 60 percent range (WHO, 1996; UN Women, 2011).

In the Philippines, gender-based violence is just as prevalent. A study conducted between 1994 and 1996 by the University of the Philippines

Center for Women's Studies concluded that women and children account for 98 percent of family violence victims. Fifty-two percent of the reported perpetrators were the women's husbands or partners. Other abusers included their fathers, uncles, brothers, cousins, and stepfathers (*House Bills 35* and *1320*). A separate study by the WHO estimated that around six in ten women in the Philippines are victims of gender-based violence (Mission, 1999).

The magnitude of the problem of violence against women in the Philippines is not well documented because of the sensitivity of the issue in Philippine culture, and the negative impact that reporting VAW has on women and their families (Feliciano, n.d.: 2).

Violence Against Women as a Development Issue

As much as VAW is a human rights issue, it is also a developmental challenge. It restricts human development, reduces productive capacity and economic growth, and creates costs that go well beyond the personal and deep into the social, political, and economic fabric of life (Shifter et al., 1999) as cited in UNIFEM, 2003: 67; Yap (1998) as cited in Mission, 1999). In developing countries, an estimated 5 to 16 percent of healthy years are lost to women of reproductive age due to domestic violence (UNICEF, 2000: 12).

In the United States, costs related to medical and mental health care, lost productivity, and lost lifetime earnings were estimated at US$5.8 billion in 2003 (US Center for Disease Control as cited in UNIFEM, 2003: 69). In Canada, individual, government, and third-party[14] costs amounted to US$2.75 billion in 1995 (Greaves and Riechers (1995) as cited in UNIFEM, 2003: 69). The Inter-American Development Bank estimated that countries in Latin America lose about two percent of their gross domestic product because of loss of wages due to domestic violence (Mallorca-Bernabe, 2005: 5). In her exploratory study on the costs of VAW in the Philippines, Yap estimated that in a year, the government needs to spend approximately PhP6 billion (US$141 million) for VAW-related medical and psychological interventions (Yap as cited in Mallorca-Bernabe, 2005: 4-5; Yap (1998) as cited in Mission, 1999). This figure does not include the costs of service agencies, health, judicial, and

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[14] Including social services, education, criminal justice, labor and work, health and medical costs.

penal systems, nor does it include litigation costs, which are usually incurred by the victim.

The statistics produced by many women's organizations and the stories of countless individuals clearly demonstrated the need to comprehensively address the issue of gender-based violence. As a result of the new awareness generated by the international community and its pressure to tackle the issue of VAW, laws on domestic violence were introduced in many countries, with 44 countries adopting legislation outlawing domestic violence by 2000 (UNICEF, 2000: 17).

SECTION 3: STRUCTURAL, POLITICAL, AND INSTITUTIONAL CONTEXT

Historical, Cultural, and Religious Context

In the Philippines, as in most other countries, women do not enjoy effective equality with men, even though there are legal provisions for formal equality between the sexes. For instance, the Philippine Constitution prescribes that the state shall ensure that women enjoy fundamental equality with men before the law (Section 14). In reality, a patriarchal culture pervades all national institutions, including the household. Women are generally disadvantaged, because the Philippines is a developing country with a weak political system that cannot enforce formal rules that contravene informal ones. Moreover, women's issues are lost in the welter of other more pressing issues such as poverty, corruption, ineffective bureaucracy, and armed conflict.

Compared to their situation in other developing countries, however, women in the Philippines fare better. Education figures across decades have mostly been higher for women than for men. Filipino women have long been afforded the right to vote and run for office, own and inherit property, travel, and seek employment, among other things. They hold positions of power both in the government and the private sector, and uniquely among countries, the Philippines has had two female presidents.

However, the belief that Filipinos display matriarchal tendencies—attributed to women having the power of the purse, a privilege said to be held by women before the Spanish conquest—has been challenged by empirical

studies, as has the assertion that the status of Filipino women improved markedly as a result of American influence (Aguilar (1987), as cited by Hunt and Sta. Ana-Gatbonton, 2000). Philippine history, religion, and culture have traditionally designated women as subordinate to men. Islamic and Catholic colonial influences, which are both male-centric, perpetuated the lower status of women in Philippine society.

The value placed on virginity until marriage and sex only for procreation reflects the Catholic beliefs of most Filipinos, as does the belief that the husband is the head of the household and has absolute authority over his wife and children. These values have consequences for women who experience sexual assault and domestic violence, such as the reluctance to report rape or incest, and the tendency to stay in untenable relationships even if they are at risk. They also partly explain the fear, shame, and guilt that overwhelm victims of these crimes. Social pressure to keep the family together also prevents women from leaving (Hunt and Sta. Ana-Gatbonton, 2000).

The culture that tolerates violence against women also serves as a major obstacle to the enactment of laws to protect women. While there are female legislators, they are a minority (Table 1). Moreover, many of them run for elective office after the term limits for positions previously held by male family members are reached, thereby retaining their family's control of the office (PCIJ, 2007). In the 14th Congress (2007–2010), for example, 40 percent of the women representatives inherited their positions from or were replacements for their parents, in-laws, brothers, and husbands.

Table 1: Number of Women in Legislative Posts (1987–2004)

Congress	House of Representatives	Senate (out of 24) [1*]
8th (1987–1992)	19/205	2
9th (1992–1995)	23/199	4
10th (1995–1998)	24/215	4
11th (1998–2001)	27/220	4
12th (2001–2004)	41/228	3

(PCIJ, 2007; Senate of the Philippines, 2011)

Legal and Judicial Context

Prior to the passage of the Anti-VAWC Law, there was no punitive legal sanction against VAW other than the Revised Penal Code, which limited the offences that could be prosecuted to physical injuries, attempted or frustrated parricide, and attempted or frustrated homicide. Since the term 'battering' was legally not recognized, the offence fell under the category of "physical injuries". Filipino women could not charge their husbands with verbal, emotional, psychological, or economic abuse (such as deprivation of support) because these were not legally recognized as crimes. There was no offense of "sexual harassment," only "acts of lasciviousness". Rape was considered a "crime against chastity" until amended in 1997 as a "crime against persons". Its classification as a crime against chastity reflected the widely held gender bias and stereotypes about rape, with women having to prove in court that they were "chaste" or "virgins" so that judges would consider prosecuting the perpetrator (Guanzon, 2008: 3).

Due to these deficiencies, advocates and enforcers were at a loss on how to deal with gender-based violence. Since domestic violence had no clear definition in law, investigators, prosecutors, and judges had difficulty trying cases. Cases were frequently dismissed because victims often withdrew their complaints for various reasons, foremost of which was their economic dependence on their husbands (de los Santos as cited in House of Representatives, 2002). Police enforcers shied away from responding to cases of domestic violence, since they viewed domestic abuse as a private matter (Usana as cited in House of Representatives, 2002). Barangay officials[15] have similar mindsets, often advising the couples to reconcile and reunite for the benefit of the children (Usana as cited in House of Representatives, 2002).

Socio-Political Context

While the discourse on gender issues and women's rights was carried forward by civil society, the recognition of and finding a concrete, comprehensive solution to VAW never loomed large in the national agenda. Instead, it vied for recognition amid the general socio-political issues that

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[15] Village officials – in most cases, they are the first to contact with erring husbands and wives.

beset the country during that time, and as a result, women's rights were accorded a low priority at the time. While Cory Aquino's government (1986–1992) restored democracy, created a new constitution, and began rebuilding the country, it was plagued by continuing conflicts and threats from the military, as evidenced by several attempted coups. Her administration also suffered due to a weak economy and extreme poverty, made worse by several major natural disasters. Under Fidel Ramos' leadership (1992-1998), many avenues of reform were opened (telecoms, water services, foreign investment rules, build–operate–transfer, etc.), and the Philippines experienced economic growth and increased investment. Three notable laws for women's protection were passed during his term: the Anti-Sexual Harassment Act of 1995, the Anti-Rape Law of 1997, and the Rape Victim Assistance Law of 1998.

Joseph Estrada (1998-2001) planned to eradicate poverty, increase foreign investment, and end Muslim insurgency by engaging rebels in an all-out war, but his open womanizing and his frequent association with gambling and jueteng[16] figures led to his impeachment and ouster on charges of graft.

After Estrada was ousted, Gloria Macapagal-Arroyo was sworn in as his successor and saw out the remainder of the presidential term of office, which concluded in June 2004. Arroyo then ran for president and signed the Anti-VAWC Law in March 2004, two months before the presidential elections. Arroyo's presidential legitimacy had been challenged from the outset, and with the question of her legitimacy exacerbated by her reelection bid (she had announced in 2002 that she would not seek reelection) and accusations of electoral misconduct, this may have been a strategy to attract women voters to her cause.

Women's Empowerment

The societal inequality with which women are burdened served to strengthen the resolve of women's organizations to form coalitions for women's empowerment. Fresh from the lifting of martial law, the late 1980s and early

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[16] Jueteng is a popular illegal numbers game in the Philippines. The jueteng scandal figured prominently in Estrada's impeachment proceedings, where he was accused of receiving millions in illegal payoffs, including gambling profits. He was eventually found guilty of plunder in 2007.

1990s were marked by a vigorous period of community organizing. Coalition building flourished among civil society organizations, including women's groups. Amid low public awareness of women's issues and the pervasiveness of sexist beliefs and practices, it was the female members of nationalist and/ or socialist activist groups that sought mainstream recognition for women's issues and concerns (Sobritchea, 2004: 106).

While some women's organizations continued to be critical of the government, others moved on to work in collaboration[17] with government for women's advancement (Sobritchea, 2004: 104). From 1986 to 1990, more than 100 women's organizations, networks, and coalitions were formed, which focused on a range of issues—health, welfare, development, legislative advocacy, and so on (Sobritchea, 2004: 106).[18]

It is important to note also that women's groups were influenced and supported by various international movements, and the UN in particular (Sobritchea, 2004: 106).

SECTION 4: POLITICAL ECONOMY OF THE VAWC PASSAGE

The Advocates
1. Women's Coalitions

The main actors who lobbied for a law to protect women from gender-based violence were the women's organizations which formed networks and coalitions for a stronger base. They represented the potential direct beneficiaries of such a policy change.

These organizations were driven by high-profile, educated, middle-class women who were immersed in gender issues and the women's empowerment agenda. Some had openly feminist orientations and/or have observed or experienced violence of some sort. A number of them held postgraduate or law degrees or had held important positions in the government, nongovernment organizations, academia, and international organizations. Most have a history

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[17] Referred to as "critical engagement" with the state
[18] Some of the women's NGOs that participated in the VAW legislative advocacy actively continue to work on women's issues, such as the reproductive health bill and Magna Carta for Women.

of activism and community organizing, some were left-leaning, and a few were incarcerated during the years of martial law. They regarded legislative advocacy and working with the government as difficult but necessary for the pursuit for women's empowerment (Aida Santos, interview, 2011; Maureen Pagaduan, interview, 2011).

The evolution of the women's movement in the Philippines echoes that of the Western experience. Thus, the frameworks and actions of these agents of reform were influenced by their knowledge of gender concerns from the West. The language they used in their advocacy was heavily influenced by the UN statutes on gender equality, human rights, women's rights, etc.

The non-government organizations (NGOs) involved in the issue can be characterized as revolutionary (those that wanted a radical change in government), engaging (those that accepted working with the government on some issues), or service-providing (those that provided direct services to victims of violence against women regardless of the government's support or disavowal). Some NGOs had national reach, while others had only a local presence. Some were members of international networks. Although varied in strategies and political affiliations, they shared the same advocacy goal: the eradication of violence against women.

Three major coalitions of NGOs were formed around the legislative advocacy on VAW. The first group advocated the passage of the Anti-abuse of Women in Intimate Relationships (Anti-AWIR) bill, in which only women victims would be considered victims of abuse. The coalition organized under the formalized umbrella *Sama-samang Inisyatiba ng mga Kababaihan Para sa Pagbabago ng Batas at Lipunan* (SIBOL) (or Collective Initiatives for Transforming Law and Society), which was formed in 1992 by mostly feminist progressive organizations led by seasoned activists and human rights advocates such as Cecilia Hofmann, Eleanor Conda, Ana Maria "Princess" Nemenzo, Socorro Reyes, Aida Santos, and Raquel Tiglao. They decided to engage proactively in legislative reform, particularly in the area of violence against women, due to the following grounds:

(i) The justice system in the country had a highly patriarchal orientation and existing laws were not responsive to the needs of

women.

(ii)   Data and the experiences of their clients and local partners in the communities showed the grave extent of violence against women.

(iii) There was a growing consciousness in the women's movement, and beyond that violence against women was a public crime, not a private domestic affair.

(iv)   There was a proliferation of VAW-related bills filed in congress, but most did not reflect the perspective of women (Aida Santos, interview, 2011; Melanie Reyes, personal correspondence, 1997).

SIBOL's first collective engagement resulted in the passage of the Anti-Rape Law in 1997[19], which was lauded by many observers as one of the most progressive laws on women ever passed, since it reflected a gender-responsive perspective.

SIBOL's most active member networks during the Anti-AWIR advocacy included the following:

(i)   Women's Legal Bureau (WLB), led by Attorney Evalyn Ursua, Attorney Eleanor Conda, and Maureen Pagaduan;

(ii)   Center for Legislative Development (CLD), led by Dr. Socorro Reyes; Democratic Socialist Women of the Philippines (DSWP), headed by Elizabeth Angsioco;

(iii) Women's Crisis Center, led by Dr. Sylvia Estrada-Claudio and Maria Salome Ujano;

(iv)   Women's Education, Development, Productivity, and Research Organization (WEDPRO), led by Aida Santos;

(vi)   Institute for Social Studies and Action (ISSA), headed by Florence Tadiar;

(vii) WomanHealth-Philippines, represented by Princess Nemenzo; and

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[19] SIBOL initiated the legislative advocacy for the Anti-Rape Law, an act that amended the Revised Penal Code provisions on rape. The Anti-Rape law featured three major changes from the existing legislations: (1) it broadened the definition of rape; (2) it recognized marital rape; and (3) it reclassified rape as a crime against persons, not a crime against chastity.

(viii) *Kilusan ng Kababaihang Pilipina* (Movement of Filipino Women) or PILIPINA[20].

The second group called for the enactment of an anti-domestic violence (Anti-DV) bill, which did not restrict its coverage to women alone, but included all family or household members, regardless of sex, including children and household staff. This group was composed of a loose coalition of alternative law groups and women's NGOs that did similar work on prevention of domestic violence, protection of VAW victims, and prosecution of abusers. Among others, the active organizations were:

(i) *Sentro ng Alternatibong Lingap-Panlegal* (SALIGAN);
(ii) *Kaibigan Laban sa Karahasan* (KALAKASAN), led by its Executive Directors Anna Leah Sarabia and Kalayaan Pulido-Constantino;
(iii) Women's Action Network for Development (WAND); and
(iv) *Kilusan ng Kababaihang Pilipina* (Movement of Filipino Women) or PILIPINA, represented by Elizabeth Yang.

Toward the end of the campaign process, a third group led by Task-Force Maria[21] proposed the consolidation of the two bills. The group produced its own position paper, which it submitted to legislators. The paper utilized most of the prescriptions of the Anti-AWIR framework but also included certain Anti-DV provisions. Task Force Maria is a coalition of civil society organizations that worked on the case of Maria Teresa Carlson, allegedly a battered wife of a congressman from one of the provinces in the northern part of the Philippines who sought help from non-government organizations. Carlson eventually committed suicide on November 23, 2001. Carlson's case,

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[20] Originally, PILIPINA was part of SIBOL when the network first worked on the Anti-Rape Law, but during the legislative campaign for the Anti-VAWC Law, it left SIBOL and joined the Anti-DV coalition.

[21] Some of the task force member organizations were also members of SIBOL, such as WCC and WomenHealth, while some were organizations that had originally advocated for the Anti-DV bill such as KALAKASAN and SALIGAN. Others were organizations with no formalized alignments, including SARILAYA, LIKHAAN, WOMENLEAD, and AMRSP.

albeit unfortunate, caught the attention of the media and was utilized by the women's groups as a rallying point of their advocacy.

2. Government Stakeholders

Some government agencies supported the advocacy for the introduction of a legislation to protect women from domestic abuse, although the level of involvement fluctuated and did not gain momentum until the 12th Congress (2001–2004). The executive, legislative, and judiciary conducted parallel efforts and initiated activities in tandem with women's movements.

(i) Executive branch
National Commission on the Role of Filipino Women (NCRFW)

Although regarded by some women's organizations as having played safe during the entire campaign, the National Commission on the Role of Filipino Women (NCRFW)[22] engaged in intensive, purposive legislative advocacy for the passage of the law (Grace Mallorca-Bernabe, interview, 2011). The NCRFW in fact led a technical working group headed by one of its commissioners, Attorney Myrna Feliciano, tasked with producing a consolidated version of the competing bills. They drafted the initial version of the so-called Unity Bill using the Anti-AWIR framework as a template but added a number of other progressive features such as the inclusion of children, a role for NGOs, a legal definition of battered wife syndrome, and the formation of an inter-agency council on VAW. While the Unity Bill espoused the Anti-AWIR framework, for the purposes of neutrality and acceptability, the NCRFW opted to use the term 'violence against women and their children' in their proposal, with the legislature adopting this term in the final version of the bill (Aurora Javate-de Dios, interview, 2012; Grace Mallorca-Bernabe, interview, 2011).

NCRFW Chairperson Aurora Javate de Dios also tried to broker a dialogue between the two groups by hosting informal, private talks and gatherings at her personal residence or at her office at Miriam College where she was dean. Having been a long-time women's advocate and activist herself,

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[22] Renamed the Philippine Commission on Women (PCW) in 2010. Its first involvement in purposive legislative advocacy was the 1997 Anti-Rape Law.

de Dios knew some members of both coalitions; she also held considerable sway within the women's movement as the head of the government's women's machinery and as former UN CEDAW Chairperson.

Apart from lobbying with legislators and the NGOs, the NCRFW also engaged in other activities which it hoped would build on the reform advocacy, including conducting Anti-VAWC campaigns and collaborating with influential men to form MOVE (Men Opposed to VAW Everywhere).

Other Executive Offices

The Philippine National Police, the Department of Justice, the National Statistics and Coordinating Board, and the Department of Social Welfare and Development also supported the passage of legislation for the protection of women against violence because they were the agencies providing immediate action to resolve domestic violence cases and generating data on the issue. Their personnel actively provided expert testimonies and advice in both the Senate and Lower House public hearings on domestic violence issues.

Gloria Macapagal-Arroyo

It is worth mentioning that as a senator during the 10th Congress (1998-2001), Gloria Macapagal-Arroyo authored a bill on domestic violence, which was not passed. When she became president in 2001, she made legislating against domestic violence a priority and enjoined Congress to pass a law within the duration of the 12th Congress (2001–2004).

(ii) Legislative branch
ABANSE! Pinay [trans: Filipinas, Advance!]

ABANSE! Pinay, the all-women's party list that sought to advance issues on the health, rights, and lives of women, children, family, and vulnerable sectors, was represented in the 11th Congress (1998–2001) by Congresswoman Patricia Sarenas, who chaired the House Committee on Women and was actively involved in passing legislation to address VAW. She initially worked with SIBOL to sponsor the Anti-AWIR Bill, but eventually authored the Anti-Domestic Violence Bill (Muñez, 2004: 189).

Representatives Josefina Joson and Darlene Antonino-Custodio

The Anti-DV campaign was also actively supported by Representative Josefina Joson who served as the 12th Congress (2001–2004) Committee on Women Chairperson, and Representative Darlene Antonino-Custodio who, although a first time representative during the 12th Congress, authored several domestic violence bills and served as one of the conferees when the bills were discussed in the Bicameral Conference.

Representative Bellaflor Angara-Castillo

After SIBOL had failed in getting Sarenas to agree to sponsor the Anti-AWIR Bill, they approached a seasoned legislator in the Lower House, Representative Bellaflor Angara-Castillo, to sponsor their draft instead. Angara-Castillo, who was House Majority Floor Leader during the 11th Congress (1998–2001), agreed and filed the Anti-AWIR Bill. When it failed to pass in the 11th Congress, she re-filed the draft during the 12th Congress (2001–2004), where she held the post of Deputy Minority Floor Leader.

Senators Luisa Estrada and Loren Legarda

Senator Luisa P. Estrada, the wife of former President Estrada and a first-time senator during the 12th Congress (2001–2004), sponsored the bill that became the law. She led public hearings on the issue and supported women's organizations lobbying for either versions of the bill. NCRFW, who spearheaded the consolidation of the bills, provided research and technical assistance to Estrada, which enabled her to resolutely support the bill until its enactment.

Loren Legarda, a seasoned senator, authored six Anti-VAWC bills during the 12th Congress, including the Unity Bill that was sponsored by Senator Estrada.

(iii) Judicial branch

While the legislature worked on passing the law, the Supreme Court was working on a parallel measure: amending the Rules of Court to include a

rule on violence against women and their children[23]. On September 29, 2000, the Supreme Court made a landmark ruling for Philippine jurisprudence by accepting battered wife syndrome as a legal defense when it spared Marivic Genosa from the death penalty after she was convicted by the lower court of killing her violently abusive husband. Genosa was eventually released from prison in February 2004.

3. International Donor Community

The women's movement in the Philippines was fortunate to have had an international community that was supportive of its advocacy. Advocating for protection against VAW in a patriarchal society requires good planning, strategic interventions, and substantial resources. Funding from international agencies was critical to the activities of the advocates (Rosalyn Mesina, Aida Santos, and Grace Mallorca-Bernabe; interviews, 2011; Melanie Reyes, interview, 2011). In 1997, when NCRFW decided to engage seriously in legislative advocacy, it realigned some funds from its existing Canadian International Development Agency-supported project, to fund the capacity building of legislative staff at the House of Representatives as well as the conduct of studies and release of publications. It also recruited experts from various women's organizations to provide training and develop manuals. These same trainers and writers also spearheaded the campaign for the adoption of the Anti-AWIR Bill.

Several UN bodies also provided funding support to women's organizations for their legislative advocacy. The United Nations Population Fund (UNFPA) was one of the biggest donors during this period. It supported the Center for Legislative Development in producing a comprehensive legislative advocacy plan on reproductive health (VAW included) and trained women advocates on how to engage with policymakers. It also supported the University of the Philippines Center for Women's Studies, the Women's Crisis Center, and WEDPRO in separate research projects and training on VAW. The results of these research studies were utilized for policy and legislative advocacy (UNFPA as cited in Aklilu, 1998:35). SIBOL member organizations

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[23] This measure was approved by the Court on October 19, 2004, seven months after the Anti-VAWC Law was enacted.

such as the Women's Legal Bureau, received funding from the Global Fund to examine existing laws using a gender lens, and SIBOL itself received support from the United Nations Development Fund for Women (UNIFEM) for its advocacy campaigns. UNIFEM also funded KALAKASAN on its work to disseminate information on domestic violence.

In addition to receiving financial support for their activities, the leaders of these women's organizations gained from the exchanges, networks, and perspectives they experienced in international debates and gatherings (e.g. UN CEDAW meetings and UN conferences).

4. Media

The reform process also benefited from the support of gender-aware journalists, some of whom were members of women's organizations, who publicized Anti-AWIR advocacies, including Rina Jimenez-David and Ceres Doyo. Jimenez-David incidentally was an officer of ABANSE! Pinay, and together with the Center for Media Freedom and Responsibility, she produced a book in 1998 entitled *Understanding Violence Against Women: A Guide for Media.*

The Naysayers

To outside observers, there seemed to be no apparent or serious opposition to the reform process, or at least nothing similar to the opposition to the Reproductive Health Bill. But with Congress being a patriarchal institution and with the majority of the legislators being male, there was little incentive for politicians to pass the Anti-VAW bill. For the majority of legislators, gender issues were considered to be of secondary importance, and apathy was a significant barrier to the passing of Anti-VAW legislation. In fact, the advocates believed that the male legislators were reluctant to pass the Anti-AWIR Bill for fear that the law would be used against them or that they might be revealed as not being the best examples of men in intimate relationships (Santos as cited in Dizon, 2001; Melanie Reyes, personal correspondence, 2011).

Division between the Anti-AWIR and the Anti-DV groups further hindered the speedy approval of the bill as the executive, and policymakers were also divided on which version to support. Committee deliberations were

spent on discussing the merits of the Anti-DV bills versus the Anti-AWIR bills, as well as the merits of a consolidated bill. Resources were also spent on creating several technical working groups, contracting consultants, and so on.

The Fence-sitters

Interestingly, the Church did not oppose any of the proposed bills, but neither did it publicly support the bill because of its institutional opposition to anything that threatened the sanctity of marriage and the family. The media, except for a few knowledgeable and supportive members, maintained a neutral stance but feasted on controversial VAW-related issues, such as the death of Maria Teresa Carlson. As such, while the media highlighted the issue, it did not institutionally support the enactment of an Anti-VAW law.

Similarly, the general public was neither supportive of nor opposed to the measures, apart from female victims, who were either clients or partners of the women's organizations at the grassroots level. This public apathy toward the introduction of Anti-VAW laws presented major hurdle for advocates of the legislation.

SECTION 5: POLITICS OF REFORM

Getting the Law Passed: Timeline and Politics

The initial bills on anti-domestic violence were first filed in the Senate sometime in 1996 during the 10th Congress (1995–1998)[24]. When Maria Teresa Carlson came out in 1996 and accused her husband, then-Congressman Rodolfo Fariñas[25], of domestic abuse, the organizations that assisted her—the Women's Legal Bureau and KALAKASAN, among others—propelled the need for a law protecting women against physical abuse into the spotlight. Women's organizations presented their insights and comments on the proposed bills in the committee public hearings. Unfortunately, these bills did not prosper

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[24] While formal legislative work started in 1996, preparatory activities such as conduct of researches to support their draft bills and identifying allies in the legislature began much earlier.

[25] Fariñas was not put on trial; Carlson retracted her complaint a week after she went public with it.

beyond the committee level.

Women's organizations again saw an opportunity to advance their advocacy with the party-list election victory of ABANSE! Pinay[26] in the 11th Congress (1998). ABANSE! Pinay was closely affiliated with PILIPINA, one of SIBOL's founding members, and SIBOL and Women and Media approached ABANSE! Pinay Representative Patricia Sarenas, who was also at that time Chair of the Lower House's Committee on Women, on developing a working partnership. Sarenas was committed to working on pro-women laws, and intended to sponsor the Anti-AWIR Bill (Muñez, 2004: 189). However, several officers of the party list felt that a bill with an Anti-AWIR stance would not pass because it favored women only and might therefore be viewed as discriminating against men and construed as violating the principle of equality under the law (Jimenez-David, 2001: A9). Because of this, the partnership between Sarenas and SIBOL did not materialize. Toward the end of 1998, Sarenas filed her own bill on domestic violence (Muñez, 2004: 189).

Determined to press ahead with advocating the Anti-AWIR Bill, SIBOL found another champion in the House of Representatives in Congresswoman Bellaflor Angara-Castillo, a mainstream politician from a long-standing political family. By this time, the Anti-DV Bill was already gaining momentum and seemed likely to be approved on its second reading. In fact, the Lower House was by then on the verge of recommending the Consolidated Anti-DV Bill as a priority bill for the administration (Jimenez-David, 2001: A9). In an interview with Claire Lucson (2011), SIBOL wasted no time in convincing Angara-Castillo to file their version of the bill. As the Majority Floor Leader at the time, Angara-Castillo was able to schedule a first reading of her bill within a week. Her bill was then referred to the Committee on Women under Sarenas, who was surprised by this development, but nonetheless allowed it to proceed (Claire Lucson, interview, 2011).

Angara-Castillo's filing of the Anti-AWIR Bill, backed by SIBOL, caused

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[26] To ensure representation of the marginalized and voiceless in the legislature, *Republic Act 7941* provides that party-lists (associations, parties, and groups representing marginalized groups in society) shall be elected to the Lower House and shall occupy 20 percent of the total members of the House. ABANSE! Pinay represented the women's sector.

confusion and frustration in the Lower House because while it tackled a similar issue, it went against the core approach and principle of the Anti-DV Bill. This last-minute development resulted in an impasse. Still, Angara-Castillo used her influence to continue to advocate for her bill (Claire Lucson, interview, 2011, and Munez, 2004: 190). The NCRFW attempted several times to get the women's groups together in an informal setting to find a common ground, but it failed to do so (Grace Mallorca-Bernabe, interview, 2011; Aurora Javate-de Dios, interview, 2012). By the end of the 11th Congress (1998–2001), the House and Senate (where four VAW-related bills were filed) were again unable to pass either of the bills.

By the 12th Congress (2001–2004), the two groups still held fast to their respective positions. In the Lower House, the two bills were deliberated in two different committees: the Anti-DV Bill at the Committee on Population and Family Relations, and the Anti-AWIR Bill at the Committee on Women. This had the potential to create yet another impasse, because, theoretically, only one bill from the Lower House should be forwarded to the Senate and deliberated at the Bicameral Conference. The death of Maria Teresa Carlson in 2001 again sparked debate on domestic violence. More than twenty organizations banded together to form Task Force Maria, which decried the government's failure to protect her and women in similar situations. The network then attempted unsuccessfully to consolidate the two bills before the Lower House, and by the middle of the 12th Congress, both the Consolidated Anti-AWIR Bill and Consolidated Anti-DV Bill were passed on their third reading and were sent to the Senate for Bicameral Conference deliberations.

Things progressed somewhat more smoothly in the Senate. At the initiative of Senator Luisa Estrada, a technical working group was created to consolidate all VAW-related bills. The Senate's consolidated version, loosely referred to as the Unity Bill, contained provisions mostly modelled after the Anti-AWIR Bill.

In general, producing Bicameral Conference Committee Report is a long and difficult process, due to the technical and political differences between the bills approved by the Senate and the Lower House. In the case of the Anti-VAWC Law, it was doubly difficult because the Lower House put

forward two approved bills[27] to be deliberated alongside the Senate-approved bill[28], which somewhat slowed the conference process. However, through the leadership of the Senate, the conferees from both Houses agreed to use the Senate version as the working draft. This strategy led to the finalization of the bicameral committee report[29] on January 26, 2004, which was unanimously approved in the Senate on January 29, 2004, and in the Lower House on February 2, 2004.

The approved bill from the Bicameral Conference was forwarded to the President and was enacted into law on March 8, 2004, in commemoration of International Women's Day and two months prior to the elections.

The Long Road to Social Reform

Generally, policy reform in the Philippines is intricate, slow, and challenging[30] due primarily to the formal arrangements surrounding the legislative process. Apart from the institutional obstacles, however, three reasons stand out on why it took nearly a decade of lobbying work before the Anti-VAWC Law was passed.

First, before President Arroyo, no president certified a domestic violence bill as priority bill, nor was it a priority for the male-dominated legislature. Except for Angara-Castillo, the sponsors were political novices,

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[27] HB5516 (Anti-AWIR), sponsored by Bellaflor Angara-Castillo was approved on February 5, 2003, and HB6054 (Anti-DV), sponsored by Genaro Alvarez, Jr., Harlin Abayon, and Darlene Antonino-Custodio, was approved on August 4, 2003.

[28] SB 2723 (Unity Bill) principally authored by Loren Legarda and sponsored by Luisa Estrada.

[29] While the senate version was used as the working draft, the final version also took certain provisions from the House Anti-AWIR Bill, specifically provisions related to protection orders, the roles of healthcare providers, the formation of the inter-agency council on VAWC, the application of hold-departure orders, and damages. Certain provisions from the Anti-DV Bill were also incorporated into the final version, such as the training of persons involved in responding to VAWC cases, mandatory programs, and services for victims of VAWC, and the counseling and treatment of offenders. Provisions related to definitions, penalties, venue, protection orders, prescriptive period, battered-wife syndrome, prohibitive defense, custody, the roles of court personnel, the entitlement of victims to leave, and classifying the crime as a public crime were all taken from the senate version.

[30] For example, it took almost 8 years to pass the Anti-Rape Law, and 12 years to pass the Juvenile Justice Law.

mostly women and party-list legislators. For example, when asked by women's groups about the Senate's commitment to passing an Anti-VAW law, the presiding officer of a Technical Working Group Meeting held in the Senate[31] admitted that while Senator Estrada was very committed, she was a newcomer to political office, and that the majority of the legislators were male. The three female senators during that period would face a difficult time getting women-related measures like the Anti-VAWC Law enacted (Senate of the Philippines, 2003: 79–80).

Second, the diversity of the women's movements in the Philippines made it difficult for women to unite and push for a common agenda. Both groups continued to promote divergent frameworks and resolutely stuck to their positions.[32] Because of this, their champions in the legislature also had difficulty reconciling their proposed bills. Ultimately, some of the long-standing ties among the women's organizations were ruptured, despite the enactment of the law.

Third, bringing violence against women to the forefront and mandating punishment in a society that had long condoned the act inevitably took time. Policymakers, media, and society had to be educated, mindsets changed, and allies won. In order to succeed, strategies had to be well planned. Thus, the early years of advocacy of women's groups were focused on research and identifying champions in the legislature, followed by activities on sensitizing the legislature and the public to the issue. It was only after these preparatory activities had been undertaken that women's groups actively pursued legislative advocacy. Taking advantage of political conjunctures, such as the Carlson case and the imminent 2004 elections, were also important in getting the law passed.

That said, women's groups also primed themselves for a long battle ahead, and took thorough and deliberate steps in implementing their strategies. Rather than attempting to railroad the formal process, they accommodated the process into their strategies and engaged it, determined to see positive results at the end of their long road of advocacy (Aida Santos, interview, 2011,

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[31] This meeting held on May 21, 2003 was tasked with producing a consolidated bill from all the violence against women-related bills filed before the Senate.

[32] While this slowed the process, it undoubtedly enriched the debate.

and Aurora Javate-de Dios, interview, 2012).

SECTION 6: LESSONS AND CONCLUSION

Since its enactment in 2004, the Anti-VAWC Law (*Republic Act 9262*) has been increasingly used to report acts of domestic violence to the Philippine National Police, with the number of cases reported under R.A. 9262 rising from 218 in 2004 to 9,974 in 2010 (PCW, 2011).

Experts suggest that the VAWC incidence trend is inconclusive and cannot be used to fully capture the impact of the law. The increasing trend may be attributable to the massive information campaign on the law and its implementation[33] (PCW, 2011; Business World, 2010; SALIGAN, n.d.: 3), meaning that many more women are reporting abuses because of the legal protection accorded, but what is telling, according to women's rights advocates, is that VAW victims finally have recourse to remove themselves from their oppressive situations, and they are actually taking advantage of this legal mechanism available to them. While the law or its implementation needs to be improved, women advocates still consider the passage of the law a landmark success (Aida Santos and Anamabel Garcia from an interview in Business World, 2010).

The legislative advocacy experience of the Anti-VAWC Law enactment was an example of how a relatively marginalized sector (women) engaged an entrenched, male-dominated elite, culture, and society in order to bring an issue that had not been taken seriously by policymakers into the mainstream. Through the work of coalitions, policymakers were enlightened about the issue of gender-based violence, and by communicating the issue to the media, coalitions also increased public awareness of VAW.

Moreover, while the ideological differences among women's organizations remained after the enactment of the Anti-VAWC Law, women's organizations continued to work together to further advance the status of women. Most recently, they successfully worked for the enactment of the Magna Carta for Women in 2009.

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[33] Studies and experts, however, still note the poor implementation of the law (for example, see reports from the European Commission-funded project Undertaking Survivors' Experience (in accessing) RA 9262).

Overall, the case study shows that even when the main hurdle to progress is inertia and apathy, social sector policy reform in the Philippines is often long, complex, and non-linear. Reform takes place through a confluence of factors: strong and articulate reform advocates; the presence of trigger events and political conjunctures; and supportive people in government and the donor community.

Lessons

This case is an interesting and important example of the politics of social sector reform in the Philippines, where the main hurdle to reform is apathy rooted in culture. Women's coalitions were successful in bringing about the enactment of a law to protect them against VAW. The women's organizations designed and executed a creative and multi-dimensional (albeit underfunded) strategy directed toward the government, media, and society in general. Intransigence among the players stalled the process. But other actors in the legislature, as well as the NCRFW, managed to reconcile the differences, achieve compromise, and secure the passage of a law that included most of the provisions they originally intended and retain a feminist and rights-based framework.

Important lessons may be drawn from this experience. To enable reform advocates to successfully negotiate the formal legislative process, which is often slow and bureaucratic, and gain the support of key people, the following factors must be present.

Networks and Coalitions

For reforms that focus on shifting a particular cultural attitude, policy advocacies initiated by coalitions and networks can command more attention because they are perceived to be broad-based, and are therefore more likely to receive support from within the legislature. Further, advocates who work through coalitions have the structure, resources, and networks required to sustain their work.

Reformers understood the value of working together to influence the process and the outcome of laws and policies (WLB as cited in Villamor-Barrameda 2011:4). They knew that a coalition that has a strong support base

has more legitimacy to push a legislative agenda. In an interview with Aurora Javate-De Dios, she admitted that she understood the importance of numbers during campaigns and rallies in support of the passage of the law[34].

Coalitions need not be formal entities. As seen in Section 4, the Anti-DV group did not organize itself into one umbrella organization but through their effective use of strategies and resources. According to an interview with Aida Santos, SIBOL was loosely structured but was very effective. Decision-making was transparent, democratic, and egalitarian—everyone had to agree on the non-negotiables—and division of labor within SIBOL was clearly apparent. The Women's Legal Bureau was their legal expert, the Women's Crisis Center their source of real data and provider of direct services, the Center for Legislative Development their link to the legislative branch and information on the legislative process, and so forth. Secretariat functions were on a rotation basis, mostly utilizing individual members' internal funds and relying heavily on volunteers (Aida Santos, interview, 2011).

Leaders and Elites

Inasmuch as coalitions and networks are important in securing the support of the legislators and in influencing the outcome of reform initiatives, these groupings benefit from the enthusiasm and dedication of the leaders and individuals who steer them towards their goals. Acting on behalf of their constituencies, it is the leaders of the coalitions' member organizations who formulate the strategies, chart the direction, and ensure the sustainability of their reform efforts.

In the case of the anti-VAWC campaign, the leaders who drove the coalitions (both SIBOL and the DV advocates) were high profile women belonging to the educated middle class, immersed in gender issues and women's empowerment agenda, have openly feminist orientations, and are outspoken about women's rights. They used their history and experiences, vast networks, and important positions in society and government to shape and sustain their advocacies.

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[34] She recalls that, back then, she did not care which shirt color women wore to rallies (some advocates preferred purple, the color of the women's movement) so long as they were able to mobilize and show legislators that they had the numbers.

Passion and Commitment to Engage in Legislative Advocacy

For non-government advocates, engaging with the state is almost always frustrating, but advocates must never lose their enthusiasm and commitment, even if sometimes it seems that theirs is a losing battle and an under-funded one.

While women's organizations were at first hesitant to cooperate with the government, they had learned through their experiences that in order to effect change, working with the government was inevitable. They participated actively and purposively in all the meetings and deliberations in both Houses of Congress. They also staged several creative activities to bring the legislators' attention to the issue of violence against women. This included creating slogans, poems, and songs used in advocacy work, and conducting event-related activities, such as door-to-door Christmas caroling in the Senate and even marching with a coffin inside the session halls on Halloween.

The advocates also organized petition campaigns and took advantage of media interest. They sought out allies within the media, organized media forums, appeared on television and radio shows, and sent regular weekly opinion letters to the editors of newspapers.

Strong technical analysis

Before engaging the legislative, SIBOL studied all relevant laws on VAW. They extracted statistics and other relevant information from their experiences as litigators and service providers, and from the experiences of their clientele and local partners, which they incorporated into the Anti-AWIR Bill. This proved helpful when they defended their bill in front of legislators, detractors, and even the proponents of the Anti-DV Bill.

Research also proved helpful for the NCRFW in drafting the Unity Bill to consolidate the Anti-DV and Anti-AWIR Bills. Using templates from other countries (the United States, Brazil, Malaysia, and Latin American countries), they were able to add important provisions to the Anti-VAWC Law that made the policy stronger (Aurora Javate-de Dios, interview, 2012).

Well-planned but Flexible Strategies

Advocates should not only be technically knowledgeable but also know their politics. They should find the right champions, use their relative powers, engage the government, utilize creative strategies, and take advantage of media interest. Advocates must also realize that participating in legislative advocacy need not always be confrontational.

Women's organizations took advantage of the political window in the Lower House in the form of party-list representation, creating a party-list in order to put one of their own inside the system. The party-list election victory of ABANSE! Pinay in 1998 gave the women's coalitions an insider advantage.

SIBOL also carefully studied the gender-responsiveness and levels of power and interest of all legislators to find their champion. As a result, it was easy to form allies in congress because of their established networks within the legislature.

The women advocates also recognized that Filipinos are "personalistic", meaning they would listen and likely accede to highly educated, famous, well-respected people within their circle or social strata, or to those with whom they have kinship (Santos, 2011). Thus, their highly regarded status in society enabled the leaders of the coalitions to meet with congressmen and senators confidently. While their leaders engaged legislators in formal meetings and sessions, their staff went door-to-door, talking to the legislators' chiefs-of-staff and trying to convince them to co-sponsor their proposed bill.

Due to their deeply held ideologies, it took the advocates a long time before they were able to come to a compromise. A third group of advocates (some of whom were members of SIBOL and others were from the DV group) together with their champions in the government decided to respond to the standstill that had, by then, spanned over three congresses, by putting forward a unity bill that was the version that was eventually passed into law.

Reform Conjunctures

As part of having flexible strategies, champions must learn and be ready to capitalize on trigger events, windows of opportunity, or political conjunctures to strengthen their reform advocacies. They must be able to identify critical conjunctures and know how to use them to their advantage.

Sensational VAW cases, however disturbing, constitute such conjunctures. The cases of Maria Teresa Carlson and Marivic Genosa, which received widespread media attention, were such events. In 1996, when Carlson accused her politician husband of battery, women's groups, using Carlson as a case in point, lobbied loudly for a law to punish domestic violence, and set the ball rolling for VAW legislative advocacy. Carlson's eventual retraction of her statements against her husband did not hinder the advocates to further champion their cause. In fact, the unfortunate twist in events allowed them to further explain the behavior and nuances of women in abusive relationships. In 2001, when Carlson committed suicide, women's groups formed Task Force Maria to lobby for the passing of an anti-violence-against-women law. They intensified their efforts and took advantage of the situation by releasing press statements, granting media interviews, and even using the threat on KALAKASAN's Anna Leah Sarabia by Fariñas, Carlson's husband, as basis for their campaign initiatives (IGHLRC, 2002). KALAKASAN admitted to the public that Carlson began seeking their help initially anonymously in 1992, three years before the Probe Team[35] did a story on her in 1996. Nini Valera, a reporter for the *Inquirer* also wrote, 13 years hence, that she might have been the first person from whom Carlson asked for help when she interviewed her in 1988 (Rodriguez, 2004). Even the NCRFW and the champions in both the Senate and House of Representatives referred to the Carlson case in urging the government to pass the proposed bills on violence against women (Lacuarta, 2001). As a result, some media practitioners, including Rina Jimenez-David of ABANSE! Pinay and Anna Leah Sarabia were slapped with libel cases by Fariñas for maliciously insinuating that he abused his wife and caused her eventual death (Salaverria, 2003)[36]. While they could not do anything to charge Fariñas with the death of Carlson, the women's advocates certainly rallied against the death of Carlson to push for their agenda. Carlson unwittingly served as the martyr of the advocacy.

In arguing for the passage of the law, the women advocates also repeatedly referred to the case of Marivic Genosa—who killed her husband for allegedly battering her—whenever they get invited as resource persons

[35]   A national television show.
[36]   The case was eventually dismissed by the Department of Justice in 2003.

in the deliberations in the Senate and House of Representatives. In fact, the provision on battered wife syndrome in the Anti-VAWC Law was inspired by the case of Genosa (Guanzon, 2005: 2).

As Women's Month (March) and the upcoming election (May) approached, women's groups used this conjuncture to successfully fast-track the enactment of the Anti-VAWC Bill.

International Technical and Financial Support

Whether technically or financially, donor support helped the reformers successfully achieve their goals. Policy advocacy is an expensive undertaking (Grace Bernabe-Mallorca and Melanie Reyes; interviews, 2011). While women's organizations had the passion, commitment, and energy to lobby for years, they also needed financial and technical support to sustain them. Donor funds allowed the advocates to undertake researches, publish primers and materials, and conduct large-scale information and education campaigns, activities that were crucial to the legislative advocacy but would not have been possible without external assistance. Donors' financial support freed up portions of the funds of the women's organizations, which they then used for mobilizations and other activities related to legislative advocacy.

References

Abao, C. and Yang, E. (2001). *Women in Politics: Limits and Possibilities: The Philippine Case.* Boon, Friedrich Ebert Stiftung.

Aklilu, D. (1998). *Reproductive Health Effects of Gender-based Violence: Policy and Programme Implications* in Programme Advisory Note No. 6. Retrieved October 13, 2011 from http://www.uneca.org/adfvi/documents/UNFPA-RH-effects-of-GBV.pdf.

Angara-Castillo, B. (undated). House Bill No. 35, House of Representatives. Quezon City.

Angara-Castillo, B. (undated). House Bill No.5516, House of Representatives. Quezon City.

Business World Online (2010, July 21). *Reported Incidence of Violence Against Women Rises.* Retrieved October 13, 2011 from http://www.bworldonline.com/Research/economicindicators.php?id=0401.

Day, T., et al. (2005). *The Economic Costs of Violence Against Women: An Evaluation of the Literature.* Retrieved October 13, 2011 from http://www.un.org/womenwatch/daw/vaw/expert%20brief%20costs.pdf.

Dizon, N. (2001, November 28). *Bill Against Domestic Violence Pushed* in Philippine Star. Manila.

Ecleo, G. (undated). House Bill No. 1320, House of Representatives. Quezon City.

Feliciano, M. (undated). *Protection of Victims, Particularly Women and Children Against Domestic Violence, Sexual Offenses and Human Trafficking – Philippine Experience.* Retrieved October 13, 2011 from http://www.aseanlawassociation.org/9GAdocs/w5_Philipines1.pdf.

Guanzon, R. (2005). *Legal and Conceptual Framework of Battered Woman*. A Paper delivered in Experts Meeting on Battered Woman Syndrome as a Psychological Concept and as a Legal Defense. Retrieved August 2, 2012 from http://www.docstoc.com/docs/39209745/Legal-and-Conceptual-Framework-of-Battered-Woman.

Guanzon, R. (2008). *Laws on Violence Against Women in the Philippines*. Expert paper in Expert Group Meeting on Good Practices in Legislation on Violence Against Women. Retrieved September 14, 2011 from http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/expertpapers/EGMGPLVAW%20Paper%20(Rowena%20Guanzon).pdf.

Hega, M. (2003). *Participation of Women in Philippine Politics and Society: A Situationer.* Retrieved December 15, 2011 from http://library.fes.de/pdf-files/bueros/philippinen/50067.pdf.

Hodes, R., Stern, O., and Thorpe, J. (2011). *Structure and Agency in the Politics of a Women's Rights Coalition in South Africa. The Making of the South African Sexual Offences Act, 2007*. Research Paper 13, Developmental Leadership Program. Retrieved from http://www.dlprog.org/ftp/download/Public%20Folder/1%20Research%20Papers/Structure%20and%20Agency%20in%20the%20Politics%20of%20a%20Womens%20Rights%20Coalition%20in%20South%20Africa.pdf

Heise, L. et al. (1994). *Violence Against Women: The Hidden Burden.* WHO

Discussion Paper. Retrieved December 15, 2011 from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/1999/04/28/000009265_3970716144635/Rendered/PDF/multi0page.pdf.

House of Representatives (2002, February 19). Committee on Women Meeting, Quezon City.

Hunt, D. and Sta. Ana-Gatbonton, C. (2000). *Filipino Women and Sexual Violence: Speaking Out and Providing Services* in Sexual Violence in a Gender, Cultural and Human Rights Framework: Immigrant Women's Support Service Forum. Retrieved December 15, 2011 from http://cpcabrisbane.org/CPCA/IWSSForum.htm.

International Gay and Lesbian Human Rights Commission (2002). *Philippines: Act Now Against Violence Against Women.* Retrieved August 2, 2002 from http://www.iglhrc.org/cgi-bin/iowa/print/600.html.

Jimenez-David, R. (2001, December 5.). *A Law on Domestic Violence* in Philippine Daily Inquirer. Manila.

Lacuarta, G. (2001, November 29). *Carlson Suicide Sparks Bid Vs Domestic Violence* in Philippine Daily Inquirer. Manila.

Mallorca-Bernabe, G. (2005). *A Deeper Look at Violence Against Women (VAW): The Philippine Case.* Retrieved September 14, 2011 from http://www.monitor.upeace.org/pdf/Violence%20Against%20Women%20in%20the%20Philippines.pdf.

Mission, G. (1999). *The Economic Cost of Violence Against Women* in CyberDyaryo. Retrieved September 29, 2011 from http://gina.ph/CyberDyaryo/features/cd1999_0520_014.htm.

Muñez, M. (2004). *Can Reforms Withstand Guns-and-Gold Politics? A Report on the Philippines.* Southeast Asian Women in Politics and Decision-Making, Ten Years After Beijing: Gaining Ground? Friedrich Ebert Stiftung (FES) Philippine Office and the Southeast Asia Women Watch (SEAWWatch), pp 141-207.

Philippine Commission on Women. *Violence Against Women.* Retrieved February 29, 2012 from http://www.pcw.gov.ph/index.php/statistics-on-filipino women-men/14-factsheets-on-filipino-women-men/73-statistics-fs-violence-against-filipino-women.

Pimentel, L. (2010). *Surviving Violence and Trafficking: Stories of Women and*

Youth of Angeles City. A Research Report. Manila, WEDPRO.

Republic of the Philippines (1987). *The 1987 Constitution of the Republic of the Philippines.* Manila, Republic of the Philippines.

Republic of the Philippines (2004). Republic Act 9262 *An Act Defining Violence Against Women and Their Children, Providing Protective Measures for Victims, Prescribing Penalties Therefore, and For Other Purposes.* Manila, Republic of the Philippines.

Reyes, S.L. (1997). *Women's Issues: Legislative Advocacy for a New Anti-Rape Law: A Case Study* in Philippine Democracy Agency: State-Civil Society Relations in Policy-Making. pp 229-247.

Rodriguez, C. (2004). RA 9262 *Makes Abuse of Women and Children A Crime.* Retrieved August 2, 2012 from http://www.onlinewomeninpolitics. org/archives/04_0402_ph_vaw.htm.

SALIGAN (undated). *Strengthening Responses to Violence Against Women: Overcoming Legal Challenges in the Anti-Violence Against Women and Their Children Act.* Retrieved September 14, 2011 from http://www. saligan.org/docs/strengthening%20responses_women.pdf.

Salaverria, L. (2003, March 13). *Fariñas Files Libel Against Inquirer* in Philippine Daily Inquirer. Manila.

Santos-Maranan, A. et al. (2008). *Women's Political Participation in the Philippines: Conversations, Reflections and Recommendations.* WEDPRO Quezon City.

Senate of the Philippines (2002). *Minutes of the Second Joint Committee Meeting of the Senate Committees on Youth, Women and Family Relations; Justice and Human Rights; Social Justice, Welfare and Rural Development; Finance; and Constitutional Amendments, Revisions of Codes and Laws.* Senate of the Philippines, Pasay City.

Senate of the Philippines (2003). *Minutes of the Technical Working Group Meeting of the Senate Committees on Youth, Women and Family Relations; Justice and Human Rights; Social Justice, Welfare and Rural Development; Finance; and Constitutional Amendments, Revisions of Codes and Laws.* Senate of the Philippines, Pasay City.

Sobritchea, C. (2004). *Women's Movement in the Philippines and the Politics of Critical Collaboration with the State* in Lee Hock Guan (ed.) Civil

society in Southeast Asia. Singapore, ISEAS Publications pp 101-121.

Tattersall, A. (2010). *Power in Coalitions. Strategies for Strong Unions and Social Change.* Ithaca, Cornell University Press.

Torrevillas, D. (2004, September 16). *Punishing Violence Against Women* in Philippine Star. Manila.

UN CEDAW (United Nations Committee on the Elimination of Discrimination Against Women) (1992). *Recommendation No. 19 UN CEDAW Recommendations*. Retrieved December 15, 2011 from http://www. un.org/womenwatch/daw/cedaw/recommendations/recomm.htm.

UN Fourth World Conference on Women (1995). *Beijing Declaration and Platform for Action.* United Nations Beijing.

UN Women (2011). *Violence Against Women.* Retrieved December 10, 2011 from http://www.unifem.org/gender_issues/violence_against women/.

UNICEF (United Nations Children's Fund) (2000). *Domestic Violence Against Women and Girls.* Innocenti Digest No. 6. Florence, UNICEF Innocenti Research Centre.

UNIFEM (United Nations Development Fund for Women). (2003). *Not a Minute More: Ending Violence Against Women.* UNIFEM New York.

United Nations General Assembly (1993). *Declaration on the Elimination of Violence against Women.* Retrieved December 15, 2011 from http:// www.un.org/documents/ga/res/48/a48r104.htm.

Villamor-Barrameda, T. (2011). *Networking and Alliance Building: Lessons from the Experience of Sama-samang Inisyatiba ng Kababaihan sa Pagbabago ng Batas at Lipunan.* Sikhay 4. University of the Philippines - Department of Social Development. Diliman Quezon City.

World Bank (1993). *World Development Report: Investing in Health*. New York: Oxford University Press.

World Health Organization (1996). *Violence Against Women: A priority Health Issue.* WHO Consultation, Geneva. Retrieved December 15, 2011 from http://www.who.int/violence_injury_prevention/media/en/154.pdf.

Appendix: Timeline of the Anti-VAWC Law

Congress	Date	Legislative Office	Event	Remarks
10th Congress (1995-1998)	1996	Senate	First anti-VAWC bills were passed, namely: SB 356 by Senator Gloria Macapagal -Arroyo SB 1398 by Senator Miriam Defensor -Santiago	Did not prosper beyond the Committee public hearings
	1997	NGOs	Adopted anti-AWIR paradigm in dealing with VAW	Start of the divide and confusion among the advocates
11th Congress (1998-2001)	1998	House of Representatives	7 VAW -related bills were filed, including that of Congresswoman Patricia Sarenas on anti -domestic violence	
	1998	House of Representatives	Committee on Women, headed by Congresswoman Sarenas consolidated the 7 anti -violence against women bills into a consolidated anti-domestic violence bill (Anti-DV Bill)	
		House of Representatives	Congresswoman Bellaflor Angara -Castillo filed HB 35 (Anti-AWIR Bill)	Angara -Castillo filed her bill just when the anti-DV Bill was already gaining momentum and was about to be passed on second reading
		Senate	Four VAW -related bills were filed: SB 292 and SB 1896 by Senator Miriam Defensor -Santiago SB 527 by Senator Teresita Oreta filed on wife cruelty SB 1458 by Senator Raul Roco	

12th Congress (2001-2004)	2002	House of Representatives	Anti-AWIR Bill was deliberated in the Committee on Women	
	2003		Anti-DV Bill was deliberated in the Committee on Population and Family Relations	
	February 5, 2003	House of Representatives	Consolidated Anti -AWIR (HB 5516) Bill was passed on Third Reading and referred to the Senate for Bicameral Conference	
	August 4, 2003	House of Representatives	Consolidated Anti -DV Bill (HB6054) was passed on Third Reading and referred to the Senate for Bicameral Conference	
	2003	Senate	Unity Bill (SB 2723) – a consolidation of all Anti -DV and Anti -AWIR Bills in the Senate was sponsored by Senator Luisa Estrada	
	December 30, 2003	Executive	President Gloria Macapagal -Arroyo certified the enactment of SB 2723 as a priority	
	January 26, 2004	Bicameral	Bicameral committee deliberations on SB 2723, HB 5516, and HB 6054	
	January 29, 2004 February 2, 2004	Bicameral	Bicameral committee report was finalized and was approved in the Senate on January 29, 2004 and in the Lower House on February 2, 2004.	Submitted to the President for enactment
	March 8, 2004	Executive	Republic Act 9262 or the Anti-VAWC Act was signed by the President	

The Politics of the Freedom of Information Bill in the Philippines

Purple Romero and Jerryll Reyes

Introduction

Freedom of information legislation has, over the last 50 years or more, become a common fixture in the statue books of many developing and developed countries. The precise provisions of this legislation vary from country to country and can include many exceptions to complete and open access to information on various grounds, for example, of security. Some of these provisions are fully implemented in some countries; most are not. Many countries embed the principle in their constitutions but require additional legislation to implement the principles. But the fundamental principle is generally the same: that citizens should have legitimate and timely access to information held by the government.

Freedom of information is held to be a necessary component of democratic politics and governance, as it not only enables citizens to know what is being done on their behalf, but it also enables them to hold governments and their agencies accountable for what they do.

SECTION 1: FREEDOM OF INFORMATION IN THE PHILIPPINES. THE PROBLEM FOR ANALYSIS

The Freedom of Information (FoI) Bill was intended to provide an enabling law for the constitutional provision that citizens have a right of access to information and that the government has the responsibility to provide it. The 1973 and the 1987 Philippine Constitution provide specific constitutional provision on right to information.

Under the 1973 Constitution, Article IV or the Bill of Rights has a provision which states that:

SEC. 6. The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, shall be afforded the citizen subject to such limitations as may be provided by law.

A main trigger in the inclusion of the provision on access to information in the 1973 Constitution is the case Subido v. Ozaeta (Bernas, 2011). Abelardo Subido, an editor of the newspaper *Manila Post,* asked the Register of Deeds in 1948 to give him a list of the real estate properties sold to aliens. The court ruled against him because right to information was not yet enshrined in the constitution at the time.

In the 1987 Constitution, the right to freedom of information falls under Section 7 of the Bill of Rights:

"The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."

There are existing laws that provide specific guidelines on disclosure of public documents. One of most widely held rulings on disclosure is found in the Code of Conduct and Ethical Standards for Public Officials, or *Republic Act 6713* (1989), mandating government officials to respond to requests for public documents within 15 days. To these, government agencies have responded on a piecemeal and idiosyncratic way.

Some government departments thus have their own particular set of policies on releasing information to the public. Some have not. Under the administration of President Benigno Aquino III (2010-2016), the Department of Budget and Management (DBM), the Department of Public Works and Highways (DPWH), and the Department of Interior and Local Government (DILG) have made available to the public information about their programs

(in the case of the DBM, budget information and contracts; the DPWH, status of road and infrastructure projects) and records of employees (for the DILG, records of local government officials). The landscape of disclosure policies is varied and not consistent.

The proposed legislation on FoI aims to standardize procedures of access to, and disclosure of, public information; address the operational gaps present in the constitutional provision and the state policy of full disclosure of government transactions; define the procedure for storage of documents and data; and impose administrative and criminal penalties for violation of the right to information.

Though built into the 1973 and 1987 Philippine Constitution, no enabling legislation had been passed by 2011 despite a decade of advocacy and attempts at securing legislative enactment of a variety of bills. The furthest stage that an FoI bill has reached was in the 14th Congress (2007-2010), where it was considered but was not ratified by the plenary body of the House of Representatives.

Why the failure? Has it been due to inadequate demand from civil society? A complex and slow legislative process? Embedded opposition from vested interests? Lack of political support or commitment from the executive? In short, this study addresses the key question: what have been the politics that have frustrated the passage of FoI legislation in the Philippines and what lessons can be learned from this story?

This case study offers an analysis of the failure—thus far—to secure freedom of information legislation in the legislature of the Philippines, which will contribute to the overarching research on understanding the politics of social sector reform in the country. It will also analyze the interplay of actors (both supporters and opposition), incentives, and structures that shape or frustrate the reform effort. The main question that frames the analysis for the case study is this: What combination of structural and agential factors has frustrated the passing of an FOI bill in the Philippines for 15 years? It will pay particular attention to the way in which reform coalitions interacted with both the formal and informal institutional and political arrangements in the Philippines, and the way in which various political figures have used these positions and power to hold the passage of the legislation.

Subsidiary to the key research question, the following subordinate questions will also be addressed:

1. What configuration of institutions and powers sustain the status quo (no existing legislation on FoI)?
2. Who are the reform advocates (networks, coalitions, leaders)? What are their ideas, interests, and incentives?
   a. How did the reformers work politically? How did the advocacy coalition frame the issue?
   b. Who have opposed the bill? What are their ideas, interests, and incentives?
   c. What were the pro- and anti- campaign strategies? What was the context? How did the changes in the administration affect the passage of the bill?

The case study will explore the varying strategies and approaches as the campaign for passage of the bill evolved under two administrations: that of President Gloria Macapagal-Arroyo (2001-2010), when an FoI bill did progress significantly but fell short of passage, and that of the current administration of Benigno Aquino III (2010-2016) whom some perceived as supportive of an FoI bill.

Methodology

The study utilized three main analytical tools: institutional analysis, political economy analysis, and political analysis.

Institutional analysis treats institutions as the rules of the game, both formal and informal. It has as its focus the structure of the formal rules and the informal conventions and norms that shape but do not determine human behavior in social, political, and economic spheres of life. It is the interaction of institutions and organizations (games and players) that determines human action and even institutional practices (Leftwich, 2006 and 2007). Institutions may be formal, such as legal systems, constitutions, property rights laws; or informal, usually linked to cultural practices, conventions, and social norms (North, 1991). Institutions in this sense represent the scaffolding of human

society, without which stable and predictable life would be impossible. Institutions thus shape the room for maneuver in social, political, and economic life.

Political economy analysis focuses on the interests, incentives, and ideas of individuals, groups, and organizations (in short, agency) and the variety of power and influence they have at their disposal to try to achieve their aims.

Finally, **political analysis** is concerned with how these individuals and groups actually work politically to achieve their ends and interests, through and behind the institutional arrangements—their means of action, their networks, links and activities (DFID and World Bank, 2005: 1).

The study relied mainly on the following data-gathering methods: a review of official reports and documents, of related secondary literature, and key informant interviews.

Official reports and documents pertaining to the FoI advocacy and legislation included official versions of the bill, updates provided by its main sponsors, public statements released by the advocacy groups, newspaper and online articles that tackled the issue, and proposed amendments made by the study group from the Office of the President. Related literature on legislation and implementation of similar bills in other countries was also reviewed to compare experiences and trends in the advocacy for the right to information.

Key informant interviews with legislators who have both championed and filed counter legislative actions on freedom of information (policy champions such as Congressman Erin Tañada; former representative of the party-list group Citizens' Battle Against Corruption Joel Villanueva; Senator Alan Peter Cayetano; Congressman Prospero Nograles; and Congressman Rodolfo Antonino) were conducted. Research questions were also sent to the Undersecretary of the Presidential Communications Development and Strategic Planning Office (PCDSPO), which took on the lead role in the study group tasked by President Aquino to review and come up with amendments to the proposed legislation. Interviews were also conducted with lead conveners of the Access to Information Network (ATIN), which has been the main advocacy group for the passage of FoI. An interview was conducted with Secretary Florencio "Butch" Abad of the Department of Budget and

Management (DBM). Secretary Abad made the passage of the FoI Bill a main component of the Good Governance and Anti-Corruption Cluster of the cabinet, which he heads.

SECTION 2: FREEDOM OF INFORMATION IN THE PHILIPPINES

In the Philippines, support for an FoI law was shaped by a variety of different factors that included media demands for access to information from government agencies and public officials, as well as demands from civil society for greater transparency to help contain corruption and to ensure better policies for economic reforms. For example, investigative reports on the lifestyle and undeclared assets of President Joseph Estrada by the Philippine Center for Investigative Journalism helped expose his alleged corrupt practices (DAP, 2006: 45). A survey conducted by the Social Weather Stations (SWS) in 2009 showed that 70 percent of the respondents agreed that the passage of a strong law on right to information would help reduce corruption in the country.

SECTION 3: STRUCTURE AND CONTEXT

By and large, the existing formal institutions provide the legal authorization to the executive department to influence the lawmaking process. As discussed in the introduction of the book, the establishment of the Legislative Executive Development Advisory Council (LEDAC) in 1992, grants the president the power to expedite the passage of his priority legislation. Then-President Fidel Ramos signed *Republic Act 7640* creating LEDAC with the purpose of promoting consensus between the executive and the legislative on significant legislation. A primary mandate of LEDAC is to integrate legislative agendas with the national development plan and to formulate a common legislative agenda of the Executive and congress. It is within this forum that priority bills are determined. The existence of LEDAC, a formal structure, shows the interconnectedness of policy-making with executive decisions (see Chapter 3 of this volume for elaboration)

Political partisanship

However, outside of the lawmaking process per se, other institutions—both formal and informal—broaden the influence of the president over other political actors in the legislative branch of the government. Part of the presidential strength is the ability of the chief executive to mobilize political resources, one of which includes his influence over the legislative vote (Carey: 2009:173; Chapter I this volume).

In the case of the FoI Bill, a significant factor that can impact the progress of the bill is the president's clout over the political party and his power to grant incentives to members of the House of Representatives such as the release of pork barrel allocations to legislators. [not quite sure what the last part of the sentence means/implies.] The party identification of key decision-makers must always be taken into consideration when analyzing the preferences of policymakers (Beck, Clarke, Groff, Keefer and Walsh: 2001:167). As explained in Chapter 3, the party vote is a key element in securing the passage of a bill.

However, political party alliances and the president's influence over the House of Representatives can be considered as both a boon and a bane in the case of the FoI Bill. It is a boon because strong party discipline can expedite the passage of the bill, but this is dependent on the stand of the party leader, who is the president. The president's stand towards supporting a specific bill and making it a priority will signal to legislators in the supporting coalition to generally vote for the president's priority bill.

One example centers on former President Arroyo and FoI. The president publicly announced her support for the FoI Bill. The president's support was also reiterated by then-Presidential Spokesperson Gary Olivar during the 14th Congress (2007-2010). Despite these pronouncements, Arroyo, however, did not make the FoI Bill a priority, specifically in the LEDAC. Hence, the FoI Bill did not progress even if Arroyo had a majority in the House of the Representatives. Aquino provides another example. He made the passage of the FoI Bill a campaign promise in the 2010 presidential elections. In January 2012, the president even gave directives that congress should "push forward" with the passage of the bill. It is important to note that even with these pronouncements, Aquino did not make FoI a priority bill. In

February 2012, the Office of the President submitted its version of the bill to the House Committee on Public Information, chaired by a political party mate of the president, Representative Ben Evardone. In July 2012, Aquino failed to mention the FoI Bill in his 3rd State of the Nation Address (SONA).

SECTION 4: PLAYERS

The majority of advocates work under the broad informal coalition called the Right to Know! Right Now coalition. It is composed of 160 civil society organizations, which has been the main force pushing for the passage of the FoI Bill. It started as a loose network of lawyers' groups, media organizations, and economic reform groups. Its origins can be traced as far back as 1998, when the Philippine Center for Investigative Journalism (PCIJ), a media organization and Action for Economic Reforms (AER), a policy group, explored efforts to pass FoI legislation. Several like-minded groups came together in a 2001 forum hosted by Marvic Leonen, a University of the Philippines law professor and co-founder of the Legal Rights and Natural Resources Center-Kasama sa Kalikasan (LRNRC-KSK), a lawyer's group specializing on environmental cases. Other prominent civil society organizations included Transparency and Accountability Network (TAN) and the National Institute for Policy Studies. This led to the convening of the Access to Information Network (ATIN) that supported the campaign for FoI.

ATIN later expanded to include the Center for Community Journalism and Development (CCJD), the Center for Media Freedom and Responsibility (CMFR), the National Union of Journalists of the Philippines (NUJP), the Women's Legal Bureau (WLB), and others. While five of the founding organizations were journalist or media groups, it did not include a broader network of media organization, the Kapisanan ng mga Brodkaster ng Pilipinas (KBP), which is composed of radio and television networks. In a paper written by Yvonne Chua, one of the early advocates of the FoI Bill and an investigative journalist, she pointed out that the membership of KBP in ATIN would have helped the advocacy at the early stage of the campaign.

The member organizations have a range of reasons for espousing the passage of an FoI bill. The AER believes transparency is vital in achieving economic progress; the PCIJ had experienced government's refusal to

disclose public records; the LRNRC-KSK needs access to information from public offices for the environment cases they were handling; and the TAN sees greater transparency as a tool for fighting corruption. When the groups together, they adopted a campaign perspective and aimed to have a consensus FoI bill filed—by consensus this means the bill will have consolidated inputs from the member-groups of ATIN.

Loose and Consensus-based

ATIN did not follow a formal structure, in the sense that it was not hierarchical, and roles were not formally assigned. The member organizations took on tasks based on their resources and capacity, or comparative advantage in certain areas. For example, the AER and lawyers' groups took on the policy and legal analysis, the media groups worked on information dissemination and promotion, while other coalition groups contributed to the expansion of the network. The AER and the TAN were in charge of the coordination and secretariat work. Meanwhile, lobbying the legislators is a collective effort of all the member organizations.

Out of over 100 member organizations, ATIN has a core group composed of the AER, the TAN, and the PCIJ. However, the composition of the core group is fluid, as other organizations also become part of it over time, based on their contributions (ideas, actions, resources shared) to the campaign. The strategies and actions taken by ATIN are mainly discussed through an e-group, or an online group and meetings. ATIN works on the principle of consensus, which is a primary reason why it did not adopt a formal structure and was resistant to having a secretariat. The coalition was concerned that a secretariat could take a life of its own, which could affect the character of being a coalition where unilateral actions are not encouraged. Meetings are called based on necessity and are in synch with the movement of the bill in both chambers of congress. In the 14th Congress (2007-2010), when the bill was gaining momentum, the member-groups met frequently. The network also has no fixed operational budget or main source of funds. Member organizations including those who are based in the provinces contribute resources to the network.

Broad membership, not militant

ATIN consciously cultivated a non-adversarial role. Their main strategy is to engage internal champions and lawmakers, and build credibility. It was important to avoid the label 'leftist', which had the potential risk of alienating many lawmakers. ATIN was actively involved in the policymaking process, and was part of the technical working group in the Lower House. They established links with the committee secretariat, and staff of senators and congresspersons. The coalition has engaged with lawmakers from both chambers of congress since 2001, when ATIN provided inputs to the FoI Bill filed by the CIBAC party-list group representative, Joel Villanueva.

It also conducted press conferences and forums to increase awareness of the FoI Bill. Its broad-based membership shielded it from the label 'left-leaning' and allowed it representation in legislative deliberation groups. During strategic points of the campaign, specifically at the 14th Congress, ATIN held rallies and other mass-based actions to solicit broader public support for the bill.

Expansion

ATIN took the collective decision to broaden further its membership and make it more inclusive and diverse during the 14th Congress, mainly to show lawmakers that there was considerable public demand for the passage of the bill. The effort to expand the coalition was a strategy undertaken specifically to strengthen their call for the then-Senator Ramon Revilla, Jr. to prioritize the bill.

The network members worked closely with policy champions in the Lower House mainly, Representatives Villanueva and Tañada, and in the Senate, Senators Alan Peter Cayetano and Gregorio Honasan II. ATIN's role would range from providing technical resources during policy or advocacy discussions and public hearings, to coordinating public liaisons even during the drafting of the bill, in cases when there was a need to mobilize groups to show the public clamor for an FoI bill.

Legislators

The champions of the FoI Bill in the legislature held strategic positions. Senator Cayetano was the chairman of the Committee on Public Information, while Representative Bienvenido Abante, his counterpart at the Lower House during the 14th Congress was chairman of a similar house committee (2007-2010). Their support for the passage of the FoI Bill was a crucial factor in its progress. Senator Cayetano convinced his committee to pass the bill at the senate committee level, and so did Representative Abante at the congressional level. The bill's passage at the committee level was already a milestone, especially in the Senate where the previous chairman of the Committee on Public Information, Senator Revilla, Jr., did not prioritize the FoI Bill. Other champions in the Lower House include Representative Tañada III, the head of the technical working group and CIBAC party-list Representative Joel Villanueva, who authored the bill.

It is important to note the stand of leadership in the two houses with regard to the FoI Bill. The house speaker is elected upon the backing of the president, which makes him a major ally of the president. The senate president, on the other hand, could be relatively more independent of the executive as compared to the house speaker, and has his own allies over the senate whom he can marshal in passing or opposing a particular bill.

Representative and concurrent House Speaker Prospero Nograles, like his partymate President Arroyo (both are members of Lakas Kampi), did not publicly oppose the passage of the bill because they leave themselves open to the accusation that they have something to hide and that they fear possible scrutiny if the bill is passed. However, other public officials did state on the record their reservations about the bill. In the 14th Congress (2007-2010), Camiguin Representative Pedro Romualdo said the FoI Bill could be used for extortion—media practitioners could use the information obtained to extort money from public officials. Hence, he asked for provisions that will ensure that the bill would not be abused.

As a result, another version of the FoI Bill was filed by Nueva Ecija Representative Rodolfo Antonino, which contained a provision requiring media organizations to allot space and airtime for the response of personalities

on particular news reports involving them. This echoes a similar bill filed by Senator Aquilino Pimentel—titled the Right of Reply—in 2009 which required media organizations to allot space and airtime for the response of personalities on particular news reporters involving them.

In the 15th Congress (2010-2013), Davao Representative Karlo Nograles filed an FoI bill that has a provision for the Right of Reply (Antonino) and a clause on non-retroactivity. Non-retroactivity meant the law will not apply to cases that happened before the bill was passed into law.

SECTION 5: THE POLITICS

Apart from a growing trend of adopting FoI laws around the world, there were critical junctures in late 1990s that strengthened the push for an FoI law in the country. These included:

(i) The 1997 financial crisis that showed that financial markets need to be more transparent

(ii) High-profile corruption cases, such as the alleged transfer of inalienable lands from the public domain to the private company, Amari Coastal Bay Development Corporation by President Fidel Ramos (who served from 1992-1998) and members of his administration.

As a result, a number of FoI bills were filed in the House of representatives. These did not flourish, as they were separate, individual efforts.

FoI and the Arroyo administration

The reform advocates took an adversarial or critical stance with President Arroyo from the very start of the FoI campaign, noting that the president's actions as chief executive showed her resistance in principle to

transparency in government.[37] Advocates framed their campaign with the message that the FoI Bill was necessary to ensure that access to records with regard to transactions, projects, and decisions made by the government would be made possible in the light of the alleged questionable multimillion dollar-deals under the Arroyo administration. Given the serious cases of alleged corruption during the Arroyo administration, engaging the President directly was never an option for the FoI network, neither was working with allies in her political party. Since Arroyo's allies dominated the Lower House, the advocates focused their energies on finding other champions.

Reform critical junctures

Through hard work and networking, a member of the Arroyo's political party Lakas-Kabalikat ng Malayang Pilipino or Lakas Kampi, Representative Abante paved the way for major developments in the campaign. Abante, then chairman of the Committee on Public Information, assigned Tañada, who belonged to another political party, the Liberal Party, to head the technical working group. Tañada emerged as one of the main advocates of the passage of the FoI Bill. When the advocates requested to be included as participants in the technical working group, Tañada backed their request. Tañada also consulted the contents and campaign strategies in the Lower House with the coalition.

With strong leadership from Tañada, the FoI Bill was passed in the Lower House with no major opposition in the second and third hearing. In fact, 197 out of 220 congresspersons voted to approve the bill.

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[37] These actions included: a. the issuance of *Executive Order 464*, which prohibits cabinet and senior security officials from appearing before legislative inquiries at the height of the NBN-ZTE controversy. The NBN-ZTE was a questionable contract between the government of the Philippines and the Chinese company ZTE. It was an overpriced contract involving top government officials including then President Gloria Macapagal Arroyo; and b. the denial of requests to release information on deals made with foreign governments, such as the case with the Japan-Philippine Economic Partnership Agreement. The Japan-Philippines Economic Partnership Agreement was signed by Philippines President Gloria Macapagal Arroyo and Japanese Prime Minister Junichiro Koizumi on Sept. 9, 2006. The lack of consultation over the conditions of the agreement drew criticism from different sectors. One of the most contentious parts of JPEPA is Article 29 (Originating goods) where it was feared that hazardous materials could be exported by Japan to the Philippines.

Around the same time in the Senate, the FoI Bill remained pending at the committee level. Senator Revilla chaired the Committee on Public Information and also belonged to the administration party, Lakas-Kampi. Reformers were gifted with an opportunity. When Senate President Manuel Villar resigned from his post in 2008, a rigodon[38] took place, and holders of committee chairmanships changed. This led to Revilla being replaced as chairman of the Committee on Public Information by Senator Cayetano, who supported the FoI Bill. In addition, the new senate president, Juan Ponce Enrile, also supported the FoI Bill.

Changing strategies

By February 2010, the FoI Bill was approved by both House and Senate and was referred to the bicameral conference committee. It was when the bicameral report was to be approved, that some law-makers from the lower House expressed reservations over various aspects of the bill:

(i) Camiguin Representative Pedro Romualdo claimed that the version of the FOI Bill could be used for extortion—media practitioners could use the information obtained to extort money from public officials. He suggested that there should be provisions ensuring that the bill would not be abused.

(ii) Alagad party-list Representative Rodante Marcoleta said that a Right of Reply bill (more on this below) should be passed to prevent the possible excesses of a FoI bill.

(iii) As discussed in Section 4, House Speaker Prospero Nograles said the bill should not have a retroactive effect.

Those who believed that an FoI bill would be used to attack public officials (like Alagad's Representative Marcoleta) pushed for the passage of the Right of Reply (RoR) bill. The Right of Reply Bill will mandate the media to allot significant space and airtime to the responses from personalities adversely reported on in their space. Marcoleta proposed another version of

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[38] A 'rigodon' is a dance where partners change. In the Philippines, a 'political rigodon' refers to the switching of loyalties.

an FoI bill that contained provisions similar to the RoR. In an effort to secure the support of FoI advocates for an RoR Bill, Marcoleta agreed to sign the bicameral report for FoI if in return, he would get the vote for the RoR. The advocates, however, opted not to accept this condition.

The Right of Reply Bill proved to be a formidable bargaining chip for the members of the Lower House that had reservations over the approval of the FoI Bill. Former House Speaker Prospero Nograles mentioned that Senator Pimentel asked him and other allies in the Lower House to pass the FoI Bill and the Right of Reply Bill together to address the concerns of other lawmakers. The champions of the FoI Bill in the Lower House, Representatives Lorenzo Tañada III and Joel Villanueva, did not agree to this. By this time, the advocates were also having a hard time getting all Lower House members in the bicameral committee to sign the bicameral conference committee report. Nograles assigned representatives Marcoleta, Antonino, and another ally, Representative Jesus Crispin Remulla, as members of the bicameral committee. The said members initially refused to sign the report. The advocates were able to get their signatures eventually by going to their offices and tracking them down in the plenary hall. As in the case of Remulla, advocates were able to make him sign under the glare of television cameras and while being surrounded by other members and champions in the Lower House.

Missed juncture

The advocates however lost a pivotal opportunity to push for the passage of the bill on June 3, 2010, the day before the last session of the 14th Congress. The Lower House held a session to pass a resolution convening them as a board of canvassers. The members of the coalition hatched a bold plan for the FoI champions in the Lower House to guard each microphone at the plenary session and push for the ratification of the FoI Bill first, before the lawmakers voted on the board of canvassers resolution. At that time, there were rumors that those opposed planned to hijack the session by asking if there was a quorum. If the ratification vote came before the resolution vote, quorum would be assured. Events did not turn the advocates' way. Instead, Representative Nograles suspended the session and assured the FoI advocates

that the bill would be calendared the next day, the very last day of the 14th Congress. The advocates, assuaged, agreed not to put their plan into action. It was a strategic mistake.

On June 4, 2010 (the last day of the session), Representative Romualdo questioned the quorum. He further pointed out that the FoI Bill, in its current form, could be used as a tool of harassment against public officials. He asked for a roll call to see if a quorum was present. Out of 268 members of the Lower House, only 128 responded when a roll call was taken, and the voting did not take place. The opposition had adroitly outflanked the advocates.

In hindsight, ATIN and the advocates admitted that it was a miscalculation on the part of the network, believing that the Lower House will be able to act independently of the executive. In the case of executive, President Arroyo refused to call for a special session to have the FoI Bill passed after the 14th Congress ended in 2010. Congress can hold a special session for 30 days before the next regular congress starts. The strategy to alienate the president had come back to roost.

Aquino Administration: New Opportunity and Approach

In 2010, when Benigno Aquino III was elected president, there was an increased optimism that an FoI law would be prioritized under his administration. After all, Aquino had won on an anti-corruption platform where support for the passage of a FoI bill was cited as one of the main points of his agenda.

An executive study group was established to address President Aquino's concerns about the bill.[39] The specific concerns by the president included that:

- The frank and candid deliberations during official meetings should be protected.
- The executive communications privilege should remain inviolable.
- Commercial or financial information should be protected if it

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[39] Interview with Undersecretary Manolo Quezon.

would prejudice government's ability to transact business.

- Personal privacy should be protected Inclusion of national security as grounds for invoking exceptions and not just national defense.

- A proposal for an information commission

- A concern to keep penalties to administrative and not criminal levels, except in cases of destroying documents or perjury.

The study group is headed by the Presidential Communications Development and Strategic Planning Office (PCDSO) chaired by Undersecretary Manolo Quezon. In 2011, PCDSO conducted consultations with the following: the Office of the Presidential Spokesperson, the Presidential Management Staff, the National Intelligence Coordinating Agency, the National Security Council, the Chief Presidential Legal Counsel, and the Department of Justice. One of Aquino's strongest political allies in the study group is Department of Budget and Management (DBM) Secretary Florencio 'Butch' Abad. Secretary Abad serves as the Chair of the Good Governance and Anti-Corruption Cluster, which also moved for the passage of the FoI Bill as part of the Philippine government's commitment as a member of the steering committee of the Open Government Partnership[40] (OGP). The most contentious among the recommendations for the advocates is the creation of an information commission. The head of the body is supposed to be appointed by the president. The advocates argued that the commission should be independent of the executive.

On January 4, 2012, however, President Aquino approved the final version of the bill, excluding the section on the proposed information commission. According to reports, President Aquino gave the go-signal to push the FoI Bill forward. The president made this decision following the approval of the Good Governance Plan for 2012-2016, where the FoI Bill was specified as a component of transparency plans of the government. DBM Secretary Abad took the lead in the development of the plans. He has also engaged with reform

[40] Open Government Partnership is a global initiative on securing commitment from different governments to strengthen openness (http://www.opengovpartnership. org/)

advocates including those from civil society. The OGP served as a vehicle for the advocates to communicate directly with government specifically Secretary Abad in this case, and push for the passage of the FoI Bill.

On February 3, 2012, the executive submitted its version of the FoI Bill to the Lower House. This version highlighted the need to publicly disclose the statement of assets, liabilities and net worth of lawmakers, cabinet members and supreme court justices, a provision lauded by house members who also serve as prosecutors of impeached Chief Justice Renato Corona. One of the key issues raised during Corona's impeachment trial was his failure to truthfully disclose his Statement of Assets, Liabilities, and Net worth (SALN). As of August 2012, the bill remains in a House committee.

While civil society advocates continue to press for passage of the FoI Bill, broader public support for the measure has been less vocal. This lack of clear groundswell of public support for FoI has fused with some of the President's own doubts with the result that recent legislative progress has been slow and it appears unlikely to pass during the 15th Congress. The FoI saga appears likely to spill over into yet another Congress.

SECTION 6: OUTCOMES AND LESSONS

Outcome

Recent events showed how certain political events and external commitments may shape or set pre-conditions for a reform process to move forward. In the case of the FoI Bill, the membership of the country in the steering committee of the Open Government Partnership, as discussed above, and the impeachment case against Chief Justice Renato Corona, created a political window in favor of FoI advocates. It is important to note how the Aquino administration has called for action on the FoI Bill after almost two years of not making the freedom of information a priority bill and timed this at a point when there was also concurrent campaign against the Chief Justice for his impeachment, a move that would need strong support from all sectors and the civil society.

It is also important to point out that one of the grounds of the impeachment case against the chief justice was the non-disclosure of assets in

the Statement of Assets, Liabilities and Net worth (SALN) as a public servant. Experts and political observers also believe that this was one of the reasons that led Aquino to give the go-signal for the passage of the FoI Bill as part of its broader Good Governance and Anti-Corruption agenda.

The importance of aligning interests and power (between the public good and political actors) was also demonstrated in this case as a driver of reform process. It was evident in specific instances when the current president was seen to use his enormous influence to shape the actions of the congress, especially the Lower House. Even at the early stage of his presidency, President Aquino made public pronouncements about how he considered then-Ombudsman Merceditas Gutierrez, an Arroyo appointee, as a stumbling block to his anti-corruption efforts. In early 2011, President Aquino marshaled his allies in the house of the representatives and got the numbers he needed to impeach Ombudsman Gutierrez with 212 members voting for impeachment. The President made the same deliberate actions at the height of the campaign to have Chief Justice Renato Corona removed from the post. Such use of power and influence was not wielded during the early stages of the FoI advocacy.

Lessons

Passing an FoI bill, compared to other proposed measures, can be deemed a political risk because it challenges public officials, both elected and appointed, to disclose matters on an array of sensitive subjects—the use and allocation of funds, transactions and deals processed, actions and decisions made in official capacity. Its passage, however, advocates argued, is crucial to exacting accountability among leaders in government and instituting transparency in government.

Understanding how significant policy and institutional reform in the Philippines takes place, or does not, requires one to take account of the key structural constraints and opportunities, and political windows in which reform agents, developmental entrepreneurs, or external supporters have to operate.

The case highlights a complex and highly politicized formal procedure in passing legislation where alignment of interests and power may be necessary for a legislative action or any reform process to happen. It also

points to the important role of agents as key supporters and champions, in both houses, who drive the reform process. The challenge remains however in finding policy champions who are willing to spend their political capital in driving the change.

In some instances, the leadership in both houses and the committee heads play critical roles for a bill to make real progress from initiating public hearings, bringing the bill to plenary and right through the voting process.

As shown in key parts of the FoI case, the support of an incumbent president is absolutely critical, given his or her control of formal processes by the extent of the power of the executive. In making the choice to prioritize a specific bill, a president will need to take into account a number of factors: the relative priority of one bill versus another; the strength of public opinion as well as a president's own view on a particular issue; and the likely probability of being able to get a bill approved by both houses of congress. Without a clear supportive signal from President Aquino the current chair of the Committee of Public Information has been unwilling to actively move forward the current FoI Bill. On the other hand, the executive branch has taken on itself to prepare its own version of the bill providing specific provisions to address concerns of the president. The case of the FoI Bill remains open.

Given a fluid party system and the patterns of political patronage that still define the informal institutions of power and voting, in the Lower House especially, a bill is unlikely to be approved (or even seriously discussed) without an imprimatur from the president. Legislative advocates thus need to ensure that lines of communication are opened up with the president or his inner circles. Advocates also need to be politically savvy to identify windows of opportunity when they can push for and negotiate the terms of a FoI bill with key players, especially potential presidents during election times.

Continuing to frame and publicize the issue in a locally appropriate way in the public mind should also be a central aim of the coalition. One of the criticisms of the bill and the advocacy itself was that it was always seen as an "intellectual" issue, primarily promoted by media. In fact, it was pointed out that the executive saw no urgency in acting on the freedom of information because there is no groundswell coming from different sectors. Overtime, advocates thus made a deliberate decision to expand the network to include

other sectors in the advocacy, thus the creation of Right to Know, Right Now! Coalition. While this was the case, advocates have yet to build on this strategy to be able to strengthen public clamor for it and to make the campaign a multi-sectoral effort.

Timeline: Freedom of Information Bill

Date	Milestone
1987	Philippine Constitution provides constitutional provision on the people's right to information found in the Bill of Rights
1992	Freedom of Information (FoI) Bill was first filed in Congress
1993	Advocacy for Freedom of Information was organized

1998-2001 (11th Congress)

Date	Milestone
1998-2001	FoI Bill was passed by Congress after third reading but did not progress as there was no counterpart Bill in the Senate

2001-2004 (12th Congress)

Date	Milestone
January 2004	Six versions of FoI bills filed in the House Committee of Public Information
June 2004	A Freedom of Information Bill was filed by Senator Franklin Drilon in Senate

2004-2007 13th Congress

Date	Milestone
2005	Four versions of FoI bills filed in Congress
2006	Lead advocacy group, Access to Information Network (ATIN) expanded to Right to Know Right Now Coalition

2007-2010 (14th Congress)

Date	Milestone
April 2008 (14th Congress)	House Speaker Prospero Nograles made public pronouncements of his support on policy of public disclosure and the FoI Bill
May 2008	Congress approved the FoI Bill before the close of its first regular session (197 out of 220 voted in approval of the bill
June 2008-April 2009	No significant movement of the bill in the Senate (Senator Revilla chaired the Committee on Public Information)
November 2008	Change in Senate leadership (Senator Enrile became the senate president) Senator Cayetano becomes Chairman of the Committee on Public Information Senator Cayetano adopted the version that was passed by Congress

May 2009	Senate Committee hearings on FoI Bill started
December 2009	Senate approved FoI Bill at the third and final reading
January 2010	Bicameral conference composed of representatives from Congress and Senate convened
February 2010	Senate ratified the bicameral conference report
February 2010	Ratification of the bicameral report was Included as an agenda of Congress but later on postponed for Jun e 4 session (last session of Congress)
June 4, 2010	Congress failed to ratify the FoI Bill when Representative Romualdo of Camiguin questioned the quorum

2010-2013 (15th Congress)

Date	Milestone
May-June 2010	President Benigno Aquino III won the Presidential election, Freedom of Information was cited in his "Anticorruption Platform" "Support to Uphold the people's right to information on matters of public concern and support the enactment of the Freedom of In formation Bill in Congress"
October 2010	Twelve versions of FoI Bills are filed in Congress and Senate
February 2011	FoI was not included as a priority legislative measure by President Aquino during the first Legislative Executive Development Advisory Council
February 2011	President Aquino gave a directive to the Presidential Communications Development and Strategic Planning Office (PCDSPO) to take the lead in drafting an 'Executive' branch version of the FOI Bill
September 29, 2011	At the ASEAN 100 Leadership Forum, Presid ent Aquino gave a public pronouncement on his misgivings about a FoI
September 2011	Philippines becomes signatory to Open Government Partnership
December 2011	FoI Bill has yet to pass at the Committee level in Congress.
February 2012	President Benigno Aquino III gave the go -signal to "push forward" the version drafted by the study group formed by the Office of the President.
February-June 2012	No movement of FoI in both Congress and Senate
June 2012	There was renewed call for the passage of FoI from advocates from civil society and government
October 2012	A Committee Hearing was scheduled in October but later on rescheduled for November 2012
November	The House committee on public information approved the FOI Bill with a

References

Beck, T., Clarke, G., Groff, A., Keefer, P. and Walsh, P. (2001). *New Tools in Comparative Political Economy: The Database of Political Institutions.* The World Bank Economic Review, 15(1).

Bernas, J. (2011). *Freedom of Information.* Retrieved from http://opinion.inquirer. net/15475/freedom-of-information.

Carey, J. (2009). *What Sort of Strong President?* Retrieved December 2011 from http://biblio.juridicas.unam.mx/libros/6/2748/13.pdf.

Chua, Y. (2001). *The Right to Information.* Unpublished paper.

Department for International Development (DFID) (2003). *Promoting Institutional and Organizational Development: A Source Book of Tools and Techniques.*

Department for International Development (DFID) (2009). *Political Economy Analysis How To Note.* Retrieved November 26, 2011   from http:// www.gsdrc.org/docs/open/PO58.pdf.

Grindle, M. (2001). *Despite the Odds: The Political Economy of Social Sector Reform in Latin America.* John F. Kennedy School of Government Harvard University Faculty Research Working Papers Series.

Johnston, M. (2012). *Political and Social Foundations for Reform: Anti-corruption strategies for the Philippines.* Asian Institute of Management, Manila.

Kasuya, Y. (2009). *Presidential Bandwagon: Parties and Party Systems in the Philippines.* Anvil Publishing.

Kawanaka, T. (2010). *Interaction of Powers in the Philippine Presidential System.* Institute of Developing Economies.

Leftwich, A. (2006). *What are institutions?* IPPG Briefing Paper 1. Retrieved from http://www.ippg.org.uk/publications.html.

Leftwich, A. (2007). *The Political Approach to Institutional Formation, Maintenance and Change.* IPPG Discussion Paper 14. Retrieved from http://www.ippg.org.uk/papers/dp14.pdf.

Macleod, C. (2005). *Ethical Political Conduct and Fidelity to the Democratic Ethos.* International Public Management Journal, 8 (2).

North, D. (1991). *Institutions.* The Journal of Economic Perspectives, 5(1).

Panela, R. (2011). *14th Congress Kills FOI Bill.* Retrieved December 12, 2011

from http://www.scribd.com/doc/63702771/14th-Congress-Kills-FOI-Bill.

Roberts, A. (2010). *Great Revolutionary Law The First Four Years of India's Right to Information Act.* Retrieved November 26, 2011 from http://onlinelibrary.wiley.com/doi/10.1111/j.1540-6210.2010.02224.x/pdf.

Rose-Ackerman, S., Desierto, D. and Volosin, N. (2010). *Leveraging Presidential Power: Separation of Powers without Checks and Balances in Argentina and the Philippines.* Faculty Scholarship Series, Paper 31. Retrieved January 18, 2012 from http://digitalcommons.law.yale.edu/fss_papers/31.

Spiller, P., Stein, E. and Tommasi, M. (2003). *Political Institutions, Policymaking Processes and Policy Outcomes. An Intertemporal Transactions Framework.* Mimeo, Research Department, Inter-American Development Bank.

Social Weather Stations (2010). *The 2009 SWS Surveys of Enterprises on Corruption.* Manila.

Vleugels, R. (2011). *Overview of all FOI laws.* Retrieved December 9, 2011 from http://right2info.org/access-to-information-laws.

World Bank (2008). *The Political Economy of Policy Reform: Issues and Implications for Policy Dialogue and Development.* Retrieved January 18, 2012 from http://siteresources.worldbank.org/EXTSOCIALDEV/Resources/Political_Economy_of_Policy_Reform.pdf.

World Bank Institute (2009). *Exploring the Role of Civil Society in the Formulation and Adoption of Access to Information Laws The Cases of Bulgaria, India, Mexico, South Africa, and the United Kingdom.* Access to Information Working Paper Series. Retrieved December 14, 2011 from http://wbi.worldbank.org/wbi/document/exploring-role-civil-society-formulation-and-adoption-access-information-laws.

World Bank (2005). *Tools for Institutional, Political and Social Analysis - A Sourcebook Poverty and Social Impact Analysis.* Retrieved December 5, 2011 from http://siteresources.worldbank.org/INTTOPPSISOU/Resources/Volume201Tools-Sourcebook.pdf.

World Bank Institute (2011). *The Power of Using the Right to Information*

Act in Bangladesh: Experiences from the Ground Social Sector Reform in Latin America. Retrieved December 12, 2011 from http://wbi. worldbank.org/wbi/Data/wbi/wbicms/files/drupal-cquia/wbi/ Final%20version%20%20The%20Benefits%20of%20Using%20 the%20RTI%20Act%20in%20Bangladesh.pdf.

Structure and Agency in Contentious Reform: Reproductive Health Policy in the Philippines

Jamir Niño P. Ocampo

SECTION 1. INTRODUCTION

On December 2012, the Responsible Parenthood and Reproductive Health Act of 2012 was passed into law.[41] This represents the culmination of a decade-long effort to enact a law to establish a comprehensive program on population management and reproductive health. More than ten bills[42] on population development and reproductive health (RH) have been filed in the Congress since 2001.

The Philippines is the 12th most populous country in the world with 92 million people.[43] Without adequate economic growth accompanying a rapid population growth, and with the resulting depletion of the resources of the country, poverty and unemployment are expected to worsen.[44] Reproductive health problems associated with a growing population will also worsen. Although the infant mortality rate has decreased dramatically from 221 infant deaths per 100,000 live births in 2011 to 162 deaths per 100,000 live births in 2006 (Family Health Survey 2011), the maternal mortality rate remains high at 230 deaths per 100,000 live births and has been decreasing only slowly compared to neighboring Asian countries (WHO, 2007; UNFPA, 2009; NEDA, 2010). Meanwhile, the rate of (illegal) abortions is estimated at 25 per 1,000 women of reproductive age and had been identified as significant cause of hospitalization and maternal deaths (UNFPA, 2005). On current trends, the Philippines will miss the Millennium Development Goal target for maternal

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[41] Republic Act No. 10354

[42] In this paper, population policy legislation with an emphasis on reproductive health will be labeled as "RH bills" to distinguish them from "population and development" (POPDEV) bills explained below.

[43] Global rank based on 2011 US Census Bureau while population data is based on the 2011 census by the National Statistics Office of the Philippine Government.

[44] As pointed out by a number of academic studies such as Orbeta (2002, 1998); De Dios (1993); and Orbeta and Pernia (1999).

mortality.

The long delay to institutionalize more effective population management and reproductive health programs can be largely attributed to the strong opposition of the Roman Catholic Church, whose adherents form the majority of the population. However, a conjuncture materialized in the 15th Congress due to President Aquino's public commitment to support passage of the RH Bill.

The decades-long campaign for RH bills shows that the challenge of institutional reform is not just about proposing a technically sound solution but also and more so it is about getting the politics right. What makes the RH Bill so offensive to the Catholic Church is as much the proposed technical measures as the underlying social values thought to be embodied in the bill that challenge and threaten core Catholic Church beliefs. As the Church leadership argues, "far from being simply a Catholic issue, the RH Bill is a major attack on authentic human values and on Filipino cultural values regarding human life that all of us have cherished since time immemorial (CBCP, 2011)."

To contribute to the general understanding of the politics of social reform, this case study attempts to explain the politics and history of reproductive health legislation as outcomes of the interaction between human agency and structural circumstances.

Using key informant interviews, document reviews, and field observation, this study aims to answer two key questions: what factors, in terms of structure and agency, promoted or frustrated the passage of a reproductive health bill? And did supporters work to promote RH legislation amidst strong opposition from the Roman Catholic Church?

SECTION 2. HISTORY OF THE RH BILL

Before RH bills were introduced in Congress, a set of population-related bills, called "population and development" (POPDEV) bills,[45] were introduced in the legislature. These bills employed a macroeconomic and ecological approach that puts demographic targets as the central goal of population policies and the state as the central driver of population management. But

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[45] Some of the POPDEV bills are *HB 13496* in the 9th Congress (1992-1995) and *HB 8110* in the 11th Congress (1998-2001).

none of these were enacted; a strategic reframing was needed.

The framing of population policies shifted from POPDEV to RH after the UNFPA introduced the RH framework at the International Conference on Population and Development (ICPD) in 1994. The first RH bill was filed in 2001 during the 12th Congress as *House Bill 4110* by Representative Angara-Castillo. Since then, more than ten RH bills were filed at the House of Representatives and eight bills at the Senate. As listed in Annex 1, some of the versions of the RH Bill that attracted public debate and Church condemnation are *HB 3773* in the 13th Congress (2004-2007), *HB 5043* in the 14th Congress (2007-2010), and *HB 4244* in the ongoing 15th Congress (2010-2013).

RH and POPDEV started as two subprograms that categorized population programs of the national government. While the POPDEV subprogram focused on three activities—institutional capability building, advocacy, and innovative approaches—the RH/FP (Reproductive Health/ Family Planning) subprogram evolved from a purely clinic-based approach to a combined community and clinic-based service delivery system for maternal and child health care (Orbeta et al, 2002; Jamias, 1985).

Over time, POPDEV and RH evolved from being separate subprograms into a unified, integrated paradigm that entirely framed executive and legislative policies (such a trend can be observed in Annex 1 and 2). In contrast to POPDEV, the RH framework is a human-rights-based approach that puts the state of reproductive health and reproductive rights at the center of policy interventions, and women as its central focus of concern. Such a framework for RH treats the enjoyment of reproductive rights as an end in itself rather than an intended means in achieving larger demographic goals[46]. Among the provisions of RH law (*RA 10354*) listed in the box below, some of the programs highly opposed by the Church are public access to full range of modern family planning methods including contraceptives (*RA 10354*, Sec. 7), provision of family planning supplies as essential medicines (Sec. 10), reproductive health

[46] As UNFPA (2005) notes, "the adoption of the RH framework paved the way for a holistic view of the entire reproductive process and functions, as compared to the narrower population and family planning perspectives. While many sectors saw this as a weakening of the population-development link, it has, on the other hand, stimulated the institution of a gender-responsive and rights-based approach to issues of human health and reproduction."

and sexuality education (Sec. 14), and care for post-abortion complications (Sec. 3[j]).

Box 2: Key Provisions of Republic Act 10354
(Responsible Parenthood and Reproductive Health Act of 2012)

Section 3 (j). Guiding Principles for Implementation: Recognizing that abortion is illegal the government shall ensure that all women needing care for post-abortive complications

Section 5. Midwives for Skilled Attendance: Employment of adequate number of midwives through regular employment service contracting.

Section 6. Health Care Facilities: Local government units shall endeavor to establish the capacity of hospitals to provide emergency obstetric and newborn care

Section 7. Access to Family Planning: All accredited health facilities shall provide a full range of modern family planning methods, except in specialty hospitals which may render such services on optional basis.

Section 9. The Philippine National Drug Formulary System and Family Planning Supplies:
 The National Drug Formulary shall include hormonal contraceptives, intrauterine devices, injectables and other safe, legal, non-abortifacient and effective family planning products and supplies.

Section 10. Procurement and Distribution of Family Planning Supplies: The DOH shall procure, distribute to LGUs and monitor the usage of family planning supplies for the whole country

Section 11. Integration of Responsible Parenthood and Family Planning Component in Anti-Poverty Programs: The DOH shall implement programs prioritizing full access of poor and marginalized women.

Section 13. Roles of Local Government in Family Planning Programs: The LGU shall ensure that poor families receive preferential access to services, commodities and programs for family planning.

Section 14. *Age- and Development-Appropriate Reproductive Health Education.* – The State shall provide age- and development-appropriate reproductive health education to adolescents.

While the RH Bill continued to present the burgeoning population as a social problem (RA 10354, Sec. 3[n]), it tempered such POPDEV provisions by prohibiting the setting of demographic and population targets and by arguing that mitigation of the population growth rate is incidental to the promotion of reproductive health and population development (Sec. 3[l]).

Aside from proposing an effective population policy, the RH framework fortifies the unity and inclusiveness of the reform coalition. The political posture of women's groups to previous POPDEV bills ranged from non-committal to opposition for they had a difficulty relating their agenda and missions to the macroeconomic approaches of POPDEV. When the RH Bill was introduced, a wider range of women's groups was able to identify their concerns with it, and they eventually owned the RH Bill as their frontline advocacy.[47] Such a shift in the framing eased the reservations of some women's group that population bills are always attempts towards population control abetted by foreign funders. Moreover, the rights-based framework was able to counter the claims of the Catholic Church that RH bills promote an agenda of abortion and population control.

The history of RH legislation shows that reform advocacy undergoes a constant process of evolution within an established political structure. To understand how political structures may push or pull the passage of the RH Bill, the next section discusses the institutional features and political context relevant to the bill's legislation.

SECTION 3. STRUCTURAL, POLITICAL, AND INSTITUTIONAL CONTEXT

Beneath the constitutional mandate of the legislative branch, the battle for legislation lies in the formal procedural rules and informal rules related to the legislative process. The parliamentary procedures divide the process into three stages—the first, second, and third reading (refer to Chapter 1). At each stage, RH proponents must confront particular actors acting as gatekeepers.

At the first reading, the critical gatekeeper is the chairperson of the assigned committee who decides which among the bills will be prioritized. Early RH bills at the 12th and 13th Congress were stalled at this stage due to

[47] Interview with Dr. Demeterio-Melgar dated November 11, 2011.

the inability of the committee members to finish their deliberations, as their attention and resources were eventually diverted to more pressing political issues, such as the periodic elections and the impeachment of President Estrada during the 13th Congress.

The second reading is where bills are subjected to a period of debate and amendments. At this stage, the speaker for the Lower House and the senate president for the Upper House are the gatekeepers who decide on crucial parliamentary processes such as termination of debate and the division of the house. As in the 14th and 15th Congresses, RH bills were subjected to painfully long debates at the second reading as parliamentary rules afforded anti-RH legislators the opportunity to launch long, winding interpellations and repeated inquiries. In the 14th Congress for example, the long period of debate sustained by anti-RH legislators significantly consumed the limited time of the 14th Congress until legislators shifted their attention to the approaching election period. This is an established parliamentary strategy that anti-RH in particular and status quo advocates in general have mastered. Ensuring that the period of the debate is used for a substantive, quality deliberation and not simply as a delaying tactic used by RH opponents is where the parliamentary powers of the heads of the legislative chambers as gatekeepers become critical.

In the past congresses, from the 12th to 14th Congress (2001-2010), elections and impeachments—political issues concerning massive power realignments in the state—consumed a significant share of the time and resources of the legislative effort and effectively crowded out the opportunity to pass RH legislation. The 15th Congress confronted a similar stumbling block; the impeachment proceedings against the Supreme Court Justice Corona initiated by the House of Representatives consumed the time and energy of the legislature at the expense of the RH Bill and other agenda.

Aside from the legislature, two other state structures relevant to RH legislation are LEDAC (Legislative Executive Development Advisory Council) and POPCOM (Commission on Population). Through LEDAC mechanisms, an RH bill stamped as a priority bill by the president has a far better chance of becoming law as it has greater tailwind in terms of lobbying resources and political backing by key leaders from both the executive and legislative branch

(see also Chapter I in this volume). Meanwhile, POPCOM is the executive agency mandated to act as the central coordinating and policy-making body of the government on population programs.

SECTION 4: ORIGINS

RH advocates in the Philippines look back to 1994 as a milestone, when the UNFPA introduced the RH framework during the ICPD in Cairo, Egypt. As the current secretary-general of RHAN, Dr. Junice Demeterio-Melgar, describes, "1994 was the milestone where the concept of reproductive health started, where family planning without state coercion becomes part of an integrated approach to women's health." In the key document entitled ICPD Programme of Action (ICPD-PoA, Chapter 7), the UNFPA introduced the key concepts of the RH framework, namely reproductive health and reproductive rights[48]:

> Reproductive health is a state of complete physical, mental and social well-being in all matters relating to the reproductive system and to its functions and processes. It implies that people have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this is the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility, which are not against the law, and the right of access to health-care services that will enable women to go safely through pregnancy and childbirth.

But the trigger for immediate action for an RH law in the Philippines can be traced back to 1999 when the UNFPA spearheaded another international conference called ICPD + 5, to review and appraise the implementation of the ICPD-PoA. As ICPD + 5 raised the urgency for achieving the goals of the

[48] These two concepts had been highly influential in framing RH bills in the Philippines to the point that they were copied in verbatim as a general principle of some RH bills, namely HB 4110.

ICPD-PoA, the Filipino delegates realized that the POPDEV bills running in Congress at that time were incongruent with the RH framework promoted by the international community. They also realized that the RH framework was more technically effective than the POPDEV approach, as it clearly specified RH programs, such as access to contraceptives and sex education, as state programs earmarked with government resources. Having this common understanding, the Filipino delegates agreed that a new population bill using the RH framework would be more effective. After the ICPD + 5 Conference, these delegates immediately worked on formulating an RH bill which they eventually filed at the 12th Congress in 2001.

Notable Filipino delegates at the ICPD + 5 were Congresswoman Angara-Castillo, Roberto Ador, Ramon San Pascual, and Dr. Demeterio-Melgar. In the years succeeding ICPD + 5 until the present time, these individuals played key roles in building and brokering a coalition of RH advocates who persistently campaign for the RH bill at every congress.

How, then, did these leaders and their organizations collaborate and work with other players in establishing and mobilizing the RH coalition? That is the subject of the next sections.

SECTION 5. THE PLAYERS

5.1 The RH Advocates

In 2008, the Philippine Legislators' Committee on Population and Development Foundation, Inc. (PLCPD), the Reproductive Health Alliance Network (RHAN), the Philippine NGO Council on Population, Health and Welfare, Inc. (PNGOC) and The Forum on Population and Development (The Forum) formed an NGO consortium. It received funding under the 6th Country Programme of UNFPA (2005-2011) for its advocacy projects launched during the 14th and 15th Congress.

The NGO Consortium is a grand coalition of coalitions and networks. Each founding organization organized and mobilized a particular segment of the populace into a sub-network or sub-coalition of RH advocates: The Forum built the network of eminent and influential personalities mostly from the government, academe, and business sector; the RHAN organized the

coalition of non-governmental organizations and grassroots organizations; the PNGOC led local campaign and media engagement; and the PLCPD built the coalition of individual legislators working for the RH Bill. Of the four pioneering organizations of the consortium, the PLCPD and the RHAN worked at the frontlines of lobbying the legislative. Within the broad network of the NGO consortium, the nature of relationships across the sub-networks varied between the formal and the informal. Amidst diversity of relationships, the consortium structure served as a common pool, not just for financial resources, but also for the social, human, and intellectual capital of the RH advocates.

Before delving deeper into the NGO consortium, it must be noted that there are other large coalitions that had supported the RH Bill without working directly under the consortium and without necessarily taking the frontline of the campaign—these are the Interfaith Partnership for the Promotion of Responsible Parenthood[49] and some business groups. Even if these two networks were completely autonomous from the bigger NGO Consortium, they performed critical roles during the final stretch of the RH campaign as shall be discussed in the sections below.

The PLCPD Coalition

The PLCPD is a non-profit, membership-type organization of legislators founded in 1989. Romeo Dongeto presently leads the secretariat staff as the executive director, recently succeeding Roberto Ador. Its frontline program of coalition building for legislative champions makes the PLCPD a coalition in itself. The coalition is currently composed of about 60 legislators from various political parties and affiliations as listed in Annex 3.

Since the 12th Congress, the PLCPD secretariat has taken the lead role in drafting RH bills. It facilitated consultations on the bills with its state and civil society partners. Even before the RH campaign, the PLCPD had advocated population-related policies, such as POPDEV bills. At every congress, the PLCPD prepared a legislative agenda on population and human development for their networks and champions to lobby. While the RH Bill remained to be the banner bill of the PLCPD's legislative agenda, the coalition worked to pass

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[49] This network also received support from UNFPA according to an interview with UNFPA's Advocacy Officer, Mr. Vic Horlano dated January 27, 2012.

other population-related bills, such as the Anti-Violence Against Women and the Anti-Human Trafficking Acts. From these previous legislative campaigns, the PLCPD formed a number of networks, which it later tapped for the RH campaign.

At every new congress, the secretariat runs an official membership process for legislators such as orientation and general assemblies. In exchange for their membership, PLCPD legislators are entitled to avail of the secretariat's services, such as policy research, inclusion of their respective bills into the PLCPD's legislative agenda, and civil society networking.

The contribution of the PLCPD's political savvy was clearly seen during the historic second reading of the RH Bill. At this stage, the PLCPD served as the nerve center for all RH legislators and advocates; every hour, they revised their political mapping of the fluctuating positions of all legislators, and immediately fed the political information to champion legislators and the LP leaders.

The Forum network

The Forum is an NGO that aims to build an elite network of influential personalities. Compared with other sub-networks, most members of The Forum belong to the political, economic, and intellectual elites of the country as listed in Annex 4. Some of the eminent personalities in this network are former President Ramos, Washington Sycip of the renowned SGV Company, former Prime Minister Cesar Virata, and National Scientist Mercedes Concepcion. By fielding the competence and stature of its members, The Forum aimed to address "the acute dearth of information and services on population management, health and family welfare for the underserved population" (The Forum website, 2010).

The Reproductive Health Alliance Network (RHAN) Coalition

The RHAN is the largest coalition of civil society organizations within the NGO Consortium. It was created alongside the filing of the first RH Bill at the 12th Congress, having the ultimate mission of enacting the RH Bill. Notable founding leaders of the RHAN are those Filipino delegates who attended the ICPD + 5 in Beijing in 1999. These founding leaders easily imbued ICPD's

RH framework into the advocacy mission of the coalition. At the present 15th Congress, Demeterio-Melgar acts as the secretary-general, while her organization, the Likhaan Center for Women's Health voluntarily serves as the secretariat for the coalition. The RHAN currently operating at the 15th Congress comprises of more than 30 organizations of various identities, including health service providers, women's organizations, people's organizations, party-list federations, and academic organizations.

The PNGOC network

The PNGOC is a non-profit organization that aims to address the "growing demand for NGO services in population, reproductive and sexual health and development." The organization has grown to about 97 member NGOs coming from the different islands of the country. Capitalizing on its nationwide civil society network beyond the Manila capital, the PNGOC leads the NGO Consortium in its local campaigns and media engagements.

The UNFPA

The UNFPA is one of the oldest international players that has consistently supported population programs and advocacy in the Philippines since the 1970s. What sets the UNFPA apart from other external donors is its direct financial assistance to the advocacy campaign of RH proponents. Such support is explicitly stated as Project 202 (P202), an item under the Population and Development Strategies (PDS)[50] component of the UNFPA's Sixth Country Programme. P202[51] is the main advocacy project supported by UNFPA that aims to mobilize wider support for the enhancement of policy

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[50] The country programmes of the UNFPA are recently divided into three project components, particularly (1) Population and Development Strategies (PDS), which aims to enhance policy environment for RH and POPDEV programs at the national and local level; (2) Reproductive Health (RH), which aims to improve the demand and supply side of RH services; and (3) Gender, which aims to enhance the policy and socio-cultural environment for the realization of gender rights (UNFPA, 2011). The service delivery program of the RH component always takes the lion's share of the total budget allocation of every country programme of the UNFPA.

[51] Notably, P202 is unprecedented because UNFPA had not previously included a project item that explicitly supported the coalition-building and advocacy work of its local partners.

environment underlying POPDEV and RH programs (UNFPA, 2011). From the P202 item, the present NGO Consortium acquired funding for its advocacy projects, which amounted to $2.3 million for a timeframe of five years (2005-2010).

The Interfaith Partnership for the Promotion of Responsible Parenthood

The IPPRP is a non-profit organization having wide membership from diverse faith-based organizations and churches in the country such as evangelicals, protestants, and Muslims.[52] Although there are Catholic individuals discreetly participating in IPPRP activities, the interfaith coalition does not have any representative member organizations from the Catholic Church. Last 2012, a number of churches from this network issued public statement of support and went to their own congressional representatives to lobby for the RH Bill.

Business Groups

As Congress reached the conclusion of the second reading, major business groups banded together to bolster public support for the RH Bill. Representatives of the Philippine Chamber of Commerce and Industry (PCCI), the Employment Confederation of the Philippines (ECOP), the Makati Business Club (MBC), the Management Association of the Philippines (MAP), and Philippine Business for Social Progress (PBSP) signed a "manifesto of support" calling for a national modern family planning program. The group promised to "mobilize investments for family planning and other reproductive health services".

5.2 The Opposition to RH

Sometime in 2008, the Catholic Bishops Conference of the Philippines (CBCP) and a number of church-affiliated organizations established the Pro-Life Coalition to consolidate its network into a formal coalition. In contrast

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[52] The IPPRF was established in 2003. Some of the coalition's prominent member organizations are the Iglesia ni Cristo, the Council of Christian Bishops of the Philippines, the Philippine Association of Bible and Theological Schools, and the Baptist Conference of the Philippines

to the previous situation, where the Church hierarchy spearheaded the anti-RH coalition, the present coalition attempted to situate Catholic lay people at the frontline of advocacy while the Church leadership took up the rear in a support role.

The Catholic Bishops Conference of the Philippines

The CBCP, composed of bishops and archbishops, is the highest chamber of the Catholic hierarchy that ultimately determines the position and campaign tactics of the coalition against the RH Bill and other contentious issues. Based on the CBCP's pastoral letters[53] on population-related issues from 1973 to 2011 as reviewed by Alviar (2011), CBCP had persistently opposed not just the RH Bill, but other precursors, such as the ICPD events and the POPDEV policies.

The Episcopal Commission for Family and Life (ECFL) and the Commission for Laity are two important CBCP offices leading the mobilization of the resources, networks, and personalities of the Church hierarchy and Catholic lays into an anti-RH campaign. Through the connections of ECFL with the diocese, diocesan workers, clergy, seminaries, lay groups, bishops, and other episcopal commissions, the CBCP is able to mobilize all levels of Church hierarchy from the national to the local into a coordinated campaign against the RH Bill. The ECFL also managed the technical and policy aspects of the advocacy. Meanwhile, the Commission for the Laity led in mobilizing the vast networks of the Church in civil society and the private sector. It had established connections to diocesan councils, national public and private associations of the laity, and lay-apostolic movements, association and organizations (Sangguniang Laiko ng Pilipinas, 2012).

The Pro-Life Coalition

The coalition enjoys institutionalized channels of coordination with the Church hierarchy through its alliance with the ECFL and the Commission

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[53] The pastoral letters are the CBCP's primary means to inform the entire Catholic hierarchy and community about the formal position of the Church on contentious issues such as the RH bill. The CBCP has also used pastoral letters in imploring Catholic lays to mobilize campaigns against the RH bill.

for the Laity. These two CBCP offices coordinate closely with the Pro-Life Foundation, which serves as the lead convenor and secretariat of the Pro-Life coalition.

The Pro-Life Foundation is known for its advocacy against abortion since the seventies and supported by Human Life International, a US-based pro-life group. Since then, the foundation expanded its advocacy to other perceived "anti-life" matters, such as population control, homosexuality, and euthanasia.

Another strategic member of the coalition is the Bishops-Legislators Caucus of the Philippines (BLCP). Similar to the PLCPD from the pro-RH camp, the BLCP performs the task of finding legislative champions and brokering alliances between the Church and anti-RH legislators. The NGO facilitates the regular caucus and dialogue between anti-RH legislators and bishops to plan actions on the RH Bill and other pertinent bills.

Mobilizing the massive network of the Catholic lay people against the RH Bill remained a challenge for the Pro-Life coalition. The strong opposition of the Catholic bishops to the Bill did not translate into a significant anti-RH constituency among Filipino majority. As a number of opinion surveys, public opinion has shifted in favor of the RH Bill in the last decade.[54]

SECTION 6: POLITICS

This section presents the two polarizing and counteracting political work of the pro- and anti-RH coalitions in the arena of changing socio-political junctures. Understanding the push and pull forces on RH legislation provides insights for reforms that are both technically sound, politically feasible in contentious issues such as reproductive health.

6.1 The Politics of Reform

Building and Managing the Coalition

The initial formation of the RH coalition relied on pre-existing

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[54] A Pulse Asia survey (2010) last October 2010 shows 69% of the Filipino majority support the RH Bill, while an SWS (2011) survey last June 2011 shows 68% of Filipinos agree that "the government should fund all means of family planning, be it natural or artificial means."

networks. For instance, the RHAN sourced its initial members from the PLCPD's earlier advocacy network[55] campaigning for POPDEV bills, and from the UNFPA's NGO partners working on earlier country programs. Before the PLCPD left the RHAN in 2004[56], it served as the latter's founding secretariat.

The RH coalition drew strength from its broad compass and diversity by integrating advocates from both upper, middle, and lower class sections. Rather than focusing on the strengths of their elite members, the coalition gave equal attention to developing their constituency to counteract the popular influence of the Church. However, the coalition had yet to breach the perceived strongholds of Catholic Church: the Catholic lay community and rural localities[57].

Internal tensions had arisen from the diverse interests and identities of a broadening coalition. One contention was whether or not to include POPDEV provisions into the RH Bill. Resembling the Church's position, dissenting groups from the Gabriela Women's Party and its allied NGOs called for the deletion of POPDEV sections of the RH Bill, which they claim to be coercive measures of population control.[58] Quickly exploiting this dissent as an anti-reform conjuncture, the Catholic Church publicized Gabriela's position as a news item on their website and reported that Gabriela admitted that the

[55] The PLCPD drew into the RHAN the networks from the Task Force 8110, which had been lobbying at the 11th Congress for the passage of a POPDEV bill tagged as HB 8110.

[56] As recounted by Ramon San Pascual, the PLCPD had to leave the RHAN because its coalition of legislators has its own set of decision-making that cannot be easily subsumed under the processes of the RHAN coalition. Leaving the RHAN was also a strategic measure for PLCPD legislators to reassert their autonomy and identity as a legislator-based coalition than one based in civil society, and in effect, enhanced their political clout in dealing with other key players.

[57] A recent effort was the establishment of the Catholics for Reproductive Health (C4RH) with the involvement of The Forum, which aims to make "Catholics realize that there is no dissonance with their being Catholic and simultaneously believing in the advocacy and goals of reproductive health and rights".

[58] As Gabriela Women's Party (2011) argued, "these provisions (Sec. 3, 12, and 2 of HB 4244) must be deleted in the RH bill. Otherwise, the long saga of blaming the population, and specifically women's wombs, for the rising poverty in the country continues. This wrong notion is made to persist while government and big business interests escape responsibility for the poverty they have caused this country for decades, and the ailing Philippine health system that the government has turned its back on (Gabriela Women's Party, 2011)."

RH Bill "is neither pro-poor nor pro-women" (CBCP News, 2012).

Another source of tension originated from the opposing political alliances among RH advocates with respect to the president. Inside the coalition, allies of President Aquino work with the allies of former President Arroyo. These political tensions surfaced during the first quarter of 2011 when the Arroyo camp called for an immediate disengagement from President Aquino after he at first refrained from including the RH Bill in the priority list during the first LEDAC meeting.[59]

These tensions, however, did not translate into severe conflicts. The capacity of the coalition to transcend their differences can be explained by the RH Bill itself as the coalition's basis of internal unity: whatever their political affiliation, interests, and ideologies, coalition members are expected to adhere to RH principles and to treat the RH programs as non-negotiables. The threat from the Catholic Church was another factor compelling the coalition to overcome their differences.

Leadership

Leaders of pro-RH organizations were able to mobilize sub-networks to campaign and broker collaboration among various advocates. The personal relations among these leaders have been a critical, if at times fragile thread binding various sub-networks and collectives into a grand coalition. The commitment among attendees of the 1999 ICPD + 5 was a keystone binding the present RH coalition.

The Forum's president, Benjamin De Leon, demonstrates in particular how reputation and personal networks matter in organizing and mobilizing coalition. His past career as an undersecretary working for President Ramos enabled him to recruit the former president and his allied elites as members of The Forum. His international stint as a population expert at the ASEAN and the UNESCAP afforded him close ties with external donors such as the UNFPA. Aside from currently heading the Forum as the president, De Leon had also led PLCPD as executive director and the PNGOC as a president.

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[59] Through an interview with Undersecretary Gutierrez, the Office of the President has also expressed similar difficulty in engaging some RH champions who are also staunch critics of the president.

Public personalities supportive of the RH Bill, namely Representative Edcel Lagman, Akbayan Party-List Representative Risa Hontiveros-Baraquel, and Representative Janette Garin, were vital in generating public support as they defended the RH Bill against opponents during public forums. They were the key legislative champions acting as primary authors and lead speakers for the RH Bill.

The Aquino Regime as a Reform Conjuncture

President Aquino made unprecedented gestures of support for the RH Bill that no other president initiated, signaling his sincerity to invest political capital on RH legislation at the expense of losing support from the Catholic Church. Even during his campaign for the presidential post, Aquino expressed his support for the RH Bill.

Since the start of his administration, the president made public pronouncements, in subtle or direct terms, enjoining the legislators to pass the RH Bill. Some highlighted actions of the president that are considered milestones in the RH legislation are (1) the inclusion of the RH Bill in the priority bills of LEDAC; (2) the reference to an RH bill in his 2012 State of the Nation address to Congress; and (3) the certification of an RH bill as urgent immediately after the House passed the bill during the second reading.

But understanding the presidency as a reform conjuncture does not stop with the public statement and moral suasion of the president supporting the RH Bill; it still begs the question: how did the president mobilize state and societal forces, whether within or outside the purview of his own powers, to ensure that the legislative majority votes for the RH Bill? What political resources were traded to get the votes for the RH Bill? Answers to these questions of *realpolitik* are difficult to find as they require direct information from the key players themselves.

However, some outcomes of the president's particular engagements with the legislators provide clear indications of how his support became critical to the legislation. For example, there are two critical meetings between the president and the legislators that immediately translated to advancement in the RH Bill. In August 6, 2012, a lunch meeting with about 180 legislators at Malacañang Palace resulted in a decision to end the period of interpellation.

Afterward, at about 6:00 pm, the House indeed voted to end the interpellation for the RH Bill. Such a decision was a critical milestone, as it ended the seven months of interpellation—the longest stalemate in RH legislation for the 15th Congress.

Another testimony on how presidential powers worked for RH legislation is the lunch meeting between the president and LP legislators last December 3. In that meeting, the president urged the legislators to muster a quorum that will start the period of amendments. Another critical agreement for this meeting was for LP legislators, who were against the RH Bill, to either abstain or be absent during voting sessions for the bill. Right after the meeting, quorum was effectively observed until the bill was passed on December 12, 2012[60].

The president clearly optimized the formal institutions within the purview of his presidential powers for RH legislation. Through the LEDAC, the president has worked closely with legislative representatives to prioritize enactment of the RH Bill. A clear example was the president's certification that the RH Bill was urgent; such a move accelerated the legislative process by allowing the removal of a three-day rule between the second and third reading for both chambers of Congress.

Funding reform initiatives

At the dawn of the new Aquino administration, the UNFPA (2011a:16) was keen to capitalize on emerging opportunities:

Unlike the previous Government, the new national leadership (President Benigno C. Aquino III) is favorably disposed toward PopDev, RH and Gender issues. With the new Government's thrust toward universal health care, if complemented by political will of local officials, the above-cited innovative processes and good practices in PopDev and RH should be replicable in other areas. The emergence of national and local advocates who are true believers in PopDev and RH is a major achievement.

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[60] Following the ratification of the act, a case was filed in the Supreme Court against the constitutionality of the law. On March 19, 2013, the Supreme Court voted to 10-5 in favour of suspending implementation of the law with arguments due to be heard in mid-June 2013.

Taking advantage of a supportive president, the UNFPA increased its support to advocacy campaigns from $2.3 million during the Arroyo administration (6th Country Programme) to $6.4 million during the Aquino administration (draft 7th Country Programme). Notably, the annual allocation of P202 assistance from the UNFPA's 6th Country Programme reached the highest in 2009—a strategic year to campaign for the RH Bill as part of the election issues of the 2010 elections.

Advocacy Activities

Aside from lobbying in the government, the RH coalition participated in the public opinion-making arena outside the state. Mass media is an important channel for the RH coalition to reach out to the public and generate pressures on the state from the grassroots. The coalition aired some TV commercials advocating for the RH Bill while some RH champions appeared on TV programs to discuss and defend it. To regularly inform media entities on RH and POPDEV issues, the Forum initiated a monthly symposium called USAPANG POPDEV (Population and Development Forum) and launched a national radio program. Meanwhile, the PLCPD paid tribute to journalists and writers who produced exemplary work on POPDEV issues through their annual POPDEV media awards.

In May 2011, the RH coalition launched the *Purple Ribbon for RH* campaign establishing the purple ribbon as a symbol of the fight for the RH Bill and for the larger goal of reproductive health rights. In November 2001, advocates mounted the *Occupy for RH* event, where RH advocates occupied and camped on a park across the House of Representatives for several weeks to urge the legislators to vote for the bill before the year ended.

Credible research had also equipped the coalition with the scientific information and arguments that they use to counteract the claims of the Church and to justify the RH Bill at every forum. Aside from using technical data on population and maternal mortality provided by UN bodies and local agencies, the coalition has commissioned opinion surveys to highlight the consistent support of Filipino majority for the RH Bill.

6.2 The Politics of Counter-reform

Rationale of the Opposition and Managing the Coalition

Contraceptives—one of the family-planning methods promoted by RH Bill—are "intrinsically evil" for the Catholic Church, as their use contradicts its basic teaching on sex as an exclusive act for marriage and procreation (Catechism of the Holy Catholic Church, 2370; Humanae Vitae, 14). According to the CBCP (1990b), contraceptive use replaces Catholic values on marriage and sex with a set of secular values termed as "contraceptive mentality", which they refer to as "the attitude that selfishly avoids the procreation of offspring solely because the couples do not want to bear the responsibility that comes with having a child". Citing some studies, the CBCP (2011) further argues that contraceptive use leads to health and moral hazards, such as sexual promiscuity, health, and increased HIV/AIDS cases.

The Church is also adamant against the state spearheading sex education, arguing that such a program will teach only scientific but not moral matters, and will also instill in the youth moral values that contradict Catholic teachings on "the sacredness of the gift of sex" (CBCP, 2001). As Advocacy Officer Rizalito David[61] of the Pro-Life coalition claimed, "these education programs of the RH Bill will not only condition the mind of the youth towards contraceptive mentality and abortion, but will also inculcate among the youth the values to tolerate gay identity and relationships" [as translated].

The Catholic Church elevated their critique of the technical provisions of the bill to the overall framework underpinning the RH Bill. Juxtaposing the human rights framework of RH Bill—the rights of women and men over their bodies and reproductive health—with the Catholic teachings, the Church concluded that the human rights framework of the RH Bill, by virtue of being a secular idea, must be subsumed under a higher natural, moral law of the Catholic teachings.

Advocates also assert that the RH Bill empowers women with ownership of their own bodies. This is in line with the post-modern spirit declaring that women have power over their own bodies without the dictation of any religion. How misguided this so-called "new truth" is! For, indeed, as

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[61] In an interview dated February 1, 2012

created by God our bodies are given to us to keep and nourish. We are stewards of our own bodies and we must follow God's will on this matter according to an informed and right conscience. Such a conscience must certainly be enlightened and guided by religious and moral teachings provided by various religious and cultural traditions regarding the fundamental dignity and worth of human life (CBCP, 2011).

Because the human rights framework is argued to contradict the fundamental and universal Catholic teaching, the RH Bill, in its entirety, must be opposed. According to David, to resolve internal dissent emerging from some members supporting particular provisions of RH Bill, the coalition leaders agreed that they should criticize the RH Bill in the entirety of its framework rather than on a provision-by-provision basis.

Aside from the RH framework, the Church has also attacked the POPDEV aspects of the RH Bill by discrediting the link between poverty and rapidly growing population, and by arguing that population development is not a solution to poverty, because there are real causes to poverty such as "misguided economic policies, greed, corruption, social inequities, lack of access to education, poor economic and social services, etc." (CBCP, 2011).

The argument of the anti-RH camp further evolved by linking other perceived "anti-life and anti-family" agenda to the RH framework. Reframing the RH Bill as "anti-life and anti-family" had been a potent strategy used by the anti-RH bloc to consolidate its forces and rectify internal dissent. By arguing that the RH framework opens the gate for the legislation of other "anti-life and anti-family" policies, such as abortion, divorce, Lesbian, Gays, Bisexual, and Transsexuals (LGBT) rights and even euthanasia, RH opponents are able to involve other conservative groups in their campaign.

Although the RH Bill explicitly prohibits abortion as a state policy (HB 4244, Sec. 3 [J]), RH opponents claim that the reproductive health and/or the reproductive rights frame is a grey area that can be used to justify state initiatives for abortion. The CBCP (2003) argued that "the vague language of *House Bill 4110* referring to 'voluntary reproductive health procedures' or 'safe reproductive health care services' certainly lead to the idea that 'safe abortions' are allowable." As David elaborated, the post-abortion care provision of the RH Bill can be used by any pregnant women to justify their

abortion in the guise of abortion complications, especially since medical authorities have not yet established clear distinction between induced and spontaneous abortions.[62]

No single provision in the RH Bill explicitly or implicitly states any provision exclusively for the LGBT sector. However, David argues that the gender rights implicitly stated as general principle of the RH Bill (Sec. 2, HB 4244), can be used as the basis of future legislation that advances LGBT rights in the country. To support his point, he claims that the pending anti-gender discrimination bill is a sister bill of the RH Bill.

In the final analysis, the arguments of the RH opponents boil down to the assertion that the RH Bill threatens the social order of Philippines because it institutionalizes secular values that contradicts and displaces Catholic values.

Simply stated the RH Bill does not respect moral sense that is central to Filipino cultures. It is the product of the spirit of this world, a secularist, materialistic spirit that considers morality as a set of teachings from which one can choose, according to the spirit of the age. Some it accepts, others it does not accept. Unfortunately, we see the subtle spread of this post-modern spirit in our own Filipino society (CBCP, 2011). In the context of a secular Philippine state, such assertion blurs and threatens the constitutional separation between the church and state.

Leadership

Francisco and Fenny Tatad, known members of the Opus Dei sect, and Attorney Jo Imbong of CBCP are some leaders notable for possessing key connections within the anti-RH network. Former Senator Francisco Tatad actively campaigned against the RH Bill and other perceived "anti-Catholic" agenda, and his wife, Fenny Tatad, presently leads the BLCP after working as executive secretary of the CBCP Office on Women. Meanwhile, Imbong[63] currently works as the executive secretary of the CBCP's Legal Office, and as a consultant to other CBCP offices, such as the ECFL and the Office on Women.

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[62] In an interview dated February 1, 2012.

[63] She has also headed a number of organizations belonging to anti-RH coalitions, such as the Ang Kapatiran Party-List and the Abay Pamilya Foundation.

The Arroyo administration as an Anti-RH Conjuncture

The Arroyo administration declared natural family planning (NFP) method as the only RH policy of the government[64] at the expense of other family planning methods [Refer to Annex 1]. POPCOM, for example, had to limit the subject matter of its education services to NFP only because of a Malacañang directive. Such an "NFP-only RH policy" ran counter to the core principle of RH Bill on informed choice and on public access to all legal methods of family planning. Note that NFP is the only FP method favored by the Church. In one of Arroyo's directives (Administrative Order No. 75), the influence of the Catholic Church on Arroyo's exclusivist NFP policy was evident:

. . . Considering further that NFP is the only method acceptable to the Catholic Church, the strong potential contribution of the method to health risk reduction through partnership between church and government units cannot be over emphasized.

In implementing these NFP programs, executive agencies, particularly the DOH and the POPCOM heavily collaborated with CBCP leaders.[65] During the 14th Congress, President Arroyo actively prevented and suppressed state organs from being mobilized for RH campaign. According to some anecdotal accounts, the president instructed her legislative liaisons and allied legislators to prolong the second reading of RH Bill until the 14th Congress ends.[66] At the executive, the POPCOM's earlier advocacy work on the RH Bill was suppressed after some cabinet secretaries, speaking on behalf of the president, instructed POPCOM Executive Director Osias to "tone down" their advocacy for the RH Bill.[67]

For UNFPA, the Arroyo administration was clearly a counter-RH conjuncture

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[64] As stated in DOH Administrative Order No. 125 series of 2002 and DOH Administrative Order No. 134 series of 2004.

[65] In an interview with POPCOM Director Osias dated November 28, 2011

[66] In an interview with Dr. Demeterio-Melgar and Former Representative Hontiveros.

[67] POPCOM Executive Director Tom Osias recounted how President Arroyo rebuked him in a cabinet meeting while he was presenting a responsible sexuality program that supports usage of condoms and contraceptives. In that meeting, the president verbally directed her cabinet that she wants to promote NFP.

for RH legislation. As the UNFPA (2011a:14) reflects, "the RH Bill . . . was well on the way to passage, if not for dilatory tactics employed by administration-connected legislators and given the *coup de grace* by the national leadership's intervention." Because of the non-support by President Arroyo, the UNFPA and its partners had to modify the administrative setup of their advocacy schemes for the executive: with the POPCOM unable to advocate the RH Bill as its position was constrained by President Arroyo's "NFP-only RH policy," the managerial role over the NGO Consortium's advocacy projects was transferred from to the PLCPD while the POPCOM retained its managerial role over other government-led advocacies (UNFPA, 2011).

Funding

The Church and the Catholic community have shown to have sufficient internal resources for launching a national campaign against the RH Bill. So far this case study has not identified any external support for the anti-RH coalition.

Advocacy activities

The anti-RH coalition has become more aware of wielding its Catholic network's political clout upon politicians. Under the CBCP's directives, priests and bishops themselves talk directly with their congressmen to convince them to vote against the RH Bill (Tubeza, 2010). In an effort to mobilize Catholics to vote against politicians supporting the RH Bill, the ECFL published and distributed a leaflet entitled, "Catechism on Family and Life for the 2010 elections."

Compared to the RH advocacy, whose public mobilizations are concentrated in Metro Manila, the Church was able to organize protest actions and prayer vigils in various localities outside the capital; thousands joined the anti-RH rally spearheaded by a local bishop in Bacolod City (Gomez, 2011) and the anti-RH penitential walk initiated by church leaders in Cebu City (Avila, 2011).

The Church has also managed to use the pulpit and the holy mass to preach against the RH Bill and attack its advocates and champions. In a highlighted event, the CBCP president was reported to have threatened

President Aquino with excommunication (Tubeza, 2010). Another highlighted incident was reported in Baguio City, where a priest, during his sermon, instructed attending pro-RH parishioners to leave the mass, and mocked Former Representative Hontiveros, (ABS-CBN, 2011).

Despite these efforts, the tide of public opinion, President Aquino's quiet persuasion, supported by active behind-the-scenes lobbying, and a successful advocacy campaign the RH Bill passed both Houses of Congress with relative ease.

SECTION 7. CONCLUSION

Based on the case, the following are identified as the key features of human agency and structural factors that led to the successful introduction of the RH legislation:

(i) Resilient coalitions

Both sides mobilized and developed broad coalitions from different social class and sectors. Although broadening the coalition begat increasing heterogeneity of interests and identities, internal disunity from such heterogeneous coalition did not translate to internal fracture.

For the RH coalition, two factors account for its capacity to overcome divisive tendencies. First, the RH Bill's human rights framework worked as the narrative unifying the particular interests of coalition members into a larger collective goal. Second, the threat of the Church dictating public policy was compelling enough for diverse RH advocates to overcome differences and stay united.

(ii) Leadership

Certain leaders stood out as having the competence and connections to mobilize people and resources for the campaign. They were instrumental in overcoming the collective action problem of a broad coalition by building trust among other leaders and brokering collaborations among diverse advocates and allies.

(iii) External donors

By financially supporting the campaign projects of RH advocates, the UNFPA has been a catalytic actor for RH legislation. Thinking and working politically, the UNFPA adjusted its assistance according to the changing socio-political context: while it did not support Arroyo's exclusivist NFP policy, it intensified its assistance to the advocacy campaign during the Aquino administration, capitalizing on Aquino's support to the RH Bill.

More than providing financial aid, the UNFPA did something more vital: the its earlier technical assistance, along with that of other donors, generated spillovers—in the form of ideas, scientific data, and social networks—which were critical in the formation of the RH coalition. The RH framework, population, and maternal mortality studies, the 1994 ICPD event, and the 1999 ICPD+5 events are some spillovers from UNFPA assistances that served as the intellectual and social capital of the present RH coalition.

(iv) President's support as trigger of reform conjuncture

Given his formal and informal powers to mobilize state structures and societal forces for his priority bills, President Aquino's support for RH triggered an enabling conjuncture for RH legislation. Such prioritization proved to be a necessary condition.

On the other hand, there were a number of factors that delayed the passage of RH legislation:

(i) Equally Committed anti-RH advocates and coalitions

The anti-RH coalition spearheaded by the Catholic bishops was the strongest and most persistent force hindering RH legislation. It is politically adept and equally passionate in mobilizing its own resources, networks, and champions to prevent RH legislation. Their opposition was rooted in the defense of their deep-seated moral beliefs emanating from the Church's teachings. Attacking the perceived values of the reform policy rather than its specific provisions, and linking to other social agenda considered as antithetical to the Church's teachings has served as an effective organizing strategy of the RH opponents.

(ii) Unstable political settlements

Perennial power realignments in the Philippine political system, such as impeachment and elections, worked against the RH Bill and other reform legislation by crowding them out of the legislative agenda. During power shifts, legislators divert their energy, time, and resources to the resolution of their immediate political issues at the expense of RH legislation and other bills.

(iii) Conjunctures that maintain the status quo

The Arroyo administration frustrated RH legislation by suppressing state structures from being mobilized for the RH campaign. Having an alliance with and assistance from the Church, President Arroyo executed exclusivist NFP policy and programs that ran counter to the advocacy goals of the RH campaign.

There are a number of lessons that can be drawn from the RH reform experience:

(i)   Meaningful social reform initiatives are likely to become contentious especially when social values underlying the reform become pitted against an existing dominant culture.

(ii) To achieve reform on a contentious issue, a resilient coalition, built on trust and personal relationship among few key leaders, is instrumental to sustain a reform project over a long period of time.

(iii) Strong support (or lack thereof) from the president is a definitive reform conjuncture by mobilizing (or neutralizing) state and societal resources for gaining political support for a legislative project.

(iv) Advocacy coalitions composed of various social groups and ideological origins can take advantage of their broad and heterogeneous constituency if each of their sub-networks focuses on organizing and mobilizing particular social classes, groups, or sector.

(v) The integration of advocates, especially the partnership between elites and mass-based organizations, affords reform coalitions both the competence and constituency needed to challenge the status quo and to convince government leaders to support social reform.

(vi) Having a clear, shared set of values underlying a reform agenda is important for maintaining coalition unity and tempering divisive tendencies of a broadening coalition with heterogeneous interests and identities.

(vii) Clear and overt framing of a reform agenda can be a double-edged sword; while it can provide the narrative for a broad-based and inclusive campaign, it can also provide the ideological rationale for the formation and coalescence of opposition.

(viii) For external donors wishing to promote social change, aid needs to be flexible in accounting for changing circumstances of domestic politics. The program design of aid must be capable of intensifying advocacy support when unpredictable windows of opportunity emerge.

Annex 1. Timeline of RH Law Legislation (2001 to 2013)

Date	State Arena	Event
2001 to 2004 (12th Congress)	House	HB 4110 filed
	Senate	SB 2054 filed
2004 to 2007 (13th Congress)	House	HB 3773, HB 1808 and HB 3422 filed
	Senate	SB 1546 filed
2007 to 2010 (14th Congress)	House	HB 5043 filed
	Senate	SB 3122 filed
2010 to 2013 (15th Congress)		

Aug   Senate

Nov to Dec   Public hearing of RH   Bill by Committee on

2010	Jul to Sept	House	HB 96, HB 101, HB 513, HB 1160, HB 1520 and HB 3387 filed and referred to the Committee
	Aug	Senate	SB 2378 and SB 238 filed
	Nov to Dec	House	Public hearing of RH Bill by Committee on Population and Family Relations
2011	Jan 31	House	The Committee of Population and Family Relations unanimously approve the consolidated version of the six RH bills.
	Feb 21	House	Per Committee Report No. 466, HB 96, 101, 513, 1160, 1520 and 3387 were consolidated into HB 4244
	Mar 8	House	Start of sponsorship period
	Mar 23	House	Start of interpellation period
	Jun 6	Senate	Per Committee Report No. 49, SB 2378 and SB 238 were consolidated into SB 2865
	Jun 7	Senate	Start of sponsorship period
	Aug 17	Executive	Executive endorses RH Bill as priority measure in LEDAC meeting
	Aug 22	Senate	Start of interpellation period
2012	Jun 5	Senate	Termination of interpellation period
	Aug 6	House	Termination of interpellation period.
	Aug to Nov	House	A Technical Working Group crafted a substitute bill that would accommodate amendments from moderate oppositionists.
	Aug 13 to Sep 5	Senate	Turno en contra of Senator Tito Sotto
	Oct 9 to Dec 17	Senate	Period of Committee and Individual Amendments on SB 2865
	Nov 26	House	House votes to adopt the substitute bill via a viva voce vote.
	Dec 3 to Dec 12	House	Period of Individual Amendments on HB 4244
	Dec 12	House	House votes to approve HB 4244 on 2nd reading. Nominal voting results show that HB 4244 was approved on 2nd reading by 113 yes votes (with 104 negative votes and 3 abstentions.)
	Dec 14	House	President certifies RH Bill as an urgent measure.
	Dec 17	House	House votes to approve HB 4244 on 3rd and final reading. Nominal voting results show that 133 voted in favor of the bill's approval, with 79 negative votes and 7 abstention.
		Senate	Senate approves SBN 2865 on 2nd reading via a 13 versus 8 vote Senate approves SBN 2865 on 3rd reading and final via a 13 versus 8 vote
	Dec 18	House and Senate	Bicameral conference committee meeting drafts Committee Report on RH Bill
	Dec 21		President Aquino III had signed into law RA Reproductive Health Act of 2012
2013	Mar 19	Judiciary	The Supreme Court on Tuesday stopped for 120

			final via a 13 versus 8 vote
	Dec 18	House and Senate	Pre-bicameral conference meeting
	Dec 19	House and Senate	Bicameral conference committee meeting drafts the new bill text based on House and Senate versions of the bill
			House and Senate ratifies Conference Committee Report on RH Bill
	Dec 21	Executive	President Aquino III had signed into law RA 10354 or Responsible Parenthood and Reproductive Health Act of 2012
2013	Mar 19	Judiciary	The Supreme Court on Tuesday stopped for 120 days the implementation of RH l10354. The court magistrates voted 10 -5 in issuing a status quo ante order against RA 10354

References

ABS-CBN News (2011). *Priest tells RH Bill supporters to leave Mass.* Retrieved March 20, 2012 from http://www.abs-cbnnews.com/nation/regions/04/19/11/priest-tells-rh-bill-supporters-leave-mass.

Alviar, N. (2011). *Identity in Contentious Politics: The Catholic Church and the Philippine Government on the Population Issue.* Dissertation, College of Social Sciences and Philosophy, University of the Philippines.

Avila, B. (2010). *Shooting Straight: Cebuanos have shown they are pro-life.* Philippine Star. Retrieved March 20, 2012 from http://www.philstar.com/Article.aspx?articleId=668843&publicationSubCategoryId.

CBCP (1990). *Guiding Principles of CBCP on Population Control.* CBCP Pastoral Letters. Retrieved March 20, 2012 from http://cbcponline.net/v2/. CBCP (2001). Saving and Strengthening the Filipino Family, CBCP Pastoral Letters. Retrieved from http://cbcponline.net/v2/.

CBCP (2003). *We Must Reject HB 4110*. CBCP Pastoral Letters. Retrieved March 20, 2012 from http://cbcponline.net/v2/.

CBCP (2011). *Choosing Life, Rejecting the RH bill.* CBCP Pastoral Letters. Retrieved March 20, 2012 from http://cbcponline.net/v2/.

CBCP News (2012). *Gabriela admits RH bill is not pro-poor, pro-women.* Retrieved March 20, 2012 from http://www.cbcpnews.com/?q=node/18629.

Gabriela Women's Party (2011). *Position Paper on HB 4244.* Retrieved March 20, 2012 from http://www.gabrielawomensparty.net/resources/documents/fight-comprehensive-health-care-women-take-

population-control-out-rh-bill.

Gomez, C. (2011). *15,000 turn up in Bacolod in Church rally vs RH bill.* Philippine Daily Inquirer. Retrieved March 20, 2012 from http://newsinfo.inquirer.net/inquirerheadlines/regions/view/20110223-321873/15000turn-up-in-Bacolod-in-Church-rally-vs-RH-bill.

Herrin, A. (2002). *Population Policy in the Philippines1969-2002.* Discussion Paper Series No. 2002-08, Philippine Institute for Development Studies.

Jamias, E. (1985) *The Philippine Population Program: An Overview.* Philippine Population Journal, Vol. 1, No. 1, 8-35.

NEDA (2010). *An MDG Challenge: Reducing maternal and infant mortality, DevPulse.* Retrieved March 20, 2012 from http://www.neda.gov.ph/devpulse/pdf_files/devpulse_maternalhealth_compressed.pdf.

Orbeta, A. Jr. (2002). *Population and Poverty: A Review of Links, Evidences and Implications for the Philippines.* Paper prepared for the 2002 Population National Congress, INNOTECH Building, Diliman, Quezon City.

Orbeta, A. Jr. (2002). *A Review of Research on Population-related Issues: 1980-2002.* Discussion Paper Series No. 2002-17, Philippine Institute for Development Studies.

Orbeta, A. Jr. and Ernesto, P. (1999). *Population Growth and Economic Development in the Philippines: What Has Been the Experience and What Must Be Done.* Discussion Paper Series No. 99-22, Philippine Institute for Development Studies.

Pulse Asia (2010). *Reproductive Health Bill.* Ulat ng Bayan. Retrieved March 20, 2012 from http://pulseasia.com.ph/pulseasia/story.asp?ID=728.

Sangguniang Laiko ng Pilipinas (2012). *Laiko Director.* Retrieved March 20, 2012 from http://laikophilippines.org/directory/index.html.

Social Weather Station (2011). *Second Quarter 2011 Social Weather Survey.* Retrieved March 20, 2012 from http://www.sws.org.ph/pr20110811.htm.

Tubeza, P. (2010a). *Aquino faces threat of excommunication.* Philippine Daily Inquirer. Retrieved March 20, 2012 from http://newsinfo.inquirer.net/inquirerheadlines/nation/view/20101001-295320/Aquino-

faces-threat-of-excommunication.

Tubeza, P. (2010b). *CBCP fights RH bill harder.* Retrieved March 20, 2012 from http://newsinfo.inquirer.net/inquirerheadlines/nation view/20101107-301849/CBCPfights-RH-bill-harder.

Tubeza, P. (2010c). *Church to use pulpit against RH bill, sex ed.* Retrieved March 20, 2012 from http://newsinfo.inquirer.net/inquirerheadlines/ nation/view/20101121-304412/Church-to-use-pulpit-against-RH-bill-sex-ed.

UNFPA (2004). *Programme of Action.* 1994 International Conference on Population and Development. Cairo.

UNFPA (2005). *Situational Analysis of the Philippine Population.*

UNFPA (2009). *Philippines: Maternal Mortality Rates Not Making Sufficient Progress to Meet MDGs, Feature Story.* Retrieved March 20, 2012 from http://www.unfpa.org/public/News/pid/2452.

UNFPA (2011a). *Evaluation of the Sixth UNFPA Country Programme to the Philippines 2005-2010.*

UNFPA (2011b). *Draft Country Programme Document for the Philippines.* United Nations.

WHO (2007). *Maternal Mortality in 2005 : Estimates developed by WHO, UNICEF, UNFPA, and The World Bank.* United Nations.

The Politics of Reform of the Philippine Education Bureaucratic Apparatus

Riza Halili

SECTION 1: INTRODUCTION

By the early 1990's, educational outcomes in the Philippines reached alarmingly poor levels. Only 58 students out of 100 Grade 1 enrollees entered high school. The 1993 National Achievement Test showed a mean percentage score of 41.8 percent. The general finding was that less than 1 percent of incoming high school freshmen had mastered the minimum requirements for elementary grades, which is why there were illiterate high school students. Furthermore, the budget was not responsive to the actual needs of the schools. There was a growing recognition that the education system was failing to teach students to become effective and productive citizens (Philippine Congress, 1991: xii). Exacerbating the problem was the growing crisis of the shortage of teachers and the rapid increase in the enrollment rate.

This chapter explores the politics of the Governance for Basic Education Act of 2001, which was passed with the intention of arresting and reversing the decline in educational outcomes.

SECTION 2: HISTORY OF PHILIPPINE EDUCATION REFORM

The fall of the Marcos dictatorship in 1986 witnessed the rise of decentralization and devolution reforms, as the succeeding administration supported legislation intended to give more autonomy to local governments (Brillantes and Moscare, 2002: 4). The most important was the Local Government Code of 1991, which devolved decisions regarding basic needs and services to local government units (LGUS). This notion of decentralization was carried over to education.

In early 1991, following lobbying by Senator Edgardo J. Angara, a well recognized champion of social reform—the, the Congressional Committee on

Education (EDCOM) was formed to review and assess the status of education in the Philippines. The establishment of the EDCOM was considered as a genuine attempt to improve the delivery of education in a country that direly needed it (Quimpo, 2011). Under the commission, experts and educators from different sectors studied the prevailing national system of education and released their report in December 1991. The EDCOM recommended:

1. Significant budget increases for education;
2. A shift to separate departments for basic, technical and vocational, and tertiary education, referred to as "tri-focalization;"
3. Decentralization and school-based management; and
4. The transfer of responsibility for sports and culture to separate government agencies to ensure clear program focus, a more rational allocation of resources, and the creation of realistic and attainable plans (Philippine Congress, 1991: xiii).

The EDCOM Report was met with resistance from Isidro Cariño, the DECS secretary at the time, when it was released in December 1991, as the report failed to recognize the various reforms he had started to decentralize the bureaucracy. In the long run, however, his reforms failed to achieve the intended impact.

Over the next decade, a series of other reforms were considered, and in some cases, introduced based on the EDCOM Report. These included:

- During the 9th Congress in 1994, both the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA) were created through *Republic Acts 7722* and *7796*, respectively. *House Bill 1619*, which concerned strengthening basic education and creating the Department of Basic Education, was presented to the 10th Congress (1995) but only reached the first reading and was not pursued further (please refer to Section 5 for a detailed discussion).

- In 1995, the DECS itself created a 10-year decentralization plan. *DECS Order No. 230* was issued in 1999 to promote school-based management, relegating decision-making from the central and regional offices to the division and school level, and involving stakeholders (DepED & TEEP, 2006:1).
- In March 1999, President Estrada issued *Executive Order Nos. 80* and *81*, which transferred all sports competition activities to the Philippine Sports Commission (PSC) and all culture-related activities to the National Commission on Culture and the Arts (NCCA).

During the same year, three house bills and one senate bill were filed during the 11th Congress, in support of improving governance in the DECS and having the department focus on basic education, decentralizing powers within the bureaucracy, and improving the overall delivery of education. The bills integrated *Executive Order Nos. 80* and *81*, which separated sports competitions and culture from DECS, thereby abolishing the Bureau of Physical Education and School Sports. These bills were consolidated and enacted into *Republic Act 9155*, or the Governance for Basic Education Act, in August 2001. The Department of Education, Culture and Sports (DECS) was finally renamed the Department of Education (DepED), some 10 years after the original EDCOM report was released.

SECTION 3: STRUCTURE AND CONTEXT

The DECS was the largest government department in the Philippines, and its successor, the Department of Education, still is. In 1988, there were 16 regional offices, 134 division offices, 2,150 district offices, approximately 36,000 public primary schools, and about 4,000 public secondary schools that handled 13,702,441 students in an archipelago of 7,107 islands (NSO, 1988: 41). As such, it accounted for a large fraction of the national budget. For example, total government expenditure for education was at Php21,992 million, which comprised 62 percent of the total expenditure on social services and 13 percent of the national budget (NSO, 1988: 235). By contrast, health expenditure accounted for only 16 percent of social services expenditure or 3

percent of the national budget (NSO, 1988: 235).

Institutional Structure

The following subsections elaborate on the formal and informal institutional structures that shaped the education bureaucracy from the late 1980's to the 1990's.

Formal Institutional Structure

The 1987 *Executive Order 117* made the education secretary the "ultimate policy maker of educational policy" (Maquiso, 1988: 41), but the decisions and laws enacted by Congress, where unambiguous, constrain any of his or her decisions. The DECS secretary served as the head, assisted by undersecretaries and assistant secretaries. The secretary, as with all department and agency secretaries, is nominated by the president and becomes formally education secretary upon approval by the Commission on Appointments. He or she also becomes a member of the president's executive cabinet. A secretary's years of service depends on the chief executive. From 1986 to 2002, the holders of the Secretary of Education portfolio served for an average of only two to three years.

The secretary was based in the central office and centrally managed the education system through the release of department memoranda and department orders (D.O.) that were distributed to the regional offices, division offices, district supervisors, and the schools. The system mandated that the central office was primarily responsible for learning and teaching standards. However, there were some functions and duties delegated to the regional offices (Cariño, 1992: 5).

Regional offices were established in each of the 16 regions to be extensions of the central office, which would regulate and supervise all educational activities within that region, with the regional director as the head. It was primarily responsible for textbook choice and preparation of the budget in its region. The regional director had the authority to hire substitute teachers (*DECS D.O. No. 59*, s. 1998), principals (*DECS D.O. No. 4*, s. 2001), and regional office staff (*DECS D.O. No. 50*, s. 1999). The regional director was also responsible for processing requests for reclassification, upgrading, and conversion of positions and other related matters in the region and concerned

division offices (*DECS D.O. No. 4*, s. 2001).

Under the regional offices, there were various division offices in provinces and cities. Schools' division superintendents headed the division office. This office was in charge of preparing the budget for its own office and schools under its jurisdiction, supervising these schools, and hiring and deploying teachers. More specifically, the superintendent was authorized to hire teachers upon approval of the regional director (*DECS DO No. 4*, s. 2001) and division staff (*DECS DO No. 50*, s. 1999).

Under the division offices were district supervisors who, within the city or province, had all heads of elementary schools, principals, and head teachers under their leadership. The supervisor took care of the plans and programs, the supervision of public and private schools, and the evaluation of education achievement within the district.

Secondary schools were independent from the district supervisor and were supervised by the school principal. Also, the department chairmen in secondary schools served as the supervisors for secondary school teachers (Zulueta, 2004: 158).

Figure 1. Diagram of the DECS Hierarchy
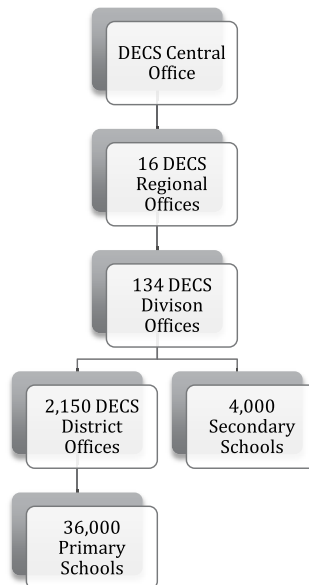
The 1991 Local Government Code also involved local government units in education through the Special Education Fund (SEF) and the local school board (LSB). The SEF is designed to finance the operation and maintenance of public schools, purchase of equipment, education research, procurement of books and periodicals, and sports development. The use of the SEF was determined by the LSB, which was co-chaired by the local chief executive and the division superintendent or the district supervisor. Other members were the education chairperson of the local legislature, the local treasurer, members of youth councils, the president of the parent-teacher association (PTA), members of local teachers' organizations, and representatives from non-academic staff of public schools (Behrman et al, 2002: 42).

Though the LGUs were empowered by the Local Government Code to raise financing for local education, the delivery of basic education remained with the DECS, as it is considered to possess the technical capacity. Similar to health, there are avenues for shared responsibility between the LGU and the national government agency (NGA) but neither entity can replace the other in the delivery of basic services. Education is one of the most valuable basic services, and thus should not be entirely left to the discretion of politicians who may use these services as political instruments that can make the services inaccessible to some groups or people.

The education department in the late 1990s can therefore be characterized as complex, rigid, centralized, highly bureaucratic, and immense. Similar to other line agencies in the Philippines, the structure created opportunities for patronage and inefficiency, which shaped the informal institutional arrangements.

Informal Institutional Structure

The informal institutional structure captures the behavior and conventions that resulted from the gaps in the formal structure, and involves the patterns of behavior, habits, and unwritten but generally adhered-to rules of the game that have persisted without the benefit of formal enactment within the bureaucracy.

In practice, though not in theory, congressional bills on education need the support of the secretary to be enacted into law. Also, because the

secretary was a presidential appointee and a member of the executive committee, he normally understood his mandate as toeing the line of the current administration.

The education department and the public schools were described as being a very top-down bureaucracy (Luz, 2009: 23). At the regional level, for example, the regional directors controlled an average of six provinces each, and they had the authority to appoint, investigate, and discipline. Informally, before decisions were made, the blessing of the regional director was needed. These pressures limited the capabilities and decision-making of the superintendent and less-empowered principals in making real-time improvements in the way they educate. In the case of teachers, they would often rather do what they were told by the principal, superintendent, or even the regional director, no matter how unreasonable, to avoid any misunderstandings for fear that they would make a mistake or lose their jobs.

The decentralization and reorganization reform concerned the redistribution of power of certain positions; therefore, incumbents of such posts had a strong interest in resisting or modifying such reforms. The secretary and the undersecretaries, because their terms last for an average of two to three years only, have less to gain directly from such a reform. They may however indirectly gain after their term, when they either run for public office, become a lobbyist, or become consultants of international aid agencies.

It was also common for public administrators and employees to find ways to make their own jobs more flexible despite the restrictive hierarchical structure, policies, rules, and regulations that imposed constraints on them (Reyes, 2009: 35). For instance, there have been cases in which some offices would include items for "ghost" teachers in the budget by including fictitious names in the payroll (Crisostomo, 2001). Schools and division offices that chose not to send reports to the central office were not penalized, because of the office's difficulties in successfully monitoring the gargantuan bureaucracy (Chua, 1999: 7). Also, there were teachers who would promote unqualified students to the next level, so that their teacher's ratings would not be affected (Rasul, 2012).

Moreover, teachers and members of the education bureaucracy were generally underpaid, making them susceptible to victimization by

bureaucratic corruption (Chua, 1999: 6). For instance, a teacher's ranking and qualification could be ignored as long as the teacher or the applicant for a position, promotion, or relocation was able to bribe (through cash or gifts) the officials processing or signing off the application; these were usually the district supervisor, superintendent, regional director, and their personnel (Chua, 1999: 73). The processing official would dictate the amount and kind of gift required in such cases. New teachers may also agree to deliver their first paycheck to his or her superior in lieu of up-front bribes (Chua, 1999: 76). Such practices persisted partly because the superior was seen as doing the applicant a favor, and upholding a debt of gratitude is a Filipino cultural norm that trumps merit in a patron-client relationship. Here, the combination of cultural norm (gratitude) and prevailing informal socio-political regime underpins the *lagay* (payoff) practice.

Thus, the education bureaucracy was very susceptible to patronage and politicking (Reyes, 2009: 28). Formally, LGUs could augment the salaries of teachers and principals through the SEF[68] (Behrman et al, 2002: 42), but informally, politicians were also known to lobby in favor of particular suppliers and contractors at DECS and to receive hefty illegitimate commissions (Chua, 1999: 7). Politicians also used their position to support teachers and school administrators who were eyeing new positions. Their political capital was also used to help members of the bureaucracy avoid being fired or relocated (Chua, 1999: 7). In turn, these teachers and school administrators assured support in the following election (Chua, 1999: 7).

Suppliers, on their own and especially those who were politically well connected, would generously bribe key players in the bureaucracy in order to bag contracts to supply uniforms, desks, and supplies, even if they were already known for ghost deliveries or incomplete or unfilled deliveries (Gonzales, 2002: 57).

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[68] Local government units, through the local school board, determines where the Special Education Fund would be spent. The SEF is only for the operation and maintenance of public schools, purchase of equipment, education research, procurement of books and periodicals, and sports development; however, there are instances in which the LGU allocates the fund to augment teacher salaries instead.

Of course, there was also PTA involvement at the school level. In fact, PTAs can be aggressive in tapping politicians for funds for school projects, especially during electoral campaign periods. There have also been cases in which the relationship between the PTA and the school principal was strained because the PTA tended to encroach upon the principal's responsibilities.

Evidently, the formal institutions in the education department still gave various members of the bureaucracy at different levels much room for discretion that would enhance their positions and careers. Taking this into account in understanding the role and power structure of these state offices and that of stakeholders in the bureaucracy illustrates that the politics of education sector reform in the Philippines, therefore, involves many internal and external players, with different degrees of power and influence, who can ultimately influence the outcome of any reform. The next section explores how these players used their power and influence to support or frustrate the initiative for education reform and their reasons for doing so.

SECTION 4: THE PLAYERS

In 1999, despite reform measures initiated by the DECS and the legislature, education outcomes continued to deteriorate. This section introduces the leaders who sought to introduce reforms based on the 1991 EDCOM Report that led to the establishment of the Department of Education in 2001.

Senator Edgardo J. Angara

Edgardo Angara was the president of the University of the Philippines from 1981 to 1987, where he strengthened the general education program and effected major re-organization of the premier university. After his UP presidency, he ran and was elected senator under the *Laban ng Demokratikong Pilipino* (LDP) banner during the 8th Congress (1987). There he became known as "Mr. Education", working for reforms as the chairman of the education committee. He was senator from 1987 to 1998 and was the senate president from 1993 to 1995.

Angara was the EDCOM's main proponent and served as its chairman in 1991. He led this committee in close partnership with Representative Carlos

M. Padilla. Other members included: Senators Santanina T. Rasul and Juan Ponce Enrile, and Representatives Ernesto S. Amatong, Cirilo Roy G. Montejo, and Salvador H. Escudero III.

During Estrada's impeachment proceedings in January 2001, Angara was appointed executive secretary for 14 days and was one of the few who stood by Estrada until the end of his presidency.

Representative Salvador H. Escudero, III

Salvador Escudero III was a member of the EDCOM. He was a congressman from 1987 to 1998 and became the chairman of the education committee at the House of Representatives throughout those years (8th to the 10th Congress). The Commission on Higher Education and the Technical Education and Skills Development Authority were established by law under his leadership.

Representative Allen S. Quimpo

Allen Quimpo was the vice chairman of the education committee at the HOR during the 10th Congress (1995). He then became the chairman of the same committee in the 11th Congress in 1998 when he was reelected. He was known for supporting numerous reforms concerning education. He was, like Angara, a member of the LDP.

Senator Teresa Aquino-Oreta

During the 11th Congress (1998), Teresa Aquino-Oreta was the chairperson of the senate education committee. She was elected house representative from 1987 to 1998 and senator from 1998 to 2004. As an affiliate of the LDP from 1988 to 2007, she was a staunch supporter of reforms that focused on education and women's rights.

Like Angara, she was part of then-President Estrada's inner circle and stood by him even through his impeachment and eventual resignation.

Education Department Secretaries

Below is a summary of the DECS secretaries from the establishment of EDCOM until the enactment of *Republic Act 9155* and the respective

presidential administration.

Table 1. Summary of DECS secretaries from 1986 to 2002

Presidential Administration and DECS Secretary		Term Duration
Corazon C. Aquino		1986 – 1992
	Isidro Cariño	1989 – 1992
Fidel V . Ramos		1992 – 1998
	Armand Fabella	1992 – 1994
	Ricardo Gloria	1994 – 1997
	Erlinda Pefianco	1997 – 1998
Joseph Estrada		1998 – 2001
	Andrew Gonzales	1998 – 2000
Gloria Macapagal -Arroyo		2001 -2010
	Raul Roco	2001 -2002

The Education Bureaucracy

Other members of the DECS bureaucracy played important roles in the reform process since it was their power, authority, and responsibilities that were being realigned by the house and senate bills. Prominent were the 16 regional directors, 134 division superintendents, 2,150 district supervisors, and the thousands of principals and teachers. They were asked to write position papers and attend hearings on any policy being contemplated. They were also highly vocal in expressing their opinion during public hearings.

Local Government Units and Civil Society Organizations

Inputs from the various LGU leaders during public hearings conducted both by the HOR and Senate were also sought. Coalitions such as the PTA, the Coordinating Council of Private Educational Associates (COCOPEA), the Alliance of Concerned Teachers (ACT), the Philippine Elementary School Principals Association (PEPSA), and the Philippine Association of Schools Superintendents (PASS) were also active in the public hearings.

International Financial Institutions

External players were the consultants implementing the Third Elementary Educational Project (TEEP), a DECS project in partnership with the World Bank and JBIC in 1998, and the Secondary Education Development Program (SEDP). The TEEP sought to improve the quality of basic education through decentralization in 23 of the poorest provinces in the Philippines by empowering the local decision makers (DepED & TEEP, 2006: 2). The project's results showed that high-performing schools have high-performing principals in terms of managerial capacity, highlighting the success of using a school-based management approach (Luz, 2008: 27). The SEDP was funded by the ADB and JBIC in 2000 and had similar outcomes as the TEEP.

The Opposition

Aside from some in the education bureaucracy, there was some opposition from bureaucracy outsiders, like coalitions of private schools and civil society organizations. The Private Schools Administration Association (PSAA) believed that the bills were not addressing the main problem, the low level of government spending on education.

Furthermore, the Legislative Watch Group deemed that changes of functions of key offices might bloat the bureaucracy even further. The group also claimed that the objectives of the bills could be achieved without legislation because the already-existing administrative authority from the Office of the Secretary would suffice. Though the opposition was able to air their objections during the public hearings, they enjoyed little support.

SECTION 5: THE POLITICS

This section examines the politics of education reform that started under the Education Commission. Its 1991 report recommended:

1. A shift to basic, technical and vocational, and tertiary, referred to as "tri-focalization";
2. Decentralization and school-based management; and
3. The transfer of responsibility for sports and culture to separate government agencies to ensure clear program focus and a more rational allocation of resources.

Tri-focalization

Upon the release of the EDCOM Report in 1991, it did not resonate well with the incumbent head of the education bureaucracy. Isidro Cariño believed that the report failed to recognize the decentralization reforms started, that it was unfamiliar with the actual situation and difficulties of the DECS, and that its recommendations were unrealistic. During his term, he identified over-centralization as the main problem of the ministry and diligently worked to reverse it (Cariño, 1992: 6). He phased out district supervisors to empower school principals through a department order and launched management-training programs. He believed that tri-focalization would not guarantee effectiveness and efficiency, and asked other members of the bureaucracy to review the recommendations and raise any concerns. However, Cariño's own reform effort did not seem to achieve the impact he had envisioned. Resistance ensued and many district offices retained the district supervisor position. In any case, Armand Fabella soon replaced him in 1992.

In 1992, Escudero was reelected and served again as chairman of the House education committee. Escudero, a member of the EDCOM, ensured that preliminary EDCOM recommendations would be realized by advocating for the tri-focalization of education through legislation (Quimpo, 2011). Those recommendations were enacted by *Republic Act 7722* that created CHED, and *RA 7796*, which created TESDA in 1994.

In order to complete the tri-focalization vision, Escudero authored *House Bill 1619* to create the Department of Basic Education and to improve its

organizational and management structure. It aimed to redefine key positions in the ministry and to redistribute administrative responsibilities, from the regional director to the superintendent, supervisors, and principals, and to separate sports and culture from the DECS. That the regional director position itself was being considered for abolition inevitably created resistance. The HB reached the first reading in the HOR in 1995 but went no further.

Ricardo Gloria, who succeeded Fabella as DECS secretary in 1994, was said to harbor plans to run for senator in the coming 1998 elections. This may have dissuaded him from supporting a further decentralization reform that would make him unpopular with the education bureaucracy (Quimpo, 2011). Likewise, the Philippine Sports Commission did not support the transfer of the *Palarong Pambansa*, an annual multi-million national sports competition handled by DECS, to the PSC. Then-PSC Chairman, Phillip Ella Juico, deemed the reform not advisable, because even if handling Palarong Pambansa would increase its budget, the PSC's organizational structure was not equipped to handle such a task (Juico, 2011).

Decentralization

The looming 1998 elections gave Angara considerable leverage being closely affiliated to the very popular presidential candidate, then-Vice President Joseph Estrada. The two decided to team up for the elections, with Estrada running for president and Angara running for vice president on the same ticket. Estrada promised Angara that the latter could still implement all of his planned reforms even if he were to lose the vice presidency (Joaquin, 2006: 145). Angara indeed lost to then-Senator Gloria Macapagal-Arroyo, while Estrada won.

Despite Angara's loss,[69] he was still able to nominate six cabinet positions in which he included Brother Andrew Gonzales, a De La Salle brother and the president of the De La Salle University at that time, as the next DECS secretary (Gonzales, 2002: 2). While both working as presidents of separate

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[69] Estrada eventually appointed Angara as Secretary of the Department of Agriculture a year after the elections, as the Philippine constitution states that no candidate who has lost in any election shall be appointed to any government office within one year of the election.

universities, Angara and Gonzales worked together in tertiary-level projects and attended two international conferences together. Though hesitant to accept the position at first, Angara persuaded Gonzales to accept (Gonzales, 2002: 2). Gonzales's top priorities during his term were those of the Estrada administration and thus of Angara.

It was during this administration that both branches of the legislature worked together to finally complete the tri-focalization of educational programs. Allen Quimpo, who was elected for the third consecutive time[70], served as the chairman of the education committee in the HOR. In the Senate, Aquino-Oreta served as the chairman of education committee. Both were members of the LDP, which was politically affiliated to both Estrada and Angara. Quimpo, along with Francis Escudero[71] and Ranjit Shahani, authored *House Bill 10732*, which sought to decentralize DECS and separate sports and culture from basic education. Aquino-Oreta authored *Senate Bill 2191,* that also aimed to decentralize the DECS. In both bills, the EDCOM Report was used as their main reference. Appendix 1 contains a timeline summarizing the chain of events concerning the proceedings for both bills.

Transfer of Sports and Culture

In the development of the EDCOM report, the separation of sports and culture from the education ministry was not a consensus sentiment among all EDCOM members. But the chair, Angara, prioritized it, and the recommendation remained part of the report, which was released in 1991 (Rasul, 2012).

It was during the start of the deliberation of the bills that *Executive Order Nos. 80* and *81* were issued that delegated all sports competition activities to the PSC and all cultural related activities to the NCCA. The EOs simply transferred the culture-related attached agencies of the DECS[72] to the NCCA. While physical education remained a facet of the DECS, all sports competition

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[70] The last consecutive time an incumbent can be elected.

[71] Francis Escudero is the son of Salvador Escudero III, who was a member of the EDCOM in 1991 and author of *House Bill 1619*, which proposed the creation of the Department of Basic Education in 1995.

[72] The DECS attached agencies were the National Historical Institute, the National Library, and the Records Management and Archives Office.

programs and activities (e.g., the Palarong Pambansa) were transferred to the PSC. This was said to be one of Gonzales's recommendations that Estrada supported during one of the closed cabinet meetings (Vanzi, 1999). The rationale was that the education ministry was already overburdened with the administration of basic education.

To ensure the salient provisions of the EOs became permanent they were included in the revised bills. Because the provisions of the EOs were already being implemented during the regional public hearings, there were no qualms about it.

Committee Public Consultation Highlights

Nationwide committee public hearings were conducted both by the House and Senate, which were attended by regional directors, superintendents, supervisors, principals, teachers, LGU representatives, and other organizations and coalitions concerning education. During these hearings, there was general approval of the decentralization efforts to respond to the inefficient education system, especially concerning the fiscal autonomy of the schools, provided that there were appropriate checks and balances in place. There was also an approval of greater empowerment to be given to the principals especially in setting the direction and goals of the school through SBM.

Because the reform likewise involved the decentralization of certain prerogatives and authorities, there was resistance that called for bargaining and negotiation to iron out conflicts arising from self-interests (Grindle, 2005: 5). The most pressing issue during the committee hearings was the position and authority of the regional director. The bills attempted to devolve some of the authority of the regional director, such as the power to appoint certain personnel, to the division superintendents. In the end, this authority was indeed relegated to the superintendents; however, the regional director would still approve staffing patterns of all employees in the division and district level.

It was also proposed that the authority to dismiss personnel was to be transferred to the superintendents. However, the superintendents themselves felt that this sensitive matter should be left to the regional directors. The

approved republic act remains silent on provisions concerning the termination of staff.

Gonzales was supportive of both bills, except for the provisions that reduced the functions of the regional director, because he saw their role as integral to the system. He supported the bills because decentralization would strengthen the fiscal autonomy of the schools and more efficiently cascade the resources throughout the bureaucracy. Although these decisions reduced the secretary's power, especially over the budget, Gonzales chose to support the reform so that his successors would be required to follow suit (Grindle, 2005: 7).

Moreover, Gonzales's support was linked to his involvement in the TEEP, which needed his overall supervision to keep the project on track for the first two years of his term. This was because the project was deemed two years late in its implementation when he assumed office. As a foreign-funded project, he felt that the reputation of the country was at stake and therefore needed his immediate attention (Gonzales 2002: 27).

He recognized the advantages of such foreign-assisted projects, especially in technical assistance. He also mentioned that these projects showed him the need to reorganize (Gonzales, 2002: 76). The TEEP was able to demonstrate how empowered principals and stakeholders would be less vulnerable to politics. It was also able to illustrate that the school must have control over resources and that division level administrators must encourage the schools by creating a secure environment in which mistakes are seen as experiences for improvement (DepEd and TEEP, 2006: 5). The TEEP's promise was discussed during the consultations with the Senate regarding decentralization and its feasibility.

The essence of the reform was to devolve important administrative authority to officials who are most familiar with ground-level problems so that decisions were more responsive and in real time. In this sense, the reform was indeed technically sound. This was achieved in the reform in terms of giving more power to the principals through SBM; however, the part of the reform that tried to devolve powerful authorities rendered the reform in its entirety as not politically feasible.

Passage of the Republic Act 9155

After the hearings on *HB 10732* and *SB 2191*, Quimpo and Aquino-Oreta had to have the bills approved by the House and the Senate, respectively.[73] As chairman of the House education committee, Quimpo established a rapport between himself and fellow members of the House, enabling him to gain their support for his advocacies. This was evidenced by the fact that the Lower House approved *HB 10732* in the first, second, and third reading unanimously and without interpellation.

The Senate, in the meantime, was already deliberating *SB 2191*. The Senate, upon receipt of *HB 10732*, recommended that the two bills should be reconciled. Therefore, a bicameral committee meeting was held on June 7, 2001, the last day of the 11th Congress. Such meetings would often last for days, so Quimpo and Aquino-Oreta, realizing that they did not have time, conducted the meeting informally. That is, the meeting was not called to order, but they still discussed the bills with other senators and congressmen, provision by provision.

During the informal session, negotiations were undertaken and some members of Congress defended the authority of the regional director. Quimpo and Aquino-Oreta thus failed to push the full decentralization of the regional director's authority. However, they were able to convince the committee of the idea that planning should be done in a bottom-up manner, starting with the principals. Upon reaching a consensus, the meeting was finally called to order, and with nobody raising any objections, approved the reconciled version.[74]

The bicameral committee report was submitted on the same day and approved by the Senate on the last day of the 11th Congress in 2001, making this one of the fastest bicameral committee meetings in Philippine legislative history. *HB 10732* and *SB 2191* lapsed into law and became *Republic Act 9155* on August 11, 2001. It is the only reorganization law that was successfully initiated by Congress.

The political process that took almost a decade to decentralize the

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[73] It should be noted that this was during the wake of Estrada's impeachment trial and subsequent resignation in late January 2001.

[74] Appendices 2-5 illustrate which provisions from the senate and house bills were carried over to the republic act.

Philippine national education department displayed how maneuvering within existing institutions can successfully see through the completion of a reform. Starting with Angara's proposal for the EDCOM and the succeeding recommendations for tri-focalization in 1991, followed by Escudero's unfortunately unsuccessful house bill to create the Department of Basic Education in 1995, and finally Quimpo and Aquino-Oreta's teamwork in negotiating with the bureaucracy and Congress to finally have the education department's decentralization enacted into law. At all stages, the reformers had to negotiate with the education bureaucracy, as the reform sought to devolve the authority of influential players. With enough political will, compromise, coordination, and strategy, the DECS was finally decentralized and renamed the Department of Education.

SECTION 7: REFORM OUTCOMES

Despite the major bureaucratic reform creating the Department of Education, education outcomes remain mixed. In 2000, the cohort survival rate was at 68 percent. By 2010, there was a marked improvement with a cohort survival rate of 75.40 percent. However, the mean passing score (MPS) of the National Achievement Test declined from 51.73 percent in 2000 to 46.30 percent in 2010.

We turn to the outcomes of the two principal reforms, decentralization and school-based management, introduced to improve educational outcomes.

Decentralization. The efforts to decentralize are also mixed. Prior to *RA 9155*, division superintendents had the authority to hire all division staff and teachers upon the approval of the regional director. Regional directors had the administrative authority to hire substitute teachers, principals, regional office staff, and to process requests for reclassification, upgrading and conversion of positions, and other related matters in the region and division offices under its jurisdiction. *RA 9155* has given the division superintendents the authority to hire all division staff, division and district supervisors, teachers, and school heads (principals) except for the assistant division superintendents. The regional director retained the authority to hire all regional office staff and is responsible for evaluating division superintendents and assistant superintendents in the region. They also have the authority to determine

the organizational component of the divisions and districts and approving proposed staffing pattern of all employees in the division and district under his or her jurisdiction. The Implementing Rules and Regulations of *RA 9155* specify that the division superintendent have disciplinary authority only over non-teaching teaching personnel under his or her jurisdiction. The regional director exercises the disciplining authority over all teaching personnel. As such, the reform did not fully decentralize.

School-based management. According to former Education Undersecretary Mike Luz, SBM was not being fully implemented due to the lack of incentives (Luz, 2008: 11). The system remains highly centralized because the mindsets of most of the people in the bureaucracy have not yet changed. In other words, the new formal rules mandated in *RA 9155* ran counter to the informal beliefs and expectations of the RA's proponents and failed to provide incentives to change behavior. Because the bureaucracy began as hierarchical and top-to-bottom, the bottom-up implementation implied by the law was difficult to achieve. However, DepEd has recently channeled more effort towards instilling change from the bottom. After years of shaping the bureaucracy to be more consultative and open, it has recently become apparent to the bureaucracy that reform is indeed necessary (Carpentero, 2012).

Some principals were able to manage their schools and become academic leaders. (Bautista, 2005: 19). In some cases, planning started from actual implementers rather than from the top of the hierarchy. Because the system has become more responsive, members of the bureaucracy can now focus on and be more accountable for their work (Quimpo, 2011).

SECTION 8: LESSONS AND POLICY MESSAGES

The education reform discussed in this chapter is an example of how social sector reform redistributes power. Despite the obvious obstacles and oppositions, there are a number of key factors that enabled the successful enactment of the reform. These factors are explored below.

Political Leadership

The educational reform was primarily initiated by politicians rather than by the bureaucracy itself or by civil society. The reformers' ability to address the actual problems in education can be questioned, because as legislators, they were and and still are essentially removed from the battleground, being external to the education bureaucracy. However, external drivers of reform are sometimes required to break the stable organizational equilibrium, especially when dealing with a reluctant bureaucracy. Moreover, being lawmakers gave the reformers the leverage to effectively pressure and if need be compromise with big players of the education department. The legislators were working on behalf of those who did not have enough clout and influence to sway their superiors.

Reforms that need a legal enactment must have the support of the Congress committee chairs. In this case, the reform finally pushed through when both committee chairpersons at the Senate and House jointly supported and pushed for decentralization. The key political struggle was to align key political supporters.

Presidential Support

Angara took advantage of his close ties to President Estrada. This gave Angara the political capital to make decentralization of the education department a priority. He was also given the chance to nominate the DECS secretary, and of course, he chose a candidate who had a similar orientation.

The EOs that transferred sports and culture to other agencies already addressed part of the reorganization/decentralization goals. Reformers may explore the possibility of skirting a long process of legislative negotiation with various stakeholders and players by having the chief executive initiate the reform via the issuance of EOs. The fact that the reforms were already in place anyway made it easy for the legislators to agree to a fait accompli.

The case study also shows the value of affiliation, as the reformers and the president were members of the same political party.

Reformers outside a bureaucracy therefore need to be both politically well informed and savvy to know where there might be sympathetic players within a bureaucracy and when and how to push for change.

Framing and Media Interest

Though the reform restructured the biggest bureaucracy in the country, the framing of the issue did not attract the media and was not controversial. The reform dealt with pertinent technical and administrative issues that affected the effective delivery of basic services which the media did not find sensational. In fact, only select groups of people are actually conversant and familiar with the facets of the education bureaucracy in the Philippines, which is why the reform did not spark general public outcry—neither did it generate much public enthusiasm.

On the other hand, it could also be the case that this reform was a pro-forma reform, which is why the media did not get involved, as it was not deemed meaningful.

Participation of External Players

The donor community helped by demonstrating through research and pilot projects the merits of certain reforms or by pointing to comparable reforms and successes elsewhere. Bureaucratic reformers could take advantage of this.

Stakeholder Support

Of course, bureaucracy reformers must realize the value of getting the buy-in of the head of the bureaucracy as an internal enabler (de Guzman, 2003: 41). Without Gonzales's support, the bill to decentralize education would not have been possible.

Public hearings gave all stakeholders a chance to comment and negotiate. This ensured that the bills contained provisions that passed the test of give and take. Subsequent negotiations tackled issues on what would work best and why, thus illustrating that technical and political issues are always present in policy or institutional reform. As such, bureaucratic inertia and strong political incentives slightly watered down the reform in the case of decentralizing some of the powers, but the negotiated bills still contained enough of a reform.

A comparison of the initially proposed bills and the finally approved republic act illustrates that provisions that were deemed "too technical" were

scrapped, possibly because these led to lengthy discussions. For instance, the house bill proposed the inclusion of a provision specifying how the division office should conduct its division performance report , which was not included in the RA. Moreover, the senate bill stated that the school should consult with teachers, parents, and the communities in preparing its annual academic program to determine budgetary requirements. In the law, this was simply stated as, "Developing the school educational program and school improvement plan." Thus, it may be advisable to capture the essence of the reform in the bills without getting too detailed. The technical details can be addressed in the Implementing Rules and Regulations.

Relationships and Networks

The success in lawmaking lies with how reformers relate to key players (Quimpo, 2011). This is evident by noting the relationship between the legislators and the president, the education secretary, and each other. Conversely, this is also evident in the strained relationship between the EDCOM with Cariño.

Also evident in the study is that strategic use of networks will benefit bureaucracy reformers. Aquino-Oreta, Quimpo, Angara, and Estrada were all members of the same party. Angara also used his network within the education sector to nominate an education ministry secretary that would be open to implementing the reform.

Moreover, pursuing bureaucratic reform must also consider the culture because this may shape the way relationships or political capital is best used. Apropos of this, Filipinos believe that having personal ties makes a big difference. The reformers in this case study not only worked with the department secretary, but also built a personal relationship with him, and this worked to their advantage.

Indeed, reform of the bureaucracy is political pursuit. The factors mentioned involved, one way or another, an understanding of the institutional structure, political economy of power, interests and incentives, and day-to-day politics of the players and working within that context. According to Quimpo, the success of the education reform is due to three factors: vision, strategy, and focus.

Appendix 1: Summary of Congress Proceedings for RA 9155

Date		Legislative Branch	Event
1999	April 28	House of Representatives	Committee Meeting Re: House Bills 2058, 6749, 5249
	April 30	Senate	Aquino-Oreta introduce s Senate Bill 1558
	May 5		First Reading of Senate Bill 1558
	May 7	House of Representatives	Committee Public Hearing, Mindanao Region
	May 28		Committee Public Hearing, Visayas Region
	March 5	Executive	Issuance of Executive Order Nos. 80 and 81
	March 24	House of Representatives	Committee Public Hearing, Luzon Region
	June 1	Senate	Committee Meeting
	August 27	House of Representatives	Joint Committee Meeting/Hearing
		Senate	
	November 24	House of Representatives	Committee Meeting
2000	February 3	Senate	Committee Meeting, Regional Consultation
	May 8	House of Representatives	First Reading of House Bill 10732 (consolidated House Bills 2058, 6749, 5249)
	July 18	Senate	Committee Meeting
	October 23	Senate	Substitution of Senate Bill 1558 with Senate Bill 2191 and First Reading
	December 11	House of Representatives	Second Reading of House Bill 10732 . House Approves.
2001	January 20	Executive	Estrada resigns from presidency.
	February 5	House of Representatives	Third Reading . House Approves.
	February 6		House sends HB 10732 to the Senate .
	February 7		Senate receives House Bill 10732 .
	May 31	Senate	Second Reading of Senate Bill 2191 . Senate approves.
	June 5	Senate	Third Reading of Senate Bill 2191 . Senate approves.
			Request for conference to streamlin ing of House Bill 10732 and Senate Bill 2191
	June 7	Senate	Streamlined bills in the form of a Conference Committee Report sent to House of Representatives for concurrence .
			House of Representatives sent to Senate recommendation for approval of Conference Committee Report .
			Senate unanimously approves Conference Committee Report .
			11th Congress sine die
	August 11		Congress consolidate s and enact s Senate Bill 2191 and House Bill 10732 into law without Executive approval , and creating Republic Act 9155.

References

Angara, E. (1992). *Health and Education For All: An Agenda For the Nineties.* Retrieved January 16, 2012 from the Ateneo de Manila Rizal Library, Loyola Heights, Quezon City.

Azfar, O. and Gurgur, T. (2005). *Does Corruption Affect Health and Education Outcomes in the Philippines?* Washington, World Bank.

Bautista, C., Bernardo, A. and Ocampo, D. (2008). *When Reforms Don't Transform: Reflections on Institutional Reforms in the Department of Education.* Human Development Network Quezon City.

Bautista, C. ed. (2005). *Transforming Education on the Ground: Fifty Studies of SBM under the Third Elementary Education Project (TEEP),* Republic of the Philippines. Retrieved January 16, 2012 from the Ateneo de Manila Rizal Library, Loyola Heights, Quezon City.

Behrman, J., Deolalikar, A. and Soon, L. (2002). *Promoting Effective Schooling through Education Decentralization in Bangladesh, Indonesia, and Philippines.* ERD Working Paper Series No. 23. Asian Development Bank, Manila.

Brillantes, A. and Moscare, D. (2002). *Decentralization and Federalism in the Philippines: Lessons from Global Community* (United Nations Public Administration Network). Retrieved February 20, 2012 from http://unpan1.un.org/intradoc/groups /public/ documents/eropa/ unpan032065.pdf.

Cadion, J. (2001). *PalarongPambansa 2011 Opens.* Frontline Mindanao Online. Retrieved January 18, 2012 from http://frontliners2009.blogspot. com/2011/05/palarong-pambansa-2011-opens.html.

Calub, J. (2010). *Improving Education via Better Governance.* DevPulse: NEDA Development Advocacy Factsheet, vol. XIV, no. 6.

Cariño, I. (1992). *Will Education Succeed?* A Compilation of Policy Statements and Speeches 1990-1992. CachoHermanos, Inc., Mandaluyong City.

Carpentero, A. (2012, March 1). Interviewed by Riza Halili.

Chua, Y. (1999). *Robbed: An Investigation of Corruption in Philippine Education* Philippine Center for Investigative Journalism, Metro Manila.

Congress of the Republic of the Philippines (2001). *History of Bills and*

Resolutions: 11th Congress. Pasay City, Republic of the Philippines.

Congress of the Republic of the Philippines (1995). *House of Representatives Committee on Education and Culture Minutes of the Meeting November 22, 1995*. Quezon City, Republic of the Philippines.

Congress of the Republic of the Philippines (1999). *House of Representatives Committee on Education and Culture Minutes of the Meeting March 24, 1999*. Quezon City, Republic of the Philippines.

Congress of the Republic of the Philippines (1999). *House of Representatives Committee on Basic Education and Culture Minutes of the Meeting April 28, 1999*. Quezon City, Republic of the Philippines.

Congress of the Republic of the Philippines (1999). *House of Representatives Committee on Education and Culture Joint Public Hearing May 7, 1999*. Quezon City, Republic of the Philippines.

Congress of the Republic of the Philippines (1999). *House of Representatives Committee on Education and Culture Minutes of the Meeting May 28, 1999*. Quezon City, Republic of the Philippines.

Congress of the Republic of the Philippines (1999). *House of Representatives Committee on Education and Culture Minutes of the Meeting August 27, 1999*. Quezon City, Republic of the Philippines.

Congress of the Republic of the Philippines (1999). *House of Representatives Committee on Education and Culture Minutes of the Meeting November 24, 1999*. Quezon City, Republic of the Philippines.

Congress of the Republic of the Philippines (2000). *House of Representatives 11th Congress Transcript of Plenary Proceedings No. 8, August 8, 2000.* Quezon City, Republic of the Philippines.

Congress of the Republic of the Philippines (2001). *Journal of the House of Representatives, 11th Congress, Third Regular Session 2000-2001, Journal No. 9*. Quezon City, Republic of the Philippines.

Congress of the Republic of the Philippines (1991). *Making Education Work: An Agenda for Reform by the Constitutional Commission on Election*. Manila and Quezon City, Government of the Republic of the Philippines.

Congress of the Republic of the Philippines (2000). *Record of the Senate: Third Regular Session, October 3 – December 13, 2000, Vol. II, Nos. 23-24.* Pasay City, Republic of the Philippines.

Congress of the Republic of the Philippines (2000). *Senate Committee on Education, Arts and Culture Regional Consultation on Governance of Basic Education, February 3, 2000*. Pasay City, Republic of the Philippines.

Congress of the Republic of the Philippines (2000). *Senate Committee on Education, Arts and Culture S.B. 1558 – Basic Education Act, May 3, 2000*. Pasay City, Republic of the Philippines.

Congress of the Republic of the Philippines (2000). *Senate Committee on Education, Arts and Culture SBN 1558 – Governance of Basic Education, July 18, 2000*. Pasay City, Republic of the Philippines.

Congress of the Republic of the Philippines (2001). *Record of the Senate: Third Regular Session, February 6 – June 7, 2001, Vol IV, Nos. 51-55, With Special Session Nos. 5 and 6.* Pasay City, Republic of the Philippines.

de Guzman, A. *School-Based Management in Philippine Basic and Higher Education Sectors: Rationale, Practices and Policy Directions.* University of Santo Tomas, Manila.

de Guzman, A. (2003). *The Dynamics of Educational Reforms in the Philippine Basic and Higher Education Sectors.* Asia Pacific Education Review vol. 4, no. 1, 39-50.

Department of Education and the Third Elementary Education Project (2006). *Operations Manual on SBM and Its Supporting Systems*. Retrieved January 16, 2012 from the Ateneo de Manila Rizal Library, Loyola Heights, Quezon City.

Department of Education, Culture and Sports (1988). *DECS Order No. 59 s. 1988 Delegation of Authority to DECS Regional Directors.* Manila.

Department of Education, Culture and Sports (1991). *DECS Order No. 71 s. 1991 Exercising Judicious Care in the Allocation of Teaching Items and Hiring and Transfer of Qualified Teachers.* Pasig City.

Department of Education, Culture and Sports (1991). *DECS Order No. 110 s. 1991 Making District Supervisor and Division Education Supervisor Positions Coterminous with the Incumbents.* Pasig City.

Department of Education, Culture and Sports (1999). *DECS Order No. 50 s. 1999 Revision on the Delegation of Authority to the Regional Directors and Schools Division Superintendents on Certain Personnel Management*

Functions. Pasig City.

Department of Education, Culture and Sports (2001). *DECS Order No. 4 s. 2001 Further Revision on the Delegation of Authority to the Regional Directors and Schools Division Superintendents.* Pasig City).

Gonzales, A. (2002). *An Unfinished Symphony: 934 Days at DECS.* Privately printed for the author. Manila.

Grindle, M. (1999). *In Quest of the Political: The Political Economy of Development Policy Making.* CID Working Paper No. 17*.*

Grindle, M. (2001). *Despite the Odds: The Political Economy of Social Sector Reform in Latin America.* John F. Kennedy School of Government, Harvard University, Faculty Research Working Papers.

Jimenez, E., Paqueo, V. and de Vera, L. (1988). *Does Local Financing Make Primary Schools More Efficient: The Philippine Case.* Policy, Planning and Research Working Papers. World Bank, Washington.

Joaquin, N. (2006). *Ed Angara: Seer of Sea and Sierra*. The University of the Philippines Press, Quezon City.

Juico, P. (2011). *Palaro should stay with DepEd.* The Philippine Star. Retrieved March 3, 2012 from http://www.philstar.com/sportsarticle.aspx?articleid=647394&publicationsubcategoryid=69.

Levi, M. and Murphy, G. (2006). *Coalitions of Contention: The Case of the WTO Protests in Seattle.* Political Studies: 2006 Vol. 54, pp 651-670.

Luz, J. M. (2008). *The Challenge of Governance in a Large Bureaucracy (Department of Education): Linking Governance to Performance in an Under-performing Sector*. Human Development Network Foundation, Inc., Quezon City.

Magno, C. (2010). *A brief history of educational assessment in the Philippines.* Educational Measurement and Evaluation Review, vol. 1, 140-149.

Maquiso, M. (1988). *Policy and Policy Making in Education: An Introduction.* National Bookstore, Inc., Metro Manila.

National Economic and Development Authority (2011). *Philippine Development Plan 2011-2016*. Pasig City, Republic of the Philippines.

National Statistics Office (1988). *Statistical Handbook of the Philippines*. Manila, Republic of the Philippines.

Reyes, V. (2009). *Corruption and Implementation: Case Studies in Philippine*

Public Administration. National College of Public Administration, Quezon City.

Quimpo, A. (2011, December 5). Interviewed by: Riza Halili & Abigail de la Cruz.

Rasul, S. (2012, February 22). Interviewed by: Riza Halili.

Republic Act No. 9155 Implementing Rules and Regulations (2012, March 24). Retrieved from http://www.fwwpp.org/BESRA_files/9155_IRR.pdf.

Ronda, R. (2011). *DepEd: Achievement rates of students declining.* The Philippine Star. Retrieved March 2, 2012 from http://www.philstar. com/Article.aspx?articleId=689846&publicationSubCategoryId.

Rules and Regulations of Republic Act No. 9155 *Governance of Basic Education Act of 2001.* Retrieved September 7, 2012 from http://www.fwwpp. org/BESRA_files/9155_IRR.pdf.

Taylor, S., Rizvi, F., Lingard, B. and Henry, M. (1997). *Educational Policy and the Politics of Change*. Routledge, New York.

Tuazon, B. (2001). *2001 seen as better year for the country.* Manila Bulletin.

Unknown (2001). *Approval of Basic Education Act – Editorial.* Manila Bulletin.

Unknown (undated). *History of the University of the Philippines.* Retrieved December 13, 2011 from http://cas.upm.edu.ph/?q=node/1.

Unknown (undated). *Profile of Senator Edgardo J. Angara.* Retrieved December 14, 2011 from http://www.edangara.com/?q=about.

Unknown (undated). *Edgardo Angara.* Retrieved February 20, 2012 from http://www.pinoyvote.net/edgardo-angara/.

Vanzi, S. (1999). *Education Dept to Drop Sports.* Philippine Headline News Online. Retrieved March 2, 2012 from http://www.newsflash. org/1999/03/sp/sp000627.htm.

Vanzi, S. (1999). *Transfer of Sports Programs from DECS Supported.* Philippine Headline News Online. Retrieved March 3, 2012 from http://www. newsflash.org/1999/03/sp/sp000637.htm.

Zulueta, F. (2004). *Foundations of Education*. National Bookstore, Mandaluyong City.

Conclusion
The Politics of Social Sector Policy Reform in the Philippines

Raul Fabella, Jaime Faustino, Adrian Leftwich and Andrew Parker[75]

This volume was conceived of during a number of discussions between AusAID and The Asia Foundation staff on how social sector reform occurs in the Philippines. Towards this end, four case studies of legislative initiatives were prepared. One case analyzed the experiences of the individuals and groups that successfully worked for the passage of the Anti-Violence against Women and their Children (Anti-VAWC) Act in 2004. The second case focuses on the so far unsuccessful effort over the past 19 years to pass freedom of information (FoI) legislation. The third documents the successful effort to pass the reproductive health (RH) legislation. The final case explored the politics of the successful reorganization effort of the *Governance for Basic Education Act* in 2001. This chapter draws together some of the object lessons from these episodes.

We cannot claim broad generality from this limited sample, and the socio-political contexts are different in each of the cases, nevertheless, there are commonalities and milestones that future advocacies may consider and strategies that stand a better chance of advancing their legislative causes.

Lessons about Selected Philippine Social Policy Reforms

Some of the lessons that can be drawn from these episodes are the following:

1. Social policy reform tends to be, as a rule, a long and complex process. It seems so in part because social policies are examples of "wicked" problems: difficult to clearly define which make the identification of clear solutions equally difficult; their

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[75] The authors would like to thank Dr. Steven Rood for his comments.

many interdependencies and multi-causal nature can lead to little or no impact or to unforeseen consequences of policy intervention.[76] In many cases, gridlock and inaction are the norm. Breaking through and building political support for something lacking in technical clarity are challenging. The effort to pass anti-VAWC legislation began in earnest in 1996 and was achieved in 2004. Through the process, there were serious disagreements and divisions among advocates that almost scuttled the advocacy. In the education reform case, the first formal efforts started in the early 90s and concluded with passage in 2001. The legislative battle for a framework for reproductive health lasted over two decades. The ongoing campaign to flesh out the constitutional provisions on freedom of information can be traced back to 1998.

2. Non-linearity with twists and turns that throw up unpredictable reform conjunctures is par for the course. Capitalizing on trigger events, windows of opportunity, or reform conjunctures can improve the likelihood of success dramatically of reform advocacies. Managing adverse events is also part of the DNA of reform. In the case of the anti-Violence Against Women and Children Act, sensational episodes of violence against women, however unfortunate and disturbing, were with sufficient imagination turned into tipping points to advance the cause. The Freedom of Information advocates recognized positive political conjunctures and were not remiss in exploiting them. The current (Aquino) administration's tilt towards transparency, accountability, and citizen engagement and its membership in the Open Government Partnership were recognized as windows for reinvigorating the push for the right to information legislation. The effort to create a comprehensive government policy and program on

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[76] Tackling Wicked Problems, A Public Policy Perspective, Australian Public Services Commission, 2007.

reproductive health had its share of negative conjunctures. The election of a new president can be seen as a conjuncture that favored reform. As a senator and as a candidate for president, President Aquino stated a commitment to passage of the Reproductive Health Bill and did not retreat from that position despite intense opposition. On the whole, however, perennial power realignments in the political system (e.g., elections, impeachments) have served to narrow the windows of passage to important legislative initiatives.

3. Social policy change that threatens to overturn long-entrenched social values—whether in fact or only in perception—of a significant number of people are difficult to engender. Even when compelling evidence of the high social cost is arrayed against these values, the political outcome of the contest often favors the latter. In the reproductive health case, reform initiatives clashed with underlying social values of the Catholic Church and other religious leaders. While some social policy proposals do not stir up such strong contrary emotions (many of these may just be pro-forma reforms), meaningful reforms are usually deeply divisive. The case of legislated reforms in governance of education is one example where the opposition by the entrenched bureaucracy was easily overcome. In this case, the challenge was how to align the formal and informal institutional and power structures within the bureaucracy. Despite the law, progress in improving educational outcomes seemed to have been stymied.

4. Legislative success does not automatically result in improved development outcomes. Weak bureaucratic implementation can be coupled with low budgetary allocations and continuing political efforts to subvert legislative intent to render some reform laws ineffective. This highlights some of the challenges of social sector reform. It is very difficult to predict with a

high level of certainty that reforms will alter incentives and behavior to improve outcomes. While this should not deter reformers, it is a reminder of the importance of identifying the technically sound, politically feasible reform.

Lessons for Advocates

These conclusions offer a number of lessons for reform advocates. Successful reform happens through a confluence of many factors that likely include strong and articulate leadership that builds and deploys visible networks and coalitions, the capacity of the advocacy to stay in the game for a long time and weather adverse setbacks, the ability to take advantage of trigger events and political conjunctures, the importance of strong and credible technical analysis, and the importance of building alliances with key stakeholders both in government and out of government.

Networks and Coalitions

Policy advocacies that are supported by visible coalitions and networks seem to command more attention than those being advocated by single organizations only, and are likely to receive more hearing from the executive and the legislature. Furthermore, advocates who work through coalitions can call on the existing structure, resources, and networks of member organizations to create a semblance of a mass movement and sustain their lobbying work.

The broader the coalition, however, the more diverse the interests that have to be placated and the more compromises need to be struck sometimes leading to the watering down of the provisions of or in the weakening of the commitment to the bill. The FOI Bill enjoyed the support of a large informally structured coalition of organizations—journalists, media, lawyers, anticorruption/good governance civil society organizations, and academics— which helped to dispel the initial impression that just one interest group, media, supported the reform. On the RH Bill, the coalitions in support are broad enough and sufficiently united to counteract the strong opposition. It has also been resilient enough as well to overcome the inevitable internal disagreements arising from the broad, diverse nature of

the coalitions' membership. The network nature of the lobby has advanced these advocacies and likely played a central role in the passage of the RH law. The delicate integration and management of advocates of diverse stripes, especially the partnership between elites and mass-based organizations, affords reform coalitions both the competence and constituency needed to convince government leaders to intervene.

Leaders and Elites

While networks and coalitions provide credibility and support for the reform initiatives, these groups are usually being driven and sustained by key individuals whose ideologies, history, vast networks, and important positions in society and government enable them to be effective leaders of coalitions. In RH and anti-VAWC, leaders were able to broker trust-building and collaborations among various advocates that did not agree with each other on a number of issues.

Passion and Commitment

Advocacy for social sector reform is often long and frustrating. Advocates should have staying power; should persist even if sometimes, it seems they are losing the battle. The Church-led counter-RH coalition proved adept at mobilizing its vast resources, networks, and champions to prevent enactment of RH bill and has been particularly effective in keeping the RH predecessors at bay. Its tremendous staying power must be matched.

Engaging and building alliances with the key government players

In each successful reform case, there were strong bonds between civil society reformers and some factions in the government that were critical for success. Reformers need to develop good relationships with key internal players in the executive and legislative branches however unpalatable this may be to some members of the coalition. The chief executive, the department secretaries and the committee chairmen in both houses of Congress, have to be drawn into the alternative worldview. This is especially true in the Philippines where the president, by virtue of formal and informal rules, is particularly powerful.

Importance of Values

Having a clear, shared set of clearly articulated values underlying a reform agenda can serve as a basis for coalition unity and longevity that can temper the centrifugal tendency of a broadening coalition with heterogeneous interests and identities. Advocacy coalitions composed of various social groups and ideological strains can take advantage of the varied competencies and strengths of its broad and heterogeneous constituency with each of its sub-network deployed to organizing and mobilizing particular social classes or sectors which they know best. Differences in ideologies are a permanent fixture in coalition-building. A major test of leadership is the ability to maintain and sustain the coalition.

Allies and political capital

A crucial part of the reform advocacy is identifying and convincing reform allies and policy champions to spend their political capital in driving the change. One should be cognizant that key policy makers face many issues at once and have a limited amount of political capital that is in competition with many other causes. Building trust and understanding the motivations and interests of political actors is an important element of the engagement.

Importance of the chief executive but with limits

Despite the efforts to increase and promote citizen participation and stronger institutions, the cases point to a realistic conclusion that the Philippine President continues to wield significant, but not overwhelming, influence over the legislative process. The likelihood of a legislative reform bill making it into law increases significantly when the issue is made a priority bill by the president. Both Anti-VAWC and RH were priority bills of the chief executive. However, passage is never a done deal. The president usually has significant influence over the House of Representatives (due to opportunistic turncoatism) and the ruling political party. Thus identifying allies from the dominant political party who can work on the president is also important in securing the first the priority list inclusion and final passage of reform measures.

Framing matters

Framing the issue in a non-confrontational manner avoids unnecessary controversy. Bringing an issue such as violence against women to the forefront and framing it in a way that enable male lawmakers to appreciate the importance of the law to women and support its passage. The male-dominated society may have long condoned some genre of actions rendered criminal by the legislation. In the FoI case, policymakers perceive the lack of broad public support of the importance of access to information and therefore are unwilling to spend their political capital. Proper framing may help. For example, the reframing of population policy as a reproductive health rather than population control issue swelled the ranks of the coalition.

Technically Sound Solutions

Advocates need not only to be armed with a strategic plan for implementing and sustaining their work, their policy advocacies have to be clear, persuasive, and most importantly, backed by facts and corroborating evidence. In acquiring the key support, reformers can use independently run studies and experiments (some done with support from international agencies) to provide evidence about the value of the reform. Precious time, effort, and political capital have been wasted because the advocacy succeeded in engendering only pro forma reform which sound good on paper but does not remove a binding constraint. While more research is needed, the education governance reform appears to exemplify such a pro forma reform.

Flexible Strategies

While policy reform advocacy needs to be well planned, advocates should also be able to quickly adjust to shifting political realities and change tactics as needed on the fly. Changing realities may call for compromises and advocates need to be ready to make them, keeping in mind their critical set of technically sound non-negotiables. Since some reforms challenge current deeply imbedded beliefs in the existing political culture, advocates should be willing to experiment with different political strategy mixes.

External Technical and Financial Support

Legislative advocacy can be an expensive battle and reform advocates often work with very limited funds. Support from donors can make a great difference. By the same token, donors need to be sensitive to the needs and preferences of the reformers and not to impose too onerous conditions on them. For external donors wishing to support social change, such as the Anti-VAWC or RH, aid needs to be flexible in accounting for changing circumstances of domestic politics: program design of aid must be capable of intensifying advocacy support during sudden windows of opportunity. External donors must themselves be flexible in extending financial aid to their state and civil society partners based on their reading of the changing socio-political context.

Aligning the stars

Successful social sector reform requires the political, public, and advocacy constituencies that are all interlinked to come together. A president is unlikely to spend his political capital on a bill that does not have clear public support nor a high probability of passing both Houses of Congress. Leaders and advocacy groups that are unable to spark the public interest, line up political reform champions, nor stay united behind a core common platform often over many years are almost certain to fail. The experience of the RH reform demonstrates how when the political, public, and advocacy stars align, reform—even on a contentious, divisive issue—has a good chance of success.

Social reform cannot be understood apart from the socio-political context in which it happens. While the idiosyncrasy of social contexts is a given, there are recognizable patterns in the universe of factors that surface repeatedly in many social reform episodes through many diverse social contexts. The role of conjunctures, those largely exogenous moments that change the political landscape and the incentives on offer, is an example. The human actors who labor long and painstakingly to enable alternative futures to be seriously considered is another; the coalitions they bring to life and the dynamics intra- and inter-coalitions, the inherited rules and institutions both formal and informal that safeguard stability at the same time that they are employed by vested interests to frustrate challenges to even patent social failures are common elements in the landscape of social change. In each

instance, local leaders, elites and coalitions—at times with support from international development partners, and other times self-funded—found the room to maneuver within the structures to achieve their alternative vision.

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Despite improved economic performance, high levels of poverty persist in the Philippines. Addressing difficult social issues requires solutions that combine technically feasible and politically possible solutions to achieve transformative change.

The four case studies presented and analyzed in this volume–on anti-violence against women and children, reproductive health, education governance and freedom of information—explore the politics of social sector reform in the Philippines. In the first three cases, advocates inside and outside of government successfully achieved their goal of introducing new laws. One case, the freedom of information bill, provides an interesting contrast as reform efforts have thus far not borne fruit.

Each case examines how leaders in civil society, government, and elected representatives engaging with policy-oriented coalitions and networks found 'room to maneuver' within the constraints to seize opportunities to introduce reform and improve well being. The cases highlight:

- how advocates and interest groups work through formal and informal channels to shape perceptions, and increase the political likelihood of their preferred choices being realized
- which factors contribute to success or failure, and
- how leaders, coalitions, and networks can be identified, supported, nurtured, and helped.
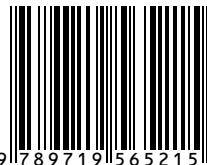
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