

THINKING AND WORKING POLITICALLY IN DEVELOPMENT

COALITIONS FOR CHANGE IN THE PHILIPPINES

John T. Sidel and Jaime Faustino

With an Afterword by Graham Teskey



The Asia Foundation

COALITIONS for **CHANGE**

The Australian Embassy - The Asia Foundation Partnership in the Philippines

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Thinking and Working Politically in Development: Coalitions for Change in the Philippines

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This book is dedicated to the memory of
Adrian Leftwich (1940-2013), with gratitude for
his friendship, for his role in inspiring
Coalitions for Change, and for bringing us
back together after so many years.

CONTENTS

MESSAGE

Chapter 1	1
INTRODUCTION	
Chapter 2	31
BEYOND BACKSTOPPING: OPPORTUNISM AND EXCISE TAX REFORM	
Chapter 3	53
SOWING SEEDS, REAPING HARVESTS: LAND GOVERNANCE REFORM	
Chapter 4	89
ORIGINAL NEW INITIATIVES: EDUCATION REFORM	
Chapter 5	119
CAMPAIGNS AND CONSPIRACIES: LOCKING IN ELECTORAL REFORMS	
Chapter 6	157
UNLOCKING LOGJAMS: DISASTER RISK REDUCTION	
Chapter 7	183
GOING LOCAL: MINDANAO AND SUBNATIONAL GOVERNANCE	
Chapter 8	209
CONCLUSIONS	
Chapter 9	221
AFTERWORD BY GRAHAM TESKEY	

MESSAGE

In 2011, I had an opportunity to take part in conceptualizing a program that aims to improve policy creation and implementation in the Philippines. The result of that work was the Coalitions for Change (CfC) program, which has been running continuously since that time. Under the partnership with the Australian Government, the Asia Foundation team in the Philippines has implemented Coalitions for Change alongside partners from civil society, academe, coalitions, and individual experts. Employing diverse approaches in navigating political complexities and challenges, CfC has succeeded in bringing about some genuinely transformative policy reforms, alongside lessons from its failures.

With this book, John T. Sidel and Jaime Faustino dig deeper into CfC's diverse streams of reforms and approaches in the past seven years. Reflecting on its body of work on land, tax, local infrastructure governance, education, electoral reform, disaster risk reduction and management, and conflict resolution, the authors assert that CfC has been at the forefront of recent trends in aid effectiveness and development around thinking and working politically, doing development differently, and adaptive programming.

As an academic who has carefully followed CfC since its inception, John Sidel's independent and objective perspective on the program's initiatives, outcomes, and impact has been valuable. Jaime Faustino, who leads CfC's implementation, meanwhile offers a front-row view of doing policy reform – both its political and technical dimensions. The result of their collaboration is a book constructively reflective of what worked and did not work in pursuit of rule-altering, sustainable, and transformative reforms in the Philippines.

Aside from the diligent research of the authors, The Asia Foundation is also grateful for the rigorous external review of experts for this publication, including an excellent and intriguing Afterword by Graham Teskey. We hope that this book serves as a valuable resource not only for aid and development practitioners, but also for scholars, policymakers, bilateral agencies, think-thanks, and anyone interested in successfully maneuvering the shifting dimensions of development in the Philippines and elsewhere.

The last recognition goes to all those who have invested their passion, expertise, and perseverance in shepherding these reforms to fruition. Those Filipino leaders from government, civil society, academe, and business are the foundation upon which CfC is able to build such a fascinating program. Mabuhay!

Sam Chittick

Country Representative, Philippines
The Asia Foundation



INTRODUCTION

Since early 2012, the Coalitions for Change (CfC) program has been operating in the Philippines under a partnership between the Australian Embassy and The Asia Foundation in Manila. Over the first six years of the program, it has provided support for successful initiatives in excise tax reform, electoral reform, and land governance reform; for substantive improvements in education, disaster risk reduction and management, and the management of local roads; and for the formal peace process and more broadly conceived conflict resolution efforts in the southern Philippines.

As suggested by its very name, CfC has worked by encouraging and enabling the formation and mobilization of coalitions and networks which combine reform “champions” in different agencies, branches, and levels of government with allies in civil society, including academic institutions, advocacy groups, business associations, the media, NGOs, “think tanks”, and religious institutions. Through the efforts of these coalitions, CfC has worked to promote “transformational change” through substantive, self-sustaining, rule-altering reforms in various spheres of public policy in the Philippines. This program thus stands as an interesting and potentially important example of new modalities for development assistance to address complex challenges in countries across the developing world.

This book provides a careful, critical, and comparative analysis of the diverse streams within the CfC program in the Philippines. Over successive chapters, the book chronicles the activities of the program in promoting excise tax reform (Chapter 2), land governance reform (Chapter 3), education reform (Chapter 4), electoral reform (Chapter 5), disaster risk reduction and management (Chapter 6), decision-making processes over local road and other infrastructure investments, and the peace process in the southern Philippines (Chapter 7). Looking across

these different streams of CfC, the book provides both a descriptive account of the variegated activities of the program and a comparative analysis of the diverging trajectories and outcomes of its efforts in these various policy arenas.

By including both achievements and disappointments in CfC's activities and initiatives over the past five years, the book suggests – and substantiates – a strong set of arguments on the impact of different approaches based on the varying effectiveness and outcomes of the program's efforts. Its contents will hopefully inform both the Australian Department of Foreign Affairs and Trade (DFAT) and The Asia Foundation as they consider the lessons and legacies of the CfC program in the Philippines for future programs in the years ahead. This book will also hopefully prove to be instructive for a broader audience in the development community interested in exploring and experimenting with new modalities for promoting positive, transformative change elsewhere across the developing world.

Before turning to the diverse activities and initiatives of CfC, this chapter provides a holistic account of the program from its inception in 2012. First, the chapter situates CfC against the backdrop of the emergence of new ideas within the development industry over the preceding decade – ideas which informed and impelled the establishment of the program in 2012. Secondly, CfC is placed within the context of the Philippines, identifying in broad terms the set of imperatives and opportunities that have enabled – and constrained – the activities and initiatives of the program since its inception five years ago. Thirdly, this chapter provides a brief outline of the original design and organizational structure of the CfC program as a whole. Finally, it concludes with a short discussion of the empirical sources and research methods informing the book, as well as a brief summary of the overarching argument that is elaborated and substantiated over the chapters that follow.

The Context of the Development Industry

The Coalitions for Change (CfC) program in the Philippines began in 2012 against the backdrop of the diverse strands of new thinking that were emerging across the development industry since the turn of the 21st century. To fully appreciate the groundbreaking nature of CfC, it is essential to consider broad trends in development thinking during the decade prior to its establishment. Here, it is

important to consider mainstream development thinking alongside “alternative” perspectives that more directly influenced CfC.

In the 2000s, the watershed event for mainstream international development was the 2005 Paris Declaration on Aid Effectiveness.¹ The agreement was intended to improve the quality of aid and its impact on development by moving from donor-recipient relationships to partnerships between international development agencies and developing countries. The signatories of the Paris Declaration adopted five fundamental principles to increase aid effectiveness:

1. **Ownership:** Developing countries set their own strategies for poverty reduction, to improve their institutions, and to tackle corruption.
2. **Alignment:** Donor countries align behind these objectives and use local systems.
3. **Harmonization:** Donor countries coordinate, simplify procedures, and share information to avoid duplication.
4. **Results:** Developing countries and donors shift the focus to development results and these results get measured.
5. **Mutual accountability:** Donors and partners are accountable for development results.

While the Paris Declaration was based on the notion that closer cooperation between governments would improve aid effectiveness, the 2000s also saw the emergence of alternative approaches, which focused on political economy and the importance of politics as primary factors in determining the success and failure of development interventions. This strand would come up as a more central theme in the thinking behind CfC. A pioneer in highlighting the importance of politics was the UK’s Department for International Development (DFID). In 2004, DFID issued a policy note that focused on the interplay of economic, social, and political factors that support or impede poverty reduction. Titled *Drivers of Change*, the note argued that “increasingly, the importance of understanding the underlying political systems and the mechanics of pro-poor change has been acknowledged. In particular the role of institutions – both formal and informal – and underlying structural features is being recognized.”²

¹ <http://www.oecd.org/dac/effectiveness/34428351.pdf>

² DFID, *Drivers of Change*, DFID Public Information Note 2004, page 1.

Drivers of Change was a conceptual model to help DFID staff incorporate and better understand the interaction between and among three components:

1. **Agents** refer to individuals and organizations pursuing particular interests. This includes political elites, civil servants, political parties, local government, judiciary, military, faith groups, trade unions, civil society, media, private sector, academics, and donors.
2. **Structural features** include the history of state formation; natural and human resources; economic and social structures; demographic change; regional influences and integration; globalization, trade, and investment; and urbanization. These features are deeply embedded and are often slow to change.
3. **Institutions** include the rules governing the behavior of agents, such as political and public administration processes. They include the informal and formal rules. Institutions are more susceptible to change in the medium term than structural features.³

By the end of the decade, significant progress in improving policy formulation along these lines had been achieved. For example, in November 2009, a joint donor workshop brought together DFID, the European Commission (EC), the United Nations Development Programme (UNDP), and the World Bank (WB) to discuss their experiences to date in sector-level governance and political economy analysis. The report stated that:

There is real momentum in all agencies for political economy and governance analysis and several initiatives are under way in different sectors and at different levels. There is general agreement that the debate on political economy and governance analysis has moved beyond the need to explain and justify that “politics matter”. The priority now is to ensure that this is built into policies and programs and taken into account in decision-making processes, including on how to allocate resources. This stems from the recognition that social, political and economic dynamics and contexts shape aid effectiveness and development outcomes. Developing appropriate tools to understand political contexts and reform processes is now an important cornerstone for development thinking and practice.⁴

³ DFID, *Drivers of Change*, DFID Public Information Note 2004, page 1.

⁴ “Analysing governance and political economy in sectors – Joint donor workshop,” November 2009 Workshop Report, p. 2.

Against this backdrop, international development agencies initiated a series of projects to put these new ideas into practice. In Myanmar, for example, DFID, the Swedish International Development Agency (SIDA), and the Danish International Development Agency (DANIDA) established Pyoe Pin (2007 to 2019) to support processes enabling locally-led coalitions across civil society, the private sector, and the government to coalesce around concrete policy issues and create sustainable change. In Nepal, DFID supported the Centre for Inclusive Growth (2010-2015); the Centre worked by implementing a series of policy projects which aimed to yield tangible and sustainable results by pioneering new approaches, identifying overlooked opportunities, and introducing fresh thinking in various areas of intervention. This work supported the negotiation of six specific hydropower megaprojects, resulting in 2014 in the signature of two deals – the US\$1.4 billion Upper Karnali project and the US\$1.1 billion Arun 3 project. These projects represent Nepal's two largest-ever foreign investments and the two deals are expected to result in combined financial and economic benefits to Nepal of some US\$8 billion over the operating life of the concessions.

Meanwhile in Nigeria, DFID's Facility for Oil Sector Transparency program (2010-2016), also known as FOSTER, sought to reduce the many incentives for misuse of power and capture of oil revenues. Abuse and malpractice in the oil and gas sector in Nigeria was well-documented and deeply entrenched, with corruption distorting policymaking and politics, undermining the potential for revenues to be used to accelerate economic and social development. By seeking out supporters within the government and outside, FOSTER provided organizations with an interest in improving governance with a mixture of direct technical assistance and arms-length support. By constantly scanning and analyzing the political economy of oil in Nigeria, the FOSTER team identified the key players and institutions that had the potential to catalyze change, and then supported them in their pro-reform efforts.⁵

Alongside these various new projects elsewhere across the developing world, another important new program during this period was an Asia Foundation-implemented project supported by USAID in the Philippines. Known as the Economic Growth Hubs Project, the project was implemented from October 2009 to January 2013 by the same organization that would later implement

⁵ <http://www.opml.co.uk/projects/facility-oil-sector-transparency-and-reform-nigeria-foster>

CfC. Drawing inspiration from the early insistence of DFID and other voices in development policymaking circles that “politics matters”, The Asia Foundation’s August 2009 proposal noted:

The Foundation views that ***economic reform is inherently a political act because it changes the distribution of costs as well as benefits among groups in society***. Some benefit while others are hurt. Cognizant of this, The Foundation uses a political economy framework that for each and every reform effort delineates how political actors, institutions, political environment, and various aspects of the economic system interact and influence each other and thereby shape public policy and its outcomes.⁶

The Economic Growth Hubs proposal also drew heavily on two other sources of intellectual inspiration. First, the proposal was informed by the work of economist Douglass North and his collaborators in the emerging field known as the new institutional economics. According to these scholars, institutions were key to understanding the relationship between growth and development. In the words of North, “institutions are the rules of the game in a society...the humanly devised constraints that shape human interaction.... They structure incentives in human exchange, whether political, social or economic”.⁷ Institutions that were key for economic development, North and his co-authors argued, include contracts and contract enforcement, protection of property rights, the rule of law, government bureaucracies, and financial markets. In addition, institutions also include habits and beliefs, norms, social cleavages, and traditions in education (so-called informal institutions). In a 2002 landmark study, Dani Rodrik, Arvind Subramanian, and Francesco Trebbi assessed the relative importance of institutions, geography, and trade in determining the differences in incomes between the world’s most developed countries and the poorest ones. They concluded that institutional determinants “trump” all others.⁸

While a consensus began to emerge over the 2000s with regard to the importance of institutions, neither the proponents of the new institutional

⁶ The Asia Foundation, Economic Growth Hubs proposal, August 2009, p. 3.

⁷ Douglass North, Institutions, *Institutional Change, and Economic Performance* (Cambridge: Cambridge University Press, 1990), p. 4.

⁸ Dani Rodrik, Arvind Subramanian, Francesco Trebbi, *Institutions Rule: The Primacy of Institutions over Geography and Integration in Economic Development* (Cambridge, MA: National Bureau of Economic Research Working Paper No. 9305, November 2002).

economics in academia nor their newfound audiences and adherents in international development policymaking circles were able to identify an operational framework for project design and implementation. Indeed, Douglass North himself lamented that “[w]e know institutions matter, we just don’t know how to change them.”⁹ In a 2011 review of the state of development thinking, researcher David Booth noted that “institutions rule, but what are the right institutions is context- and time period-specific, and institutional change is not self-generating.”¹⁰

Secondly, in addressing the questions raised but left unanswered by the new institutional economics, the Economic Growth Hubs proposal turned to analysts who combined the appreciation of the importance of institutions with an emphasis on the significance of human agency. In particular, the proposal drew on the writings of Adrian Leftwich, a political scientist and development specialist at the University of York, and Steve Hogg of the Australian Agency for International Development (AusAID). Leftwich and Hogg argued that “successful development depends largely on political processes which involve diverse leaders and elites, representing different groups, interests and organizations, tackling a series of collective action problems in locally appropriate and feasible ways.”¹¹ Thus, they concluded, “donors need to re-think and refine policies, strategies, and programs to support the emergence and expansion of pro-development leadership and growth coalitions.” As Leftwich argued in a 2010 paper:

In the main, policymakers and researchers – perhaps unwittingly, or perhaps simply oblivious to the profound epistemological and ontological issues at stake – have adopted emphatically structuralist approaches with their stress on institutions and institution building. In doing so they have not only often failed to account for the agential factors in the design, formation and maintenance of institutions, but also for the important success stories which run against the general patterns of institutional failure or corruption. This paper suggests that if researchers and policy-makers are to engage seriously with the politics of economic growth,

⁹ See: North, Institutions; and Douglass C. North, *The Role of Institutions in Economic Development* (New York/Geneva: United Nations Economic Commission for Europe, 2003).

¹⁰ David Booth, “Aid, Institutions and Governance: What have we Learned?” *Development Policy Review*, Volume 29, Number 1 (January 2011), pp. 5-26.

¹¹ Adrian Leftwich and Steve Hogg, “The case for leadership and the primacy of politics in building effective states, institutions and governance for sustainable growth and social development,” November 2007, page 1.

state-building and social inclusion, they will need to have a much better analytical handle on the role of human agency in the developmental process and on the role of leaders, elites and coalitions in particular.¹²

To this end, in 2007 Leftwich and Hogg launched the Leaders, Elites and Coalitions Research Program (LECRP), which evolved into the Leadership Program: Developmental Leaders, Elites and Coalitions (LPDLEC) in 2009, and the Developmental Leadership Program (DLP) in 2011.¹³ Through these programs, the work and writings of Leftwich and Hogg began to attract growing attention and interest across international development policymaking circles, as seen in the design of the Economic Growth Hubs project from 2009 to 2013.

Informed and inspired by the new institutional economics on the one hand, and Leftwich and Hogg's work on leadership on the other, the Economic Growth Hubs project worked with Philippine leaders and organizations to introduce transformational reforms in a diverse set of policy areas, including civil aviation, sea transport, tax reform, electricity, tourism infrastructure, public-private partnerships in infrastructure, and property rights. The final report noted that "while not all activities successfully achieved this goal, the project did help to introduce a number of significant reforms". For example:

1. In March 2010, President Gloria Macapagal Arroyo signed the Residential Free Patent Act that made it cheaper and faster to title occupied but untitled residential lands. Prior to the law, the government issued an average of 3,800 titles per year. In 2011 and 2012, the government issued 59,000 and 65,600 residential titles respectively. The new titles are expected to spur investment and employment by unlocking the trillions of pesos of "dead capital" in these untitled residential parcels (see Chapter 3 below).
2. In March 2011, President Benigno Aquino III issued an "open skies" policy for all international airports except Manila. The policy created an environment where market forces determined the supply and demand of air service. In 2012, new routes such as the Iloilo-Hong Kong were launched in part because of the liberalized policy environment.

¹² Beyond Institutions: Rethinking the Role of Leaders, Elites and Coalitions in the Institutional Formation of Developmental States and Strategies, 2010, page 93.

¹³ <http://www.dlprog.org/>

3. In January 2012, the Departments of Tourism and Public Works, with assistance from the Economic Growth Hubs Project, established and implemented a program to jointly identify tourism roads. The “Convergence Program” led to the inclusion of 48 tourism roads valued at P6 billion (US\$146 million) in six tourism hubs included in the 2012 national budget and 130 tourism roads nationwide valued at P12 billion (US\$292 million) included in the 2013 national budget. This program is expected to enhance the seamless connectivity essential to boosting tourism arrivals.
4. In December 2012, the president signed a law amending the excise tax on alcohol and tobacco products. The law significantly increases taxes on tobacco to deter use and also provides almost \$1 billion in additional revenue annually to support the universal health care program (see Chapter 2 below).¹⁴

More significantly for CfC, the project published a volume of successful and unsuccessful economic policy reform case studies in 2011. Written by key figures active in the advocacy campaigns for these reforms and co-edited by The Asia Foundation’s Jaime Faustino and University of the Philippines economics professor Raul Fabella, the edited volume – *Built on Dreams, Grounded in Reality: Economic Policy Reform in the Philippines* – gave readers a unique insider’s view of the processes which led to policy reforms.¹⁵

These first-hand accounts of reforms in sea transport, civil aviation, telecommunications, and property rights offered granular detail in their coverage of the reform advocacy campaigns. Drawing on the case studies in the volume, moreover, Faustino and Fabella developed an operational approach for development agencies and practitioners to integrate political and technical dimensions to more effectively engender institutional reform. Referred to as “development entrepreneurship”, the operational approach was designed to help donors navigate the conceptual chasm between the traditional role as principal providers of technical assistance and the less familiar role of supporting institutional change advanced by local leaders.¹⁶

¹⁴ *Final Report of the Economic Growth Hubs, Infrastructure and Competitiveness Project* (Makati City: The Asia Foundation, February 2013), pp 2-3.

¹⁵ Raul Fabella and Jaime Faustino (eds.), *Built on Dreams, Grounded in Reality: Economic Policy Reform in the Philippines* (Makati City: The Asia Foundation, 2011).

¹⁶ Jaime Faustino and David Booth, *Development Entrepreneurship: How Donors and Leaders Can Foster Institutional Change* (London: Overseas Development Institute, December 2014).

During the preparation of the volume, meetings were held where these concepts were discussed and refined by Faustino, Fabella, and the reform advocate-insider-authors to reflect the experiences and practices most effectively. These meetings were regularly attended by an AusAID governance advisor, whose participation in the discussion afforded AusAid an in-depth understanding of the genuine dynamics of policy reform. This understanding would inform the design of CfC as well as AusAID's selection of The Asia Foundation as its implementing partner.

Overall, it thus seems clear that there were several trends in international development policymaking circles that helped to pave the way for the establishment of CfC in 2012. First of all, new intellectual currents emerged and gained influence in the 2000s, which emphasized politics, institutions, leaders, elites, and coalitions in the making of effective development programs. Secondly, over that same period, international development agencies began to experiment with new kinds of project design and new modalities for project implementation. Thirdly and finally, through these two trends international development policymakers gained first-hand exposure to development entrepreneurship – a proven but evolving operational framework for introducing institutional change in the Northian sense.

These three trends in international development policymaking circles across the world combined to enable the establishment of the CfC program in the Philippines in 2012. Since that time, these trends have also continued to unfold and evolve, as seen in the establishment of informal communities of practice for *Thinking and Working Politically* and *Doing Development Differently* in 2013 and 2014 respectively, developments discussed in the final chapter of this book.

The Context of the Philippines

As suggested by the importance of the Economic Growth Hubs project and the emergence of the concept of development entrepreneurship in its aftermath, the establishment of CfC had strong roots in the local context of the Philippines as well. Here, it is worth noting that the Philippines is arguably emblematic of a broader set of countries across the developing world, insofar as it can be described as a “lower middle-income” country and an “oligarchical democracy”. The imperatives and opportunities encountered by CfC in the Philippines since 2012 may thus be indicative of – if not necessarily identical to – those found in

many other such lower middle-income countries and oligarchical democracies across the developing world.

Within Southeast Asia, the Philippines is classified by the World Bank alongside Cambodia, Indonesia, Laos, Timor Leste, and Vietnam as a lower middle-income country, with gross national income (GNI) per capita falling between US\$1,026 and US\$4,035, in contrast with higher middle-income (US\$4,036-12,475) Malaysia and Thailand, and high-income Brunei and Singapore. The historical trajectory of the Philippine economy has followed a path common across the so-called ASEAN Four (Indonesia, Malaysia, the Philippines, and Thailand) – shifting from export agriculture in the colonial era to import-substitution industrialization over the 1950s and 1960s, and export-oriented industrialization from the 1970s to the present day. As with these other Southeast Asian countries, export-oriented industrialization has largely been funded and fueled by foreign direct investment, especially from Japan, South Korea, and Taiwan. But over the late 1970s and early-mid 1980s, the Philippines experienced a profound economic crisis and began to lag behind its neighbors in terms of attracting investment and generating export income and employment in the manufacturing sector, a trend only belatedly stemmed over the 1990s and reversed since the turn of the 21st century.¹⁷

With rapid demographic growth increasing the population to nearly 100 million by 2012, and agricultural productivity stagnating over the decades, this pattern of relatively sluggish industrialization has left the Philippines with more severe problems of unemployment and poverty than its faster-growing neighbors in the region. Large-scale overseas labour migration – to Hong Kong, Malaysia, and Singapore as well as the wealthy Gulf countries of the Middle East – came to provide increasingly important sources of employment and income through foreign remittances, with more than 10 million Filipinos estimated to be living and working abroad as of 2012. Economic growth began to accelerate after the crisis of the 1980s, averaging 3% per annum GDP growth in the 1990s, 5% per annum in the 2000s, and more than 6% per annum since 2010. Alongside the automotive, electronics, and garment manufacturing sectors, over the past decade the Philippine economy has enjoyed a special boost from the increasing attractiveness of the archipelago for investments in business process

¹⁷ Arsenio M. Balisacan and Hall Hill (eds.), *The Philippine Economy: Development, Policies, and Challenges* (Oxford: Oxford University Press, 2003).

outsourcing (BPOs), especially call centers.¹⁸ Thus since the inception of the CfC program in 2012, the Philippines was experiencing rapid demographic and economic growth, industrialization, and urbanization, with a dramatic expansion of employment and urban middle-class consumption alongside stubbornly persistent poverty and increasing socio-economic inequality across the country.

At the same time, the Philippines also increasingly faced the dangers associated with the much-noted “middle income trap”. With economic growth based on cheap, labor-intensive export manufacturing and services, the Philippines – like other middle-income countries – began to face upward pressures on wages that threatened to reduce the attractiveness and competitiveness of the established export industries, even as constraints on human capital development, technology, and productivity continued to inhibit and impede industrial deepening and effective shifts “upstream” into higher-value, more capital-intensive and hi-tech exports. Thus, even as the economy was experiencing rapid growth in investment, exports, employment, and income, the limitations and constraints to the country’s economic growth model were looming ever larger on the horizon.¹⁹

Meanwhile, by 2012, the intertwined processes of accelerated economic and demographic growth, industrialization, and urbanization in the Philippines had combined with global economic and environmental trends to generate more problems for the country. Such problems included increasing strains on public infrastructure and public services like education and health care and escalating environmental degradation and disaster risks in tandem exacerbated by climate change and global warming. In the face of these developments and trends, the Philippine government was confronting rising pressures for enhanced performance and expanded provision of a diverse range of “public goods” at the time of the inception of CfC program in 2012.²⁰

¹⁸ For an interesting ethnographic account of call centers in the Philippine, see: Jan M. Tadios, *A Nation on the Line: Call Centers as Postcolonial Predicaments in the Philippines* (Durham, NC: Duke University Press, 2018).

¹⁹ For regional and broader comparative backdrop, see: Shahid Yusuf and Kaoru Nabeshima, *Tigers Under Threat: A Comparative Analysis of Malaysia’s Industrial Prospects and Policy Options* (Washington, DC: The World Bank, 2009).

²⁰ *Philippines Quarterly Update: From Stability to Prosperity for All*. Manila: World Bank Group in the Philippines, 2012); *Philippine Economic Update: Accelerating Reforms to Meet the Jobs Challenge* (Manila: World Bank Poverty Reduction and Economic Management Unit, East Asia and Pacific Region, 2013).

These demographic, economic, and environmental problems and pressures – and public policy challenges – facing the Philippines at this time were filtered through the institutional and political workings of what scholars have described as an “oligarchical democracy” in the country.²¹

Under oligarchical democracy in the Philippines as elsewhere, lively competition for elected offices combines with the entrenched interests of an oligarchy and the importance of machinery and money in voter mobilization to present a mixed set of imperatives, opportunities, and obstacles for economic and political reform. On the one hand, oligopolistic control over the commanding heights of the Philippine economy – in air transport and inter-island shipping, banking, the food and beverage industry, media and telecommunications, (privatized) public utilities, and other sectors – is replicated and reinforced by the entrenchment of local political bosses and dynasties in mayoral, gubernatorial, and congressional seats across the country.²² On the other hand, constrained competition within both economic and political realms has combined with the exigencies of economic growth and the uncertainties of electoral contestation to ensure a measure of continuing dynamism and sensitivity to consumer/voter demands, especially at the national level.²³ Therefore, oligarchical democracy remains susceptible to recurring “reformist” and “populist” pressures and challenges.

In institutional terms, the specificities of the Philippine version of oligarchical democracy have largely corresponded to the model of the United States imposed and imported during the period of American colonial rule in the early 20th century, with a directly elected president, a bicameral legislature, and local powers devolved to directly elected mayors and provincial governors.

²¹ Eva-Lotta Hedman and John T. Sidel, *Philippine Politics and Society in the Twentieth Century: Colonial Legacies, Postcolonial Trajectories* (London: Routledge, 2000). See also: Jeffrey A. Winters, *Oligarchy* (Cambridge: Cambridge University Press, 2011).

²² Paul D. Hutchcroft, *Booty Capitalism: The Politics of Banking in the Philippines* (Ithaca, NY: Cornell University Press, 1998); John T. Sidel, *Capital, Coercion, and Crime: Bossism in the Philippines* (Stanford, CA: Stanford University Press, 1999).

²³ Eva-Lotta E. Hedman, *In the Name of Civil Society: From Free Election Movements to People Power in the Philippines* (Honolulu: University of Hawai'i Press, 2006); Mark R. Thompson, 'Reformism vs. Populism in the Philippines', *Journal of Democracy*, Volume 21, Number 4 (2010), pp. 154-168.

As in the US, the separation and division of powers has guaranteed a multiplicity of “veto players” for policy formulation and implementation, and a multiplicity of points of access and influence, whether for particularistic interests or for purveyors of reform in the broader public interest. As in the US, moreover, the bureaucracy is weakly insulated from intervention by elected officials, whether the President and Congress at the national level, or mayors and governors at the local level, with regular turnover among officials further shaping government policy formulation and implementation. Elections are based on a simple “winner takes all” principle rather than proportional representation. Presidentialism, the early introduction of competitive electoral politics (first locally, then nationally) prior to independence and industrialization, and the absence of a period of mass mobilization against colonial rule have combined to prefigure a weak political party system. Parties do not have explicit policy platforms, mass memberships, or internal discipline, and both cross-party alliances and party-switching are common in the careers of politicians.

Philippine democracy is also distinguished by decentralization, by peculiar features of its bicameral legislature, and by the strength of the presidency. As per the Local Government Code of 1991, directly elected mayors and governors enjoy considerable discretion over local agencies of the state, in terms of the appointment of personnel (e.g. police chiefs, school superintendents, district engineers) and the allocation of budgetary resources, even while remaining largely dependent on national government funding for their fiscal sustenance. Since the 1990s, moreover, special provisions for regional autonomy have also been in place in the southern Philippines under the auspices of the Autonomous Region of Muslim Mindanao (ARMM). In terms of Congress, some 20% of the nearly 300 seats in the House of Representatives are occupied by party representatives elected on a national basis, and members of Congress represent specific local districts across the archipelago, serving three-year terms. The Senate, by contrast, consists of 24 nationally elected members serving six-year terms.²⁴

²⁴ Rupert Hodder, “The Philippine Legislature and Social Relationships: Toward the Formalization of the Polity?,” *Philippine Studies*, Volume 53, Number 4 (2005), pp. 563-598.

Presidents serve single six-year terms but command considerable powers vis-à-vis the House of Representatives and the Senate. The 1987 Constitution preserved the presidential prerogative of the line-item veto over appropriations, revenue, and tariff bills. To date, not a single presidential veto has ever been overridden by Congress. Alongside this form of executive interference and influence vis-à-vis the congressional budgetary process, presidents enjoy great discretionary power over the disbursement of congressional appropriations, including the “pork barrel” allocations of individual members of Congress, and other funds largely shielded from congressional oversight. Successive presidents have thus enjoyed considerable control over the House of Representatives, with most members of Congress aligning with the incumbent administration and backing the president’s choice for House Speaker. Given their nationwide constituencies, their staggered six-year terms, and their smaller numbers, senators have been less amenable to presidential control. Senators’ membership on the bicameral Commission on appointments, investigative powers, and control over legislative outcomes have enabled them to exert considerable leverage vis-à-vis the president.²⁵

Beyond these specific institutional features, democracy in the broader social and political context of the Philippines bears a general resemblance to structures of oligarchy and practices of corruption and rent-seeking found elsewhere in many parts of the developing world. Given the persistence of poverty and economic insecurity among the majority of the population, and the continuing importance of state resources and regulatory powers in the economy, electoral competition revolves largely around money and other parochial and particularistic economic benefits. At the local level, voters are mostly mobilized through a combination of monetary, clientelistic, and coercive inducements and pressures, in a tiered wedding cake-like structure of vote brokerage and intermediation.²⁶

In some towns and provinces, mayors, members of Congress, and governors have succeeded in constructing extensive local political machines and diversified economic empires, as seen in high rates of incumbency, the entrenchment of “dynasties”, and the weakness – or absence – of effective opposition and turnover.

²⁵ Emil Bolongaita, Jr., “Presidential Democracy and the Separation of Powers: The Constitutional and Party Politics of the Philippine Democracy” (Ph.D. Dissertation, University of Notre Dame, 1994).

²⁶ Allen Hicken, Edward Aspinall, and Meredith Weiss (eds.), *Electoral Dynamics in the Philippines: Money Politics, Patronage and Clientelism at the Grassroots* (Singapore: Singapore University Press, forthcoming).

The House of Representatives is dominated by such provincial dynasties, with congressional seats serving as vantage points for the protection and promotion of family business interests, and the monopolization and manipulation of state resources and regulatory powers in their districts and beyond. Corporate lawyers, media celebrities, and nationally renowned machine politicians have loomed large in the Senate, serving as brokers for diverse business interests that include agro-business, banking, construction, consumer goods, industry, inter-island shipping, mining, real-estate, telecommunications, and (privatized) public utilities.²⁷

In addition, a pattern of weak insulation of the civil service – which dates back to American colonial rule – allows for elected politicians to use the bureaucracy for patronage and, more generally, to manipulate public resources for private economic interests. Corruption is endemic, with government officials in countless agencies engaged not only in everyday forms of embezzlement but also predation, using their discretion over regulatory and tax enforcement and the awarding of contracts and concessions to extract “rents” from ordinary citizens and interested business owners. This pattern, it is important to note, includes the Philippine National Police (PNP), which has faced recurring accusations of corruption and predatory behavior. Local bossism is entrenched in many municipalities, congressional districts, and provinces, often found in “dynasty” form. In some parts of the country, local politicians and police officers under their control have been involved in illegal gambling, illegal logging, illegal fishing, the illegal narcotics trade, and various other criminal activities.²⁸

Moreover, outside the elected officials, appointed agents, and formal institutions of the state, the Philippines has also played host to a range of armed groups operating in certain areas of the country. The Communist Party-led New People’s Army (NPA) has been engaged in avowed armed revolutionary struggle since the late 1960s, with approximately 20% of the barangay (villages) in the country under NPA’s influence or control in the mid-1980s, before internal conflicts and the government’s counterinsurgency campaign dramatically reduced NPA operations to small pockets of residual strength in various areas

²⁷ Alfred W. McCoy (ed.), *An Anarchy of Families: State and Family in the Philippines* (Madison: University of Wisconsin Center for Southeast Asian Studies, 2009); Sheila Coronel, *The Rule-Makers: How the Wealthy and Well-Born Dominate Congress* (Quezon City: Philippine Center for Investigative Journalism, 2004).

²⁸ John T. Sidel, *Capital, Coercion, and Crime: Bossism in the Philippines* (Stanford, CA: Stanford University Press, 1999).

of the archipelago.²⁹ Additionally, since the early-mid 1970s, a variety of armed groups have been engaged in forms of avowed separatist struggle in the Muslim areas of central and western Mindanao and in the Sulu Archipelago. These groups have included the Moro National Liberation Front (MNLF), the Moro Islamic Liberation Front (MILF), various MILF and MNLF splinter groups, and the shadowy Abu Sayyaf Group, which has been responsible for a string of sporadic armed robberies, kidnappings, killings, and terrorist attacks since the early 1990s.³⁰ In areas where the NPA and/or the MNLF, MILF, and Abu Sayyaf have been active, the PNP and the Armed Forces of the Philippines (AFP) have been actively engaged in counterinsurgency and counterterrorism operations, and police officers, soldiers, and members of local civilian militia groups have enjoyed considerable influence and impunity. Under the rubric of formal democracy, various forms of subnational authoritarianism, conflict, and violence have persisted in many areas of the archipelago.³¹

Overall, democracy in the Philippines, as in many other countries elsewhere across the world, is oligarchical in terms of the forms and functions of electoral competition for state office. With electoral politics confined to politicians with access to the money and machinery needed for voter mobilization, elected officials in the Philippines have often focused their energies on obtaining – and exploiting – access to state resources and regulatory powers for particularistic benefit, whether for purposes of securing re-election, advancing their family business interests, or assisting financial backers. The structural imperative of fundraising for elections bolsters the structural power of entrenched business interests in terms of privileged influence over policy and advantage in terms of concessions, contracts, and regulatory and tax breaks. Democracy in the Philippines thus works to reinforce and reproduce forms of monopoly at the local level and forms of oligopoly in many sectors of the national economy.

²⁹ Rosanne Rutten (ed.), *Brokering a Revolution: Cadres in a Philippine Insurgency* (Quezon City: Ateneo de Manila University Press, 2009).

³⁰ Thomas M. McKenna, *Muslim Rulers and Rebels: Everyday Politics and Armed Separatism in the Southern Philippines* (Berkeley: University of California Press, 1998); Maritess D. Vitug and Glenda M. Gloria, *Under the Crescent Moon: Rebellion in Mindanao* (Quezon City: Ateneo Center for Social Policy and Public Affairs, 2000); Eduardo F. Ugarte, "In a Wilderness of Mirrors: the Use and Abuse of the 'Abu Sayyaf' Label in the Philippines," *South East Asia Research*, Volume 18, Number 3 (September 2010), pp. 373-413.

³¹ Francisco J. Lara, Jr. and Steven Schoofs (eds.), *Out of the Shadows: Violent Conflict and the Real Economy of Mindanao* (Quezon City: Ateneo de Manila University Press, 2016).

Yet alongside and against the self-perpetuating and self-limiting tendencies of oligarchical democracy in the Philippines in the early 21st century are dynamics and forces driving economic and political change. Over the past three decades, continuing industrialization, urbanization, economic diversification, overseas migration, and the expansion of the urban middle class have weakened the linkages between local politicians and their constituencies, diminishing the importance of patron-client relations as well as the possibilities for monopolistic forms of control over local economies.³² With nearly universal literacy, mass education and access to national media, and, more recently, computerization of elections, the linkages between local-level machine politicians and candidates for national office have become increasingly weakened.³³

Additionally, the extension of mass media circuitries across the archipelago has brought the triumph of polling, “public opinion”, and personality/popularity politics. This trend has been evident in the increasing prominence of celebrities – movie/television personalities and sports stars – in the ranks of the Senate since the 1990s and the election of the popular movie actor Joseph “Erap” Estrada to the presidency in 1998.³⁴ Whether “reformist” or “populist” in inflection, by the turn of the 21st century, candidates for national office in the Philippines were required to appeal directly to the national electorate – in the media and in the polls – to become sufficiently “bankable” in order to win the backing of major financiers and to achieve a bandwagoning effect among vote-brokering local machine politicians across the archipelago.³⁵

At the same time, the constellation of economic interests entrenched under oligarchical democracy has also shifted with industrialization, urbanization, and the liberalization of trade and finance in the Philippines. Alongside and against the “rents” and profits to be garnered from monopolistic and oligopolistic practices and privileged access to state resources and regulatory powers are the broader benefits of economic growth in terms of increasing consumer

³² Rupert Hodder, “Business, Politics, and Social Relationships in the Philippines: A Gentle Revolution?,” *South East Asia Research*, Volume 8, Number 2 (2000), pp. 93-14.

³³ John T. Sidel, “Take the Money and Run? ‘Personality’ Politics in the Post-Marcos Philippines,” *University of the Philippines Public Policy Journal*, Volume 2, Number 3 (1998), pp. 27-38.

³⁴ Eva-Lotta E. Hedman, “The Spectre of Populism in the Philippines: *Artista, Masa, Eruption!*,” *South East Asia Research*, Volume 9, Number 1 (2001), pp. 5-44.

³⁵ Eva-Lotta E. Hedman, “The Politics of ‘Public Opinion’ in the Philippines,” *Journal of Current Southeast Asian Affairs*, Volume 29, Number 4 (2010), pp. 97-118.

demand and purchasing power, rising real-estate and stock-market share prices, and growing opportunities for investment, production, services, and sales. With this deepening and broadening “addiction to growth” come the evolution and expansion of interest in the competitiveness of the Philippines in terms of global trade and investment, in the country’s creditworthiness in the eyes of the international financial markets, in the openness, efficiency, and cost-effectiveness of various sectors of the economy, and in the efficacy and reliability of its government policies and practices.³⁶

Against the backdrop of these ongoing structural shifts in the economy and in Philippine society and politics, oligarchical democracy has experienced a range of trials, tribulations, and transformations. From 1972 until 1986, oligarchical democracy gave way to an unprecedented experiment in authoritarian rule under President Ferdinand Marcos, who was first elected in 1965, re-elected in 1969, and proclaimed martial law and disbanded Congress in 1972. Marcos’ authoritarian rule and “crony capitalism” led to a profound economic, political, and social crisis in the early-mid 1980s. This crisis gave rise to diverse forms of political mobilization, ranging from left-wing organizing efforts among peasants, workers, and urban slum-dwellers and revolutionary guerrilla warfare to more conservative campaigns for reform promoted by businesses, the Catholic Church, and the urban middle class. Such mobilization largely subsided – or was sublimated and suppressed – with the restoration of oligarchical democracy in 1986, only to return to the fore in another wave in 2000-2001 during the brief presidency of the quasi-populist Joseph Estrada (1998-2001).³⁷

After nearly a decade under Estrada’s successor, Gloria Macapagal Arroyo (2001-2010), pent-up pressures for change once again percolated to the surface with the election of Benigno Aquino III to the presidency in 2010. The son of former President Corazon Aquino (1986-1992) and the scion of a dynasty known for its vast landholdings and diversified business empire, Aquino’s election in many ways signaled continuity and conservatism within the confines of oligarchical democracy. But Aquino won the presidency in the country’s first automated,

³⁶ Kent Eaton, *Politicians and Economic Reform in New Democracies: Argentina and the Philippines in the 1990s* (University Park: Pennsylvania State Press, 2010).

³⁷ Hedman, *In the Name of Civil Society*, pp. 15-43, 88-115, 167-176.

computerized election with a landslide victory untainted by the allegations of fraud, which had haunted his predecessor after her re-election in 2004. Moreover, Aquino's victory in the presidential campaign had come in the context of growing dissatisfaction with the avarice and authoritarian tendencies of the Arroyo administration, in the wake of his mother's death from cancer in 2009, and in something of a nostalgic re-enactment of the passing of the presidency from the dictatorial Ferdinand Marcos to the democratic Corazon Aquino in 1986. With his slogan "*kung walang corrupt, walang mahirap*" – no corruption, no poverty – Aquino promised good, clean governance as a recipe for poverty reduction, thus inspiring some hope for reform, if not redistribution.³⁸

In short, the institutional and social bases of "oligarchical democracy" in the Philippines presented a mixed set of opportunities and constraints, imperatives for reform and entrenched interests invested in the status quo, for the CfC program at the time of its launch in early-mid 2012. On the one hand, the Aquino administration was avowedly committed to a broadly "reformist" agenda and amply open and accessible to a range of civil society organizations with whom it consulted and collaborated in the formulation and advancement of policies in the public interest. On the other hand, the administration was also internally and externally constrained by particularistic economic and political interests – rent-seeking business owners, machine politicians, and corrupt bureaucrats – capable of blocking reforms. Coalitions across the government and civil society were clearly needed to enact and implement urgently needed reforms, and CfC was well-timed – and well-designed – to assist in this formation and mobilization in support of transformative change in the Philippines.

Coalitions for Change: Program Design and Structure

It was thus against the backdrop of a confluence of new ideas, innovations, and experimental approaches in the development industry and ongoing trends enabling and impelling reforms in the Philippines that the CfC program was launched in 2012 under the auspices of a partnership between the Australian Embassy and The Asia Foundation (TAF) in Manila.

³⁸ Mark R. Thompson, "Reformism vs. Populism in the Philippines," *Journal of Democracy*, Volume 21, Number 4 (October 2010), pp. 154-168.

CfC – like other elements of the broader partnership – was based on a recognition of complementarity and synergy between the Australian aid program and TAF in the Philippine context. Australia had evolved over the preceding decade into one of the leading providers of bilateral development assistance to the Philippine government and a major contributor to programs operated by multilateral development agencies (like the World Bank) in the country. In particular, Australia had committed generous funding to programs supporting disaster risk reduction and management, education, land governance, and subnational governance in the Philippines. Meanwhile, TAF had a long history of working with civil society organizations in the country on a diverse range of causes and campaigns, and it enjoyed special strength in its experience, expertise, and access in the realms of economic policy reform and conflict resolution in Mindanao and the Sulu Archipelago. Both parties were committed to promoting sustainable development and good governance in the Philippines and shared a strong awareness of the importance of promoting gender equality and inclusivity for people with disabilities through their work.

The Australian-TAF partnership in CfC, moreover, emerged out of growing interest within the Australian aid program – then known as AusAID – in expanding from its established mode of development assistance delivery through the Philippine government to new modalities incorporating civil society organizations (CSOs), in line with increasing interest among policymakers in Canberra in the new thinking in the development industry discussed in the pages above. By 2010, AusAID policymakers in Canberra and Manila were increasingly aware of the limited effectiveness and impact of Australian aid – and overseas development assistance in general – in promoting development and poverty reduction in the Philippines simply through the financing of service delivery and the provision of technical assistance.

Instead, they acknowledged the need for a more “transformative” agenda, targeting change in the institutions ultimately determining the quality of governance and service delivery, wagering that “strategically-identified transformational investments which are able to leverage Government’s own expenditures have the potential for far greater impact than Australian money can deliver on its own.” To this end, it was determined that Australia’s assistance to the Philippines should henceforth include support for building alliances between civil society and government, a coherent agenda for incorporating partnerships with civil society into the key activities of the country portfolio,

and a clear agenda for strengthening the role of civil society in enhancing the transparency, accountability, and responsiveness of government. It was in this context that AusAID officials in Canberra and Manila began to develop plans for a program to serve as the primary vehicle for Australian support for civil society in the Philippines, for constructive engagement between civil society and government with an explicit reform – rather than service delivery/technical assistance – agenda.

Against this backdrop, over the course of 2010, even as Aquino was settling into office in Manila, AusAID was busy refining and revising the design for a new CfC program in the Philippines, which was intended to introduce new areas and forms of engagement with civil society. By January 2011, AusAID had finalized the program, which was designed to improve policy formulation and implementation through coalitions between government and civil society, and through the use of evidence-based analysis. These multi-stakeholder coalitions were to be identified and activated on the basis of:

- a. critical policy issues constraining development in the Philippines;
- b. strategic entry points for reform;
- c. partnerships with appropriately qualified CSOs, academic institutions, private-sector bodies;
- d. in-depth analysis of policy arenas and political contexts; and
- e. introduction, advocacy, and institutionalization of sustainable, rule-changing policy reforms.

To this end, AusAID proposed a broad set of processes to guide the workings of the CfC program in the Philippines. First of all, through analysis and consultation, the program would identify critical constraints on development within the broad spheres of interest and investment of the Australian aid program in the Philippines, as well as a number of potential strategic entry points for policy reform. Secondly, the program would establish multi-stakeholder coalitions extending across government and civil society, or support extended to pre-existing coalitions, working on reforms in the policy areas identified. Finally, the program would support these coalitions as they worked to introduce, advocate for, and institutionalize the reforms. It was envisioned at the outset that the program would work on four thematic focus areas corresponding to the priorities of the Australian development assistance strategy in the Philippines

at the time – disaster risk reduction and management, education, subnational governance, and conflict resolution in Mindanao – with four different issues and initiatives predicted to emerge within each thematic focus area of the program. But the program was also designed to enable the formation of some coalitions to work on issues beyond or across these themes – or perhaps relate to higher level objectives, such as the promotion of gender equality and inclusivity for people with disabilities in the Philippines.

To operationalize and activate the program, AusAID's January 2011 program design document stipulated that a partnership with a respected civil society organization – rather than a narrowly contract-based relationship – would be the most appropriate and advantageous. As AusAID noted, such a partnership would help to “ground the program in a deep understanding of and empathy with CSO needs”, build its credibility with CSOs by “anchoring implementation directly with a respected CSO partner”, and maximize both operational flexibility and learning opportunities “through broad sharing of lessons within the CSO community” in the Philippines and beyond.

It was in this context that AusAID initiated discussions in 2010 with TAF office in Manila to explore possibilities for a partnership that would include CfC alongside a range of other initiatives and activities that drew on the complementary strengths of AusAID and TAF in the Philippines. These discussions were facilitated by a two-day AusAID workshop in Manila in February 2011 on “Thinking and Working Politically in Development Assistance” organized by TAF and the Development Leadership Program (DLP), whose founder and director for research, Adrian Leftwich, had written extensively on the importance of politics, leadership, and coalitions in the making of policy reforms.

By July 2011, TAF had submitted a proposal to AusAID outlining how the Foundation's office in Manila would serve as an effective implementing partner for the CfC program. Here, TAF identified key thematic areas for CfC – disaster risk reduction and management, education, Mindanao, subnational governance, and public finance management – in line with the established priorities of the Australian development assistance program in the Philippines. But TAF also noted its own distinctive approach to the agenda of the CfC program, drawing on its experiences and achievements in previous reform advocacy initiatives in the Philippines over the years. TAF's proposal noted:

A significant component of the Foundation's success is the core group of committed local partners whom we refer to as *development entrepreneurs*. They are individuals who, for a variety of reasons, have accepted the responsibility for achieving development outcomes. This highlights the role of leadership and agency. In most cases, development entrepreneurs search for, discover, and negotiate the elusive – technically correct, politically possible – solutions.

Citing its own earlier experiences and achievements in introducing and institutionalizing civil aviation reform in the Philippines, TAF also noted the importance of “an iterative learning and adaptive implementation process”. The initial processes identified by AusAID for the identification of strategic entry points, reforms, and coalition partners were ones which would require continuous analysis and adjustment as efforts to introduce, advocate for, and institutionalize policy reforms unfolded.

TAF's proposal was accepted, and by October 2011, an agreement to launch the CfC program in the Philippines was signed by AusAID and the Foundation in Manila, under a partnership that drew on the complementary strengths of the program's two sponsors. Since then, as per the original design, CfC has operated out of the TAF office in Manila, with a Program Leader, a Program Management Team, and other TAF staff responsible for its implementation. Oversight has been provided by a Joint Steering Committee (JSC) composed of senior staff at the Australian Embassy and the TAF office in Manila, which has convened biannually to review progress reports and approve work plans and concept notes for the program's various activities and initiatives. AusAID was integrated into the Australian Department of Foreign Affairs and Trade (DFAT) in November 2013, and since that time CfC's operations have thus been managed by DFAT officials at the Australian Embassy and DFAT headquarters in Canberra.

An independent progress review of CfC was undertaken in late 2013/early 2014, and many of its recommendations for enhanced management of the program were adopted.³⁹ For example, since that time the JSC has received input from a Partnership Strategy Panel, which includes senior DFAT and TAF figures from

³⁹ Peter Bazeley, Ana Coghlan, Edgar Dones, Paul Hutchcroft, and Kathy Richards, *Independent Progress Review of the Australia-TAF Partnership in the Philippines: Final Report*, 22 January 2014.

Canberra and San Francisco, respectively, as well as two senior independent academic specialists on the Philippines, Paul Hutchcroft of the Australian National University and John Sidel of the London School of Economics and Political Science. More importantly, in line with the independent progress review, biannual meetings of the JSC were regularized and restructured into occasions for rigorous reviews of progress reports, work plans, and concept notes, with “stoppability” – a new watchword for CfC’s willingness to terminate initiatives and activities that did not meet the strengthened standards of the program in terms of priorities and prospects for success.

The day-to-day work of CfC has remained in the hands of dedicated staff at TAF’s office in Manila. More or less as originally envisaged, the activities and initiatives of CfC since 2012 have emerged and unfolded in four thematic areas – Disaster Risk Reduction, Education, Mindanao, and Subnational Governance – with “thematic team leaders” at TAF responsible for implementation and coordinating with counterpart specialist DFAT staff at the Australian Embassy. In addition, as also planned from the outset, CfC has sponsored a range of unprogrammed activities in other policy areas. Thus as of mid-2018, CfC had undertaken a diverse range of activities and initiatives, not only to introduce and institutionalize “transformative change” in the four thematic areas, but also to promote electoral reform, excise tax reform, and land governance reform in the Philippines.

The Book: Chapters, Methods and Sources, and Arguments

Against the backdrop of the various developments and trends enabling and impelling the establishment of CfC outlined above, the remainder of this book chronicles the diverse set of activities and initiatives which have unfolded under the rubric of the program since 2012 and provides a close, careful, critical, and comparative analysis of their varying trajectories and outcomes. Instead of a bird’s eye view of the management of the program as a whole, the book focuses more narrowly on the actual initiatives and activities of CfC teams working on the ground in a diverse array of policy arenas – and in a wide variety of cities and provinces – in the Philippines. Unfortunately, it must be acknowledged, this approach largely obscures the crucial role of the program management team at TAF and DFAT and of the broader apparatuses across the two institutions, which

have sustained and supported CfC since its inception. Attention to internal decision-making processes and program management structures has been sacrificed in favor of a sustained and systematic examination of the variegated reform initiatives sponsored by CfC in various policy arenas as they emerged, evolved, and unfolded over 2012-2018. The abiding question addressed in the book is not really “Why did CfC proceed as it did?”, but rather: *What did CfC do, and how can we explain the outcomes and impact of its work?*

To address this question, the book proceeds through a mixture of process-tracing and comparative analysis. In large measure, the chapters are organized thematically to cover different policy arenas and reform efforts in which CfC has involved itself over the past five years: excise tax reform (Chapter 2), land governance reform (Chapter 3), education (Chapter 4), electoral reform (Chapter 5), disaster risk reduction and management (Chapter 6), and subnational governance reform and conflict resolution in Mindanao (Chapter 7). But the chapters are also intended to enable comparative analysis within and across these distinct policy arenas and reform efforts, and to allow for the articulation, elaboration, and substantiation of a set of strong arguments about the causal logics that help to explain the diverging trajectories and outcomes of the various activities and initiatives undertaken under the auspices of CfC.

Here, the book relies on a combination of “small-n” qualitative comparative analysis, participant observation, and process-tracing as the methodological and empirical bases for its arguments about the particular mix of achievements and disappointments observed across the full breadth of CfC over the past five years. Within and across successive chapters, the book compares and contrasts the diverging trajectories and outcomes of different CfC activities and initiatives, with a focus on the varying nature and extent of their successes – and failures – in achieving substantive, self-sustaining, rule-altering transformative change through the introduction, institutionalization, and implementation of reforms in different arenas of public policy in the Philippines.⁴⁰ This comparative analysis is applied not only across, but also within, different thematic and issue areas of CfC, such as disaster risk reduction and management, education, and electoral reform.

⁴⁰ Here we are following the Independent Progress Review’s definition of ‘transformative change’ as entailing a) institutional change in terms of shifts “in the rules of the game and/or leading to a sustained increase in institutional capacity”; b) significance of scale or potential for scalability; and c) sustainability, with prospects for endurance over time in the absence of continuing external support (See pages 12-13 of the Final Report).

The empirical research on which this comparative analysis is grounded in was undertaken by the authors of this book over the past five years along two different – and complementary – lines. Jaime Faustino has worked at TAF's office in Manila, overseen the activities of one of CfC's two education teams, and involved himself in a range of initiatives across the program, such as disaster risk reduction, electoral reform, and land governance reform, as well as a set of ongoing economic reform initiatives outside the purview of this book. This has provided Faustino with ample opportunity for sustained participant observation of all the CfC activities in which he has been involved. Through his role in managing these initiatives, he has enjoyed direct access to CfC staff and coalition partners, key players in the related policy and political arenas, and relevant policy documents and studies. More crucially, from the very beginning of the program, Faustino has also scrupulously and systematically maintained a set of timelines, which have documented the activities, the analysis, and the provisional outcomes of various CfC initiatives as the processes of reform advocacy unfolded.

John Sidel of the London School of Economics and Political Science has served as an independent analyst and advisor for CfC, making regular biannual visits to the Philippines since 2012 and undertaking episodic "action research" over the lifetime of the program. An academic specialist on Philippine politics, he has been provided unrestricted access to CfC staff, partners, and documentation, as well as considerable assistance in arranging interviews with key players in policy and political arenas and in obtaining documents and studies relevant to the program's initiatives. It is thus through this combination of internal and external perspectives and on the basis of diverse empirical sources accessed in real time and thereafter that this book traces the processes through which the activities and initiatives undertaken by CfC have unfolded since 2012.

Based on the empirical research and comparative analysis undertaken by the authors, the book articulates – and substantiates – a strong set of arguments that help to explain the mixed pattern of achievements and disappointments of the CfC program in the Philippines over the past six years. Overall, the book suggests that CfC was most effective and innovative – and achieved the greatest impact – when and where it operated with greatest autonomy from reform agendas and initiatives external to the program. Electoral reforms, excise tax reform, and land governance reforms were brought to fruition with the support of CfC, despite the absence of initial inclusion of these policy arenas within the program's agenda.

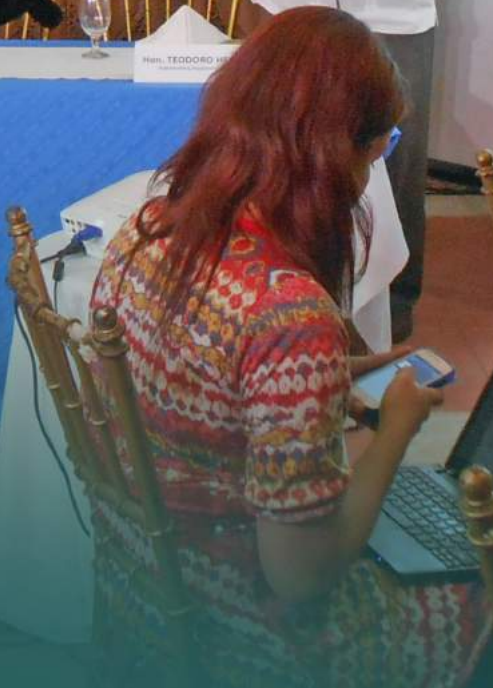
Alongside these entirely unprogrammed initiatives, those other activities within established CfC thematic areas – like Disaster Risk Reduction and Education – which operated independently of pre-existing reform agendas and initiatives – also proved to be especially innovative and effective, leading to the introduction, enactment, and implementation of self-sustaining policy reforms. In these more effective and impactful initiatives, it is also worth noting that CfC's "coalition-building" efforts entailed the recruitment and activation of tight-knit teams that combined experienced TAF staff with "policy wonks", political analysts and networkers, and "insiders" within diverse realms of the Philippine government. These teams engaged in problem-driven, iterative, adaptive reform advocacy work – rather than the more traditional modes of enlisting CSOs/NGOs on the basis of a participation-enhancing projects and government agencies in capacity-building exercises.

By contrast, the book also demonstrates that CfC tended to be somewhat less innovative and effective and achieved somewhat less significant and sustainable impact when and where it relegated itself to an ancillary role vis-à-vis one or another pre-existing reform agenda or initiative emanating from outside the program. For example, the program experienced disappointments in its work to support the Aquino administration's in-city relocation program for informal settler families living in flood-prone areas of Metro Manila and in its diverse efforts to support the peace process between the Philippine government and the Moro Islamic Liberation Front (MILF) in the southern Philippines. Even CfC's coherently organized and technically sophisticated initiative to improve decision-making in local road management, the Coordinating Road and Infrastructure Investments for Development (CR+ID) project, struggled to achieve self-sustaining policy reforms on its own. All these initiatives operated from the outset as ancillary adjuncts to one or another reform agendas or initiatives external to CfC, creating a structural constraint that inhibited the kind of problem-driven, iterative, adaptive *modus operandi* which the program was designed to follow. Moreover, it is also worth noting that all these initiatives entailed participatory projects for CSOs/NGOs and capacity-building exercises for government agencies, rather than advocacy work in policymaking arenas focused on the end game of "locking in" rule-altering reforms.

Overall, the book concludes, CfC has proven most innovative and effective and achieved the most significant and sustainable impact when and where it has made use of its freedom of maneuver and operated in a genuinely problem-driven, iterative, adaptive mode. In addition, the program has proven most innovative and effective and achieved the greatest impact when and where it has operated through reform advocacy work focused on policymaking arenas, rather than through more established and open-ended forms of promoting engagement, consultation, and cooperation between government and civil society. The chapters to follow elaborate and substantiate the arguments that lead to these conclusions. Read individually or together, it is to be hoped that they will help to inform readers interested in the CfC program in the Philippines and in broader efforts to explore new modalities for other programs to help promote more equitable, inclusive, and sustainable development, good governance, and conflict resolution elsewhere across the developing world.

SIN TAX LAW

SAVING LIVES,
ONE AT A TIME



BEYOND BACKSTOPPING: OPPORTUNISM AND EXCISE TAX REFORM

Within a year of its inception, the Coalitions for Change (CfC) program in the Philippines was already celebrating its first major success: support for the passage of the Excise Tax Reform, or “Sin Tax Reform” bill by Congress in November 2012 and its enactment into law as Republic Act 10351 the following month. The new law dramatically raised excise taxes on cigarettes and, to a lesser extent, on alcohol in the Philippines, with the lion’s share of revenues earmarked for the government’s public health care program, thus providing great fiscal and health benefits over subsequent years. The new law also represented a major triumph over vested interests – “Big Tobacco” in particular – which had managed to keep cigarette taxes extremely low for decades and to stymie successive attempts at reform.

Looking back over the past five years of CfC, the program’s role in the successful passage of the Sin Tax Reform bill is still cited as one of its most important achievements, so for purposes of this book it is essential to understand what unfolded and why. But upon reflecting on the six years of President Benigno Aquino III’s term in office (2010-2016), it is also apparent that the Sin Tax Law was one of the signature reforms of his administration. Therefore, it is essential to determine the specific nature and extent of the contribution to the Sin Tax reform effort made by forces outside the Aquino administration, including – and especially – those supported by CfC. To what extent can CfC’s partners – and CfC itself – lay claim to the success of the reform? To what extent was the role of CfC and its partners limited to “backstopping” the Aquino administration as it pursued its own agenda? To what extent were CfC and its key partner – the advocacy group Action for Economic Reforms (AER) – crucial for the success of the reform? To what extent was a distinctly coalitional strategy essential to the making of the reform? These are among the questions addressed in this chapter.

Given its recognized significance in the Philippine context and beyond, the Sin Tax Reform has already attracted interest from among a wide variety of observers and has been understood from a range of different angles. For example, in 2015 the World Bank published a book-length study titled *Sin Tax Reform in the Philippines*, which emphasized the importance of excise tax reform for revenue generation in developing countries like the Philippines while, perhaps predictably, underlining the complexity of tax reform and the critical role of technical expertise – including that supplied by the World Bank – in effective reform achievement.⁴¹ In 2015 Harvard University's Global Health Delivery Project likewise published a working paper titled *'Sin Taxes' and Health Financing in the Philippines*, which understandably stressed the importance and impact of the reform in terms of health, while highlighting the role of Filipino doctors, including then-Health Secretary Dr. Enrique Ona, in the making of the reform.⁴² Whether from a revenue or a health perspective, the Sin Tax Reform bill has been held up as a significant piece of legislation, and indeed the pages below will consider its impact and importance.

This chapter also focuses on the implications of the Sin Tax Reform for understanding the CfC program in the Philippines and, more generally, for other such programs operating along similar lines. It is worth noting that CfC's involvement in the Sin Tax Reform did not emerge out of the program's pre-designed interest and engagement on this front, but rather out of a more spontaneous – and opportunistic – decision in September 2012 to support the ongoing, if embattled, reform advocacy campaign led by AER mid-stream.

The Sin Tax Reform story is thus crucial for understanding CfC – and similar programs – in terms of the challenges involved in shepherding reform bills through a legislature like the Philippine Congress, and the questions facing prospective supporters of such reform legislation. Against this backdrop, the pages below examine the background, trajectory, and outcome of the Sin Tax Reform effort, paying close attention to the nature, extent, and implications of CfC's involvement. But first, an initial contextualization and documentation of the impact and importance of the Sin Tax Reform Law are in order.

⁴¹ Kai Kaiser, Caryn Bredenkamp, and Roberto Iglesias, *Sin Tax Reform in the Philippines: Transforming Public Health, Finance, and Governance for More Inclusive Development* (Washington, DC: The World Bank, 2016).

⁴² Amy Madore, Julie Rosenberg, and Rebecca Weintraub, *"Sin Taxes" and Health Financing in the Philippines* (Cambridge, MA: Harvard Medical School Global Health Delivery Project, October 2015).

Sin Tax Reform: So, What?

The significance of the 2012 Sin Tax Reform Law in the Philippine context can be understood in terms of its impact both on the economy and on public health. In economic terms, the importance of the reform lay in its identification and exploitation of a source for expanded tax revenue collection, which could be effectively and increasingly tapped for years to come without deterring investment and economic growth. After all, the Philippines was by 2012 a country that had been identified by the World Bank as caught in a “low-revenue, low-expenditure trap”, with tax revenues declining from 17% to 12.8% of GDP from 1997 to 2009, and two-thirds of this revenue decline caused by falling collections from excise taxes not indexed to inflation. Public spending in priority areas like basic education, health, and transport had likewise declined as a share of GDP, comparing unfavorably to its regional neighbors. Rising revenue and expenditure shortfalls hampered the Philippines’ efforts to attract investment, boost economic growth, reduce poverty, enhance competitiveness, and achieve other sustainable developmental goals through improvements to public infrastructure and upgrading of human capital.⁴³

Despite the passage of the Expanded Value Added Tax (E-VAT) Law in 2005,⁴⁴ these trends deepened over the administration of Gloria Macapagal-Arroyo (2001-2010), leading to a belated effort to improve government revenue collection under the leadership of President Benigno Aquino III. The first two years of the Aquino administration witnessed strenuous efforts by Bureau of Internal Revenue (BIR) Commissioner Kim Henares to improve and expand tax collection, as well as parallel efforts to reduce corruption and inefficiencies in the collection of customs duties and in government procurement and public works projects.

These efforts produced some results. By 2012, fiscal prudence had drawn down the government deficit to 2% of GDP, reduced indebtedness, and combined with increasing foreign reserves (US\$76.5 billion) to enhance the Philippines’ credit-worthiness – which was reflected in a credit upgrade for the country by leading ratings agencies. Yet even with improved collection and enforcement,

⁴³ *Philippines: Public Expenditure Review: Strengthening Public Finance for More Inclusive Growth* (Manila: The World Bank Group in the Philippines, 2011).

⁴⁴ Romeo Bernardo and Christine Tang, “Political Economy of the Reformed Value-Added Tax in the Philippines,” in Jonathan Aspin and Richard Bolt (eds.), *Managing Reforms for Development: Political Economy of Reforms and Policy-Based Lending Case Studies* (Manila: Asian Development Bank, 2013), pp. 28-59.

tax revenues remained below 13% of GDP, with low government spending continuing to restrict opportunities to protect and promote economic growth.⁴⁵

It is against this backdrop that the attractiveness and importance of excise tax ("Sin Tax") reform in economic terms in 2012 can be understood. Excise taxes on alcohol and tobacco products were relatively easy and inexpensive to implement; such taxes had been very low in the Philippines, and established patterns of consumption of cigarettes, beer, and spirits allowed for relatively reliable calculation of the tens of billions of pesos in annual tax revenues foregone in the past and anticipated in the post-reform years to come. For a president who came into office promising "no new taxes", a strategy of revising, reforming, and rationalizing existing taxes carried obvious appeal.⁴⁶ Given the narrow focus on a small range of consumer products and the concentration of ownership and market share in beer, spirits, and cigarettes in the Philippines, moreover, "sin taxes" had additional economic advantages and few risks in terms of unanticipated and undesirable knock-on economic consequences.

In fact, the enactment of the law in December 2012 has secured billions of pesos in annual new tax revenue for the government, with a 46% hike in excise tax collections already registered in the first six months of 2013 and legislated tax increases seeing steady revenue collection growth over subsequent years.⁴⁷ Between 2012 and 2015, excise tax collections more than doubled as a percentage of GDP (from 0.5% to 1.1%), with unification of cigarette tax rates achieved by 2017 and 4% annual rises in tax rates kicking in by 2018. Additionally, in the short term, the passage of the Sin Tax Reform bill in December 2012 contributed to growing confidence in the Philippines – as seen in the 2013 upgrade to investment-grade credit status by prominent ratings agencies – as well as continuing rises in foreign direct investment, in share prices on the Philippine stock market, in the strength of the peso, and in overall economic growth in the years following the law's enactment.⁴⁸

Alongside the economic importance of the Sin Tax Reform Law, there have also been significant health implications as well. Research on the consequences of excise tax increases on alcohol and cigarette consumption in other contexts

⁴⁵ *Philippines Quarterly Update: From Stability to Prosperity for All* (Manila: World Bank Group in the Philippines, 2012).

⁴⁶ "Aquino: No New Taxes If Elected President," *ABS-CBN News*, 21 January 2010.

⁴⁷ Zinnia B. Dela Peña, "Sin Tax Collection Up 46%," *Philippine Star*, 10 August 2013.

⁴⁸ *Philippine Economic Update: Accelerating Reforms to Meet the Jobs Challenge* (Manila: World Bank Poverty Reduction and Economic Management Unit, East Asia and Pacific Region, 2013).

suggests ample reason for confidence in the inevitability of marked declines in smoking and, to a lesser extent, drinking, along with commensurate reductions in heart disease, lung cancer, and other illnesses.⁴⁹ To date, there is some evidence in support of shifts along these lines in the Philippines since 2012, with dramatic cigarette price rises leading to modest declines in smoking prevalence and a sharper decline in overall cigarette consumption already apparent by 2015. The earmarking of excise taxes promises a steady and growing stream of revenue to help support and expand the universal health care (PhilHealth) program of the Department of Health. By 2016, the Department of Health budget had nearly tripled and the number of beneficiaries of PhilHealth had risen from 20.4 million to 52.5 million Filipinos. Thus the Sin Tax Reform was not simply, as some of its critics have alleged, a “revenue bill”, but a piece of legislation which has had meaningful and measurable benefits for the health of millions of Filipinos.⁵⁰ Overall, there is little reason to doubt the significance of the Sin Tax Reform Law. But questions remain as to how the law was passed in the first place, and how we should understand the success of the reform in terms of CfC.

Mere Backstopping?: The ‘Null Hypothesis’

As suggested above, one starting point for understanding the success of the Sin Tax Reform effort is the “null hypothesis” that the bill was passed at the insistence of Aquino, that it was the efforts of his administration that overcame resistance to the legislation, and that it was therefore simply presidential leadership which explains the successful enactment of this piece of reform legislation. After all, studies of major reform initiatives in a wide variety of contexts have stressed the central importance of leadership, whether conceived in terms of a set of personal skills and/or predispositions, or a set of resources and relationships structured by constellations of institutions, political parties, and social forces. Philippine democracy is characterized by a very strong presidency, with the executive branch enjoying considerable leverage vis-à-vis the legislative branch, especially the House of Representatives. This is exercised through control over

⁴⁹ Frank J. Chaloupka, Michael Grossman, and Henry Saffer, “The Effects of Price on Alcohol Consumption and Alcohol-Related Problems,” *Alcohol Research and Health*, Volume 26, Number 1 (2002), pp. 22-34; David T. Levy, Frank Chaloupka, and Joseph Gitchell, “The Effects of Tobacco Control Policies on Smoking Rates: A Tobacco Control Scorecard,” *Journal of Public Health Management and Practice*, Volume 10, Number 4 (2004), pp. 338-353.

⁵⁰ See: Filomeno S. Sta. Ana III, and Jo-Ann J. Latuja, *Cigarette Affordability and the Impact of Tobacco Taxation on Health and Revenue* (Quezon City: Action for Economic Reforms, 2010); Jo-Ann J. Latuja-Diosana, *The Epic Sin Tax War* (Quezon City: Action for Economic Reforms, 2013).

disbursement of pork barrel budgetary allocations and other discretionary powers, and is thus capable of overcoming congressional resistance to his or her legislative agenda.⁵¹ So perhaps the success of the Sin Tax Reform bill was simply due to the leadership, initiative, and efforts of Aquino – a testimony to his commitment to reform and his capacity to push through the reforms to which he was committed. Viewed from this perspective, the role of advocacy groups like AER – and indeed of CfC – in the reform was essentially negligible.

Indeed, as emphasized by virtually all the key actors in the Sin Tax Reform bill's passage interviewed by the authors in April 2013, Aquino played a crucial – direct and indirect – role from the beginning to the end of the legislative process. In early-mid 2012, he seized upon excise tax reform as a piece of priority legislation, cleverly timing this initiative to precede the 2013 mid-term election campaign so as to maximize his leverage vis-à-vis legislators in both houses of Congress. Aquino had identified the bill as a priority in the Legislative-Executive Development Advisory Council (LEDAC) meeting in August 2011, and it was the secretary-general of Aquino's Liberal Party, then-House Majority Leader and Appropriations Committee Chairman Representative Emilio "Jun" Abaya (later Secretary of Transportation and Communication), who sponsored the original bill in the House of Representatives.

Aquino communicated his commitment to the excise tax reform bill to members of congress and senators throughout the legislative process and deputized cabinet secretaries and other key figures in the executive branch to oversee and ensure the progress of the legislation as it moved from the House of Representatives to the Senate and into the bicameral conference committee, which ironed out differences between the versions of the bill passed by each house of Congress. Key figures with a direct line to Aquino could and did invoke his name as they badgered, bullied, bribed, and buttered up legislators to support the administration's line. Aquino likewise entrusted the negotiation of legislative hurdles at the committee level in the House of Representatives and the Senate, on the floors of both houses of Congress, and in the "bicam" (bicameral conference committee) to key members of congress and senators affiliated with his Liberal Party and otherwise in regular contact with key proponents for the bill within the administration.

⁵¹ Emil Bolongaita, Jr., "Presidential Democracy and the Separation of Powers: The Constitutional and Party Politics of the Philippine Democracy" (Ph.D. Dissertation, University of Notre Dame, 1994).

In addition, the chair of the Ways and Means Committee in both the House of Representatives and the Senate were forced to resign in the course of the passage of the Sin Tax Reform bill. Their replacement by legislators working closely with the Aquino administration was crucial for the timely passage of strong versions of the bill at the committee level and movement to votes on the floors of both houses of Congress. Aquino also personally intervened at key junctures with phone calls and personal meetings with individual legislators to soft-talk and strong-arm them into alignment with his preferred versions of the bill, as the authors were told by a number of key legislators and administration officials.

Viewed from this perspective, then, the passage of the Sin Tax Reform bill can be chalked up to presidential leadership – Aquino’s leadership – pure and simple. The success of reform legislation depends on top-down leadership, and the role of advocacy groups like AER – and of CfC – in the passage of the bill was essentially superfluous.

But this kind of top-down, Aquino-centered explanation suffers from obvious limitations and weaknesses. First of all, as some of those interviewed by the authors recalled, an earlier effort to raise excise taxes on alcohol and cigarettes floundered in the 1990s despite the supposedly strong support of then-President Fidel Ramos and his allies in Congress.⁵² There is thus no *a priori* reason to assume that presidential leadership sufficed for purposes of successfully pushing reform legislation through Congress. Presidential leadership may have been necessary for the achievement of the reform, but it may not have been sufficient.

Secondly, it is also worth noting, the political strengths and skills of Aquino were fairly matched by those of the opponents of excise tax reform. The so-called Northern Alliance of representatives from the tobacco-producing provinces of northern Luzon was very well-represented in the Ways and Means Committee in the House of Representatives, and worked hard to keep the bill from reaching the House floor, discrediting the bill as “anti-farmer”, and worked to cut the tax hikes on cigarettes and other tobacco products. Meanwhile, Philip Morris Fortune Tobacco Corporation (PMFTC), claiming more than 90% of the Philippine cigarette market, led what experts have described as the single most influential “tobacco lobby” in Asia.⁵³ Indeed, prior to their forced resignations, the chair of

⁵² Kent Eaton, *Politicians and Economic Reform in New Democracies: Argentina and the Philippines in the 1990s* (University Park: Pennsylvania State University Press, 2002).

⁵³ K. Alechnowicz and Scott Chapman, “The Philippine Tobacco Industry: The Strongest Tobacco Lobby in Asia!,” *Tobacco Control*, Volume 13, Number 2 (2004), pp. ii71-ii78.

the Ways and Means Committee in both the House of Representatives and the Senate were closely aligned with PMFTC, as were a number of other influential legislators, most notably in the Senate. In some key cases, such legislators' linkages to PMFTC clearly overrode shared party affiliation with the Aquino administration, as seen in their assiduous efforts to stall the legislative process and/or to water down the provisions of the bill.

The political influence of the "beer lobby" was also considerable. Many legislators in both houses were affiliated with the Nationalist People's Coalition (NPC), a party founded by Eduardo "Danding" Cojuangco, Jr., the longtime chairman of the San Miguel Corporation, which has dominated the beer market in the Philippines for many decades. It was only through an early agreement to restrict excise tax increases for beer and spirits that NPC legislators' support for serious tax hikes on cigarettes was secured. Overall, the evident difficulties experienced by the Aquino administration in achieving the passage of the Sin Tax Reform bill were of such magnitude that the final version enacted into law only passed by a single vote in the Senate, a testament to the strength and significance of resistance to the legislation, and the contingent nature of the outcome even in the context of strong presidential leadership and support.

Thirdly and finally, close and careful analysis of the specific provisions of the Sin Tax Reform bill makes clear that the specific provisions of the legislation changed – and were in some measure seriously watered down – as the bill moved from committee to the floor in the House and then the Senate, and once again in the bicam. These changes, however seemingly arcane and esoteric, had demonstrably important implications for the tax revenues and health benefits associated with the reform initiative, as a reading of the impassioned speeches of senators squabbling over different versions of the bill in November 2012 – or a close comparison of the provisions of various versions of the bill – makes clear. Passed into law in December 2012, the final version of the bill was characterized by compromises limiting the extent of excise tax increases on alcohol, scaling back the initial extent of excise tax increases on cigarettes, and earmarking some of the revenues for "livelihood projects" within the tobacco-producing provinces of northern Luzon. It also dramatically raised excise taxes for cigarettes, eliminated the previous "freeze" on tax rates based on 1997 product prices, indexed taxes to inflation, institutionalized the simplification and eventual unification of the tiering system along with a set of annual tax increases in the years ahead, and earmarked the lion's share of the revenues for universal health care.

In other words, the outcome of the legislative process was the passage of an excise tax reform law whose provisions bore only partial resemblance to those found in the original version launched by the Aquino administration. So even if we should credit Aquino's presidential leadership for passage of such a bill, we should be cognizant that the Sin Tax Reform bill eventually enacted into law was shaped by political forces, pressures, and processes not fully within the control of the president. Whether we view the final outcome of the legislative process as a "glass half full" or a "glass half empty" reform, the nature and extent of the enacted reform were clearly not determined by presidential leadership alone. Additional support from outside Aquino's administration was also crucial.

The Reform Coalition and Action for Economic Reforms (AER)

It is against this backdrop that the role of a *reform coalition* – and of Action for Economic Reforms (AER) in particular – in the passage of the Sin Tax Reform bill in December 2012 should be understood. Alongside presidential initiative and exertion of influence, a reform coalition emerged over the course of the legislative process, and the formation and mobilization of this coalition was crucial to the law's passage. Complementing and combining with reformist presidential leadership, the emergence, evolution, and active intervention of this reform coalition were necessary elements of the pre-conditions and processes enabling successful excise tax reform. A close analysis of the passage of the Sin Tax Reform law reveals the crucial role of the respected think tank and advocacy group AER in the formation and management of this reform coalition.

In the case of the Sin Tax Reform bill, a reform coalition emerged over the years leading up to the submission of the bill by the Aquino administration in mid-2011 and evolved and expanded as the legislative process unfolded over 2012. Indeed, the reform coalition was involved in the very process through which the Sin Tax Reform bill was originally placed on the menu of policy options for Aquino and pushed toward the prioritized front of the legislative agenda of the Aquino administration in the Legislative-Executive Development Advisory Council (LEDAC) meeting in August 2011. Leading AER activists were in close and regular touch with leading reformists in the administration from the outset, and they provided assistance in the formulation and presentation of materials used to make the case for excise tax reform and in the drafting of the legislation. As

veteran policy wonks and advocates, AER activists had excellent contacts and credibility, which enabled this kind of access and influence.

Moreover, the economic reform-focused activists of AER had also developed close linkages with prominent doctors active in anti-smoking advocacy work, such as Dr. Maricar Limpin, who had spearheaded the campaign to win Philippine government accession to the World Health Organization's Framework Convention on Tobacco Control in 2005. As the bill moved into the House of Representatives, AER and other activists, as well as their allies in the Aquino administration and Congress coordinated closely to monitor the legislative process, to maneuver in the face of obstacles and resistance from various quarters, and to mobilize support from an expanding contingent of the members of Congress through a combination of backroom politicking and media-savvy public relations work.

As the legislative process unfolded, the reform coalition expanded in its composition and evolved in its *modus operandi*. To win sufficient support to secure passage of the bill in the House, a compromise was forged with the Nationalist People's Coalition (NPC), the party of San Miguel Corporation Chairman Eduardo "Danding" Cojuangco, Jr., through an agreement to limit excise tax increases on alcohol, thus securing support from a solid bloc of legislators in the Ways and Means Committee, on the House floor, and in the bicam. At the same time, the committee hearings in the House of Representatives occasioned the appearance of prominent specialist doctors recruited by AER to provide expert testimony as well as the mobilization of a diverse array of health-related organizations.

While AER's round-the-clock work on the Sin Tax Reform bill helped to win passage in the House in early June of 2012, the termination of funding from the United States Agency for International Development (USAID) for AER's work a few months later left the advocacy group unable to continue its efforts as movement on the bill began to pick up steam a few months later in the Senate. It was in this context that the CfC program stepped into the breach. CfC staff had worked closely with AER on previous reform initiatives, held the advocacy group in high regard, and fully appreciated the significance of the excise tax reform bill and the momentousness of the conjuncture at which AER found itself suddenly deprived of funds to continue its advocacy campaign. CfC quickly submitted a request for the program to support AER as the campaign for passage of the bill got under way in the Senate. Unconstrained by the bureaucratic procedures

and forms of programming that prevented USAID from extending its funding for AER, the CfC program immediately approved the proposal to begin working closely with AER – and provide financial support for its efforts for Sin Tax Reform – from early September 2012.

As the bill reached the Senate in the late summer of 2012, the expanded coalition that AER had worked to develop in the House earlier in the year continued to evolve and to innovate. Individual senators were approached and, in some cases, incorporated into the coalition, even as more and more doctors and health-related organizations were mobilized, and engagement with the media moved into high gear, including campaigning through social media and the internet. AER's analytical work and influence helped to generate a spate of articles and opinion pieces in prominent Manila newspapers. At the same time, popular television and radio shows, websites and blogs featured soundbites and special appearances by AER-linked economists, as well as activist doctors and other health specialists.⁵⁴ A steady stream of expert analysis and information flooded the public sphere through the combined efforts of AER and its allies in the medical establishment. Full-page manifestos and petitions endorsed by a long list of doctors' associations were published, while prominent doctors made regular public appearances in support of the excise tax reform bill. As the bill moved from the Ways and Means Committee to the floor of the Senate to the bicam and finally to the floors of both Houses, the full cast of characters and range of repertoires of the coalition were deployed.

Following the passage of the bill in December 2012, the core elements of the coalition – the activists of AER and their reformist allies in the Aquino administration – reassembled in 2013 to ensure successful implementation of the new law. Some of this work focused on the drafting of the Implementing Rules and Regulations (IRRs) of the Sin Tax Reform law, with AER activists providing advice and assistance to key officials in the Department of Health and the Department of Finance. In addition, beginning in 2013, AER activists and their coalition partners in the Administration and Congress began to investigate the continuing limitations and weaknesses of the government's universal health care program (PhilHealth), and initiating public consultations and campaigns to promote more effective and extensive health care coverage under the program,

⁵⁴ See, for example, <http://www.youtube.com/watch?v=OHEXlnRtYBM>.

for which the lion's share of the Sin Tax Reform revenues have been earmarked. At the same time, AER continued to monitor the implementation of the law in terms of revenue collection, allocation, and disbursement.

In 2016, AER – with CfC's support – returned to work to preserve and expand the key provisions of the Sin Tax Reform Law as it came under a scheduled five-year congressional review. With taxes on cigarettes converging on a single, unitary rate in 2017 and annual 4% rises in rates due to kick in by 2018, the tobacco industry had been gearing up to exploit the five-year review as an opportunity to introduce amendments to the legislation to water down or eliminate its key provisions. Indeed, 2016 saw the filing of a new bill proposing a two-tier system that was passed by the House of Representatives in early 2017, which threatened to reduce the benefits of the 2012 Sin Tax Reform. Luckily, AER's work "backstopping" the Department of Finance in the promotion of its comprehensive tax reform program – Tax Reform for Acceleration and Inclusion (TRAIN) – helped to prevent this reversal. In the bicam meeting in December 2017 to reconcile the differences between the House and Senate versions of "Package 1" of TRAIN, modest increases in excise taxes on cigarettes were successfully inserted into the final version, which was passed into law before the end of the year.

Since that time, AER – with CfC's support – has continued to work both to protect the gains achieved in the Sin Tax Reform Law of 2012 and to promote further reforms. The heavy reliance of current President Rodrigo Duterte's administration on AER for technical assistance, strategic advice, and independent advocacy in its efforts to push through a comprehensive tax reform through TRAIN has provided new opportunities for AER and CfC to advance further revenue and healthcare reforms. Here, it is worth noting the successful introduction in the December 2017 "Package 1" of TRAIN of new health/environment-related excise taxes on soft drinks, other sugar-sweetened beverages, and diesel – which arguably drew inspiration from the success of the 2012 excise tax reform legislation.

In addition, over the course of 2018, AER joined health advocacy groups to lobby strongly in Congress in support of Duterte administration's Universal Health Care Act, which was passed by Congress and signed into law in February 2019. The new law, which extended public health care coverage to all Filipinos through enrollment in a National Health Insurance Program, has been estimated to require more than P250 billion in new spending by the Department of Health in its first year of implementation, creating fiscal pressures which should encourage new hikes in

excise taxes on tobacco and alcohol products. With such taxes helping to triple the Department of Health budget since the passage of the Sin Tax Reform Law in 2012, the link between “sin taxes” and health care is now well-established, as seen in the recent filing of a raft of new bills calling for tax hikes on tobacco and alcohol products in the Senate. Thus, beyond the Sin Tax reform’s success in driving down smoking prevalence from one-third to a quarter of the population since 2012, it has also enabled a dramatic expansion of public health care provision in the Philippines, benefiting smokers and non-smokers alike.

Implications of the 2012 Sin Tax Reform Law Experience

Looking back at the Sin Tax Reform initiative from the vantage point of 2018, what can we say about its implications for the CfC program in the Philippines? Here, it is worth considering the specific nature and extent of the contribution that CfC and AER made to the enactment of the Sin Tax Reform Law, as well as the specific mechanisms and processes through which AER worked to achieve passage of the legislation. In addition, it is also worth considering the modalities and *modus operandi* of CfC, which enabled and impelled it to support AER and the Sin Tax Reform.

As suggested above, it is clear that the passage of the Sin Tax Reform Law was driven in considerable measure by the Aquino administration, especially by “champions” like Undersecretary of Finance Jeremias “Jun” Paul. In addition, AER – and CfC – played a role that was in large measure limited to “backstopping”. It was, after all, the Aquino administration that proposed the legislation and pushed it through Congress, and without the president’s enthusiasm for the bill and efforts on its behalf, the Sin Tax Reform Law would never have been passed in the first place. Thus, the Sin Tax Reform represents an instance of a reform initiative in which the government in office is the author and primary driver of the reform.

That said, as argued and evidenced above, it is also clear that the passage of a Sin Tax Reform Law – and the passage of Republic Act 10351 in November 2012 in particular – was only possible through the mobilization of what might be termed a “reform coalition” that extended beyond Aquino and his administration. Opponents of the reform, after all, were deeply entrenched in key positions in both houses of Congress, and opposition to the reform threatened both

to dilute – if not delete – key provisions of the legislation. Opponents also attempted to delay, and in some cases deter, passage of the legislation as had been achieved in the face of previous president-led reform initiatives on this front. As evidenced in the eventual passage of the law by a single vote in the ratification of the bicameral conference report in the Senate, victory was not inevitable, but rather contingent on a diverse set of forces and factors at play. In other words, a reform coalition went beyond mere “backstopping” to play a necessary role in the making of the reform.

What then should we make of the reform coalition that emerged, evolved, expanded, maneuvered, and mobilized in support of Sin Tax Reform? Here, at least five key elements of its composition and *modus operandi* are especially worthy of note, especially insofar as they combined to enable successful passage of the legislation. First of all, the reform coalition included diverse components, namely:

- a. “reform entrepreneurs”, activists, experts, and policy wonks from the world of civil society, non-governmental organizations, and academia;
- b. reform “champions” from within the incumbent administration, lodged in various departments, agencies, and the Office of the President;
- c. reform “champions” within Congress, represented in both the House of Representatives and the Senate, and in key committees in both houses;
- d. advocacy groups, allied associations, organizations, and pressure groups with some kind of mobilizational capacity; and
- e. media outlets, ranging from investigative journalists to newspaper reporters and columnists, to social media and internet websites.

Looking back at the legislative process, it is clear that each component of the coalition played an important role in the passage of the Sin Tax Reform bill. Reform champions from within the Aquino administration and in Congress assumed direct responsibility for sponsorship of the legislation, winning support from legislators in both houses, and crafting the compromises that allowed the bill to overcome successive procedural and political hurdles to passage. At the same time, AER’s experts, anti-smoking activists, and prominent doctors worked with the media to provide expert advice and information and to exert and amplify public pressure on legislators in support of the reform legislation. Insofar as the specific outcome of the legislative process was contingent on diverse competing political pressures, then the multi-sectoral nature of the coalition maximized

the vantage points through which influence and effort could be exerted to help shape the ultimate form of the Sin Tax Reform legislation.

Secondly, as the reform coalition evolved and expanded, it incorporated, however opportunistically, a set of allies of convenience of decidedly “non-reformist” variety, along lines reminiscent of the “Baptists and bootleggers” who famously sponsored various laws restricting the production, sale, and consumption of alcohol in the United States over the 20th century.⁵⁵ Indeed, in the case of *Sin Tax Reform in the Philippines*, the reform coalition found itself in alignment with British American Tobacco (BAT), which openly sought to “reform” a tiered tax classification scheme which greatly inhibited the entry of its products into a market monopolized by PMFTC. Within the House of Representatives, the vanguard of members of Congress affiliated with the Liberal Party leadership was too small in number to suffice for purposes of railroading through the original version of the bill sponsored by the administration, so new allies needed to be found to overcome hurdles in the Ways and Means Committee, on the floor of the House, and later on in the bicam. Here, the alliance with the “beer lobby” of the San Miguel Corporation Chairman Eduardo “Danding” Cojuangco, Jr.’s Nationalist People’s Coalition (NPC) provided crucial bloc support at key moments in the legislative process. More broadly, members of congress primarily interested in their pork barrel allocations and in the promotion and protection of their family business interests were likewise drawn into support for the Sin Tax Reform bill through explicit identification of the new revenues which would flow into their districts through the government’s universal health care program, with extra funds also earmarked for the tobacco-producing provinces of northern Luzon where resistance to the bill was strongest.

In the Senate, the much weaker position of the Liberal Party forced the coalition to work closely with a wide range of individual senators, whose support for the Sin Tax Reform bill came less out of any proven constancy of commitment to reform, and more out of idiosyncratic openness or susceptibility to pressures from the Aquino administration and from economic reform and anti-smoking activists working in the coalition. At crucial junctures throughout the legislative process, the reform coalition kept the door open to such (potential) partners,

⁵⁵ See: Bruce Yandle, “Bootleggers and Baptists: The Education of a Regulatory Economist,” *Regulation*, Volume 7, (1983), pp. 12-16; and Bruce Yandles, “Bootleggers and Baptists in Retrospect,” *Regulation*, Volume 22 (1999), p. 5.

tempering attacks on opposition to the Sin Tax Reform bill with efforts to encourage more and more members of congress and senators to shift their positions so as to be able to claim “shared ownership” of the reform legislation. Overall, this openness – if not opportunism – in coalition-building meant that the reform coalition positioned itself and promoted the legislation in ways that enabled the attraction of a very broad range of members of Congress and senators into support for the excise tax reform bill. Ultimately, it might be concluded, “reformists” alone do not a reform coalition make.

Thirdly, while the reform coalition operated in virtually round-the-clock, full-throttle mode through the key months of the legislative process in 2012, it built on a longer history of activism, achievement, and experience. Contacts between AER activists and key officials in the Aquino administration dated back many years, with well-established relationships of mutual trust and understanding. These activists and officials also had a long experience of efforts to push through reform legislation, dating back to the 1990s, including previous encounters with Big Tobacco in its earlier incarnations (i.e. prior to the merger of Philip Morris International and Fortune Tobacco).

Alongside the lessons learned and the solidarities forged through these shared experiences, these activists and officials also had accumulated an impressive knowledge of the tax system, of the alcohol and tobacco industries, and of the broader economic and political context within which the reform effort was launched. There was an enormous accumulated stock of “intellectual capital”, experiences, educational achievements, expertise, and intelligence – in all senses of the term – shared among these activists and “policy entrepreneurs”. There was also a dense web of organizational and interpersonal linkages among the doctors who joined the coalition to support passage of the Sin Tax Reform bill.

The reform coalition also built on achievements in the realms of economic and health reform in previous decades. Here, it is worth noting not only the E-VAT reform law of 2005 but also the Tobacco Regulation Act of 2003 and the accession of the Philippines to the World Health Organization’s Framework Convention on Tobacco Control (FCTC) in 2005. In terms of the coalition’s success in framing Sin Tax Reform as a health care measure rather than a “revenue bill”, the many years of anti-smoking activism and public awareness campaigns clearly paid off. As one experienced coalition insider noted, previous excise tax reform efforts had failed to make this connection. Whereas by 2012, the link between

cigarettes and health problems was well-established in the Philippines. Indeed, Congressman Isidro Ungab, who took over the chairmanship of the House Ways and Means Committee to oversee the early stages of the legislative process for the bill, had played a role as a city councillor (and close lieutenant of long-time mayor Rodrigo Duterte) in Davao City's imposition of an ordinance banning smoking in public places in 2002.⁵⁶ Therefore, by the time Aquino's Sin Tax Reform bill hit Congress in 2012, economic reform and anti-smoking activists could build not only on previous experiences of legislation, but also on a sea change in public awareness of – and politicians' sensitivity to – the connection between cigarette consumption and public health.

Fourth, in the heat of the legislative process, the coalition drew on its combined strengths in terms of the commitment of its activists, the communications and coordination among its constituent members, and their capacity for sustained trench warfare on the frontlines of Philippine politics. Here, AER played a crucial role, providing a steady stream of expert briefings and background papers, carefully crafted presentations, rigorously reviewed data sets, informal advice, and political intelligence. As the legislative process unfolded in fits and starts – alternating between drawn-out hearings, backroom horsetrading, and public grandstanding – AER activists remained in situ, unblinkingly focused on the sometimes mind-numbingly arcane details of various versions of the bill and projections of impact on public revenue and health.

These activists were simultaneously engaged in non-stop intelligence-gathering, counter-intelligence, data analysis and production, tactical operations, team management, internal communications, public relations, and strategic thinking for the coalition as a whole. All of those involved who were interviewed by the authors stressed the importance of “homework”, of “being there”, of timely responses to rapidly changing circumstances, and of maintaining a close watch on the minutiae of the legislation as well as the multiple political games simultaneously unfolding as the Sin Tax Reform bill moved forward. This was an incredibly labor-intensive process, requiring continuous investment of human capital. The term “activist” is clearly appropriate here.

⁵⁶ World Health Organization, *Advancing the Enforcement of the Smoking Ban in Public Places: Davao City, Philippines* (Kobe City, Japan: WHO Centre for Health Development, 2011).

Finally, the reform coalition owed much of its success to the effective framing of the Sin Tax Reform bill and the mounting of a multimedia campaign in support of the legislation. Doctors and nurses were mobilized to make very visible appearances en masse – first in the House, and then in the Senate, with prominent specialists making impassioned presentations at hearings, delivering soundbites to the media, and rallying a diverse range of medical associations to sign petitions, full-page newspaper advertisements, and formal letters in support of the legislation. Activists set up a “*Bawas Bisyo* Bill” website⁵⁷ and Facebook page, and worked closely with sympathetic journalists and columnists to counter the “envelopmental journalism” (i.e. financial inducements) that the tobacco lobby supported throughout the legislative process. Rappler produced a seven-part documentary film that provided a muckraking account of the tobacco industry and its success in thwarting previous excise tax reform efforts.

The significance of media for the coalition’s work on the Sin Tax Reform bill was exemplified by a key moment in the legislative process in mid-October 2012. Earlier that month, AER activists drew upon their experience and intelligence-gathering in the House of Representatives to uncover – and expose – evidence that the proposal by the chairman of the Senate Ways and Means Committee for a watered-down version of the excise tax reform legislation was based on a Philip Morris position paper obtained by AER. The committee chairman, whose home province played host to Philip Morris Fortune Tobacco Corporation’s headquarters and main plant in the Philippines, was thus publicly discredited, with media reports following AER in dubbing his proposal as a bill drafted by the company. Against this backdrop, a team of prominent doctors closely linked with AER made a highly publicized visit to the senator’s office to voice their outrage and demand his resignation, then holding a press conference in which they were photographed giving their “thumbs down” to the committee chairman, who resigned later the same day. This kind of active media campaigning continued even as the bicam negotiated the final version of the bill, with Sin Tax Reform champion Congressman Ungab breaking from standard practice to provide regular updates to the media, and threatening resignation should provisions of the bill be further watered down.

Overall, then, the passage of the Sin Tax Reform law in December 2012 represented the victory of a diverse reform coalition linking the Aquino administration and

⁵⁷ *Bawas Bisyo* means “reduce vice” in Tagalog.

allied legislators in the House and Senate to a network of economic reform and anti-smoking activists, doctors' groups, and the media. Aquino's leadership was a necessary pre-condition for the passage of *a* Sin Tax Reform bill and was crucial for the passage of *the* Sin Tax Reform law in December 2012, but such leadership was not sufficient to guarantee this outcome. Instead, a reform coalition supplemented his leadership through close communications and coordination, and effective use of information and media as well as accumulated achievements from previous years of economic reform and anti-smoking activism. At the heart of this reform coalition were the AER activists.

As for the CfC program, its role was ultimately limited to support for AER during the final – critical – phases of the legislative process when the Sin Tax Reform bill was under consideration and debate in the Senate and the bicam, and thereafter in the drafting of the implementing rules and regulations (IRRs) for the new law, and the monitoring and defence during the 2016-2017 congressional review. Here, as suggested above, it must be acknowledged that AER benefited greatly from earlier support from USAID and other overseas development agencies. The World Bank provided technical assistance in terms of data analysis, modeling, and forecasting with regard to tax rates and revenues. The American Cancer Institute and Bloomberg likewise offered expert advice and assistance to AER and its partners from anti-smoking groups in the Philippines, in terms of presenting evidence on the health costs of smoking, the health benefits of excise tax reform, and predicting the tobacco industry's likely tactics and strategy in fighting the passage of the law.

The significance of CfC's contribution lay in its spontaneous but then sustained support for AER's efforts in the crucial end-game of the legislative process, beginning with committee hearings in the Senate, continuing through the bicam, and extending into the drafting of the implementing rules and regulations (IRRs), the monitoring of implementation, and the defense of the law during the fifth-year congressional review. Unlike USAID, CfC was sufficiently flexible yet focused on "technically sound, politically possible" reforms to move expeditiously to support AER "mid-stream" on Sin Tax Reform, extending such support through the final stages of the legislative process, including drafting of the IRRs and beyond.

Conclusions: Sin Tax Reform and CfC

What, then, were the implications of Sin Tax Reform for CfC? This chapter has suggested at least four sets of points to consider. First, as an example of reform through legislation, Sin Tax Reform reaffirmed some of the starting premises of “thinking and working politically” adopted by CfC. In Sin Tax Reform, we saw the complexity and contingency of the reform process and the importance of compromise on the one hand, and communications strategy on the other. Here, we also saw the crucial role of a reform coalition, not in a formal or static sense, but in terms of a process in which multiple actors and interests were mobilized – if not simultaneously, then at various stages of the process, with “ownership” of the reform claimed by a wide variety of parties. CfC’s explicitly coalitional approach to the promotion of reform in the Philippines was thus fully vindicated by the success of the Sin Tax Reform campaign.

Secondly, the role of AER in the making of Sin Tax Reform likewise reaffirmed the importance – and potential effectiveness – of small, committed advocacy groups working in a very iterative and adaptive fashion. Given the complexity and contingency of the reform process, it was crucial that AER activists were extremely well-versed in both the technical aspects of excise tax reform and in the political dynamics in play in both houses of Congress. It was also absolutely essential that AER activists worked round-the-clock throughout the legislative process to anticipate and overcome successive efforts by opponents of the reform to defer its passage and/or dilute its provisions.

Here, it is worth noting, the role of AER was not really that of a civil society organization, but rather that of an advocacy group. In fact, it was a role that arguably mirrored if not mimicked that of the tobacco industry’s lawyers and lobbyists working against the law.⁵⁸ AER’s team of activists included savvy, sophisticated political operators as well as policy wonks, and their *modus operandi* included “conspiratorial” activity in the back corridors and committee rooms of Congress as well as public communications strategy through media and social media. AER’s team was also characterized by real personal commitment if not

⁵⁸ Paul A. Sabatier, “Knowledge, Policy-Oriented Learning, and Policy Change: An Advocacy Coalition Framework,” Volume 8 Number 4 (1987), pp. 649-692; Paul A. Sabatier, “An Advocacy Coalition Framework of Policy Change and the Role of Policy-Oriented Learning Therein,” *Policy Sciences*, Volume 21 (1988), pp. 129-168; and Paul A. Sabatier and Hank C. Jenkins-Smith, *Policy Change and Learning: An Advocacy Coalition Framework* (Boulder: Westview, 1993).

zealotry in support of the passage of the Sin Tax Reform Law, and this personal commitment counted much more than AER's contract with CfC for ensuring tireless work during the heat of the legislative process.

But if AER provided a repository of political experience, policy expertise, and personal enthusiasm for reform advocacy work, its success with Sin Tax Reform did not prove that only pre-existing think tanks and formal advocacy groups would be worthy of CfC support. Instead, CfC itself could form new teams capable of undertaking advocacy work, replicating the composite strengths of AER by recruiting members with diverse – but complementary – strengths and skills. Indeed, as seen in the chapters below, it was precisely through this kind of recruitment strategy that some of CfC's most successful reform teams were formed.

Thirdly, CfC's move to support AER in the final stages of the legislative process for the Sin Tax Reform bill suggested both strengths and weaknesses as far as an overarching strategy for the program was concerned. On the one hand, the Sin Tax Reform success story offered evidence of the advantages of flexibility, agility, and opportunism for CfC, indicating that the program's availability to provide immediate support for a reform advocacy campaign in full swing represented a signature strength not found in more traditional, bureaucratic, and "pre-programmed" overseas development agencies. On the other hand, the Sin Tax Reform success story provided little in the way of a strategic vision for generating new reform agendas and advocacy campaigns, implying only that CfC could and perhaps should simply bandwagon behind existing reform advocacy work in the final push to bring reforms to full fruition.

Finally, as suggested above, CfC's involvement in the passage of the Sin Tax Reform law must be understood as a complement and supplement to the Aquino administration's authorship, initiative, and exertion of effort in support of the bill. As an early "success" for CfC, Sin Tax Reform thus raised questions about the program's capacity for independent reform agenda-setting and activism, beyond mere "backstopping" of an avowedly "reformist" administration. These questions continued to concern CfC as it proceeded in the wake of the Sin Tax Reform victory in late 2012, presenting challenges to the program which it worked to address over subsequent years in a variety of other reform initiatives, as discussed in the chapters to follow.



SOWING SEEDS, REAPING HARVESTS: LAND GOVERNANCE REFORM

Beginning in 2014, the Coalitions for Change (CfC) program in the Philippines has devoted considerable energy and resources to the promotion of land governance reform, with a particular focus on the persistent problems with land titling in the country. CfC's efforts on the land governance front have been multifaceted. From late 2013, CfC worked to secure official extension of the provisions of the 2010 Residential Free Patent Act to cover titles for school sites, achieving victory on this front by mid-2015. To date, the reform has enabled nearly 5,000 schools to obtain formal land titles, thus protecting school sites from a rising tide of legal claims and disputes and releasing them from procedural constraints on the construction of new classrooms and other facilities. The reform also opened the door to the official implementation of the provisions of the 2010 Residential Free Patent Act to cover titles of all sorts of other government lands. This came at a time when demographic growth and real estate speculation has exacerbated the insecurity of titles for all sorts of public building sites across the country, especially in urban and suburban areas.

At the same time and continuing to date, CfC has also been working on other aspects of land governance reform. Since mid-2014, for example, CfC has been promoting partnerships between the Department of the Environment and Natural Resources and local government units to undertake accelerated land-titling campaigns on a piecemeal basis in a number of provinces across the Philippines. Meanwhile, in 2014, CfC began work through its contacts in Congress and elsewhere to promote the passage of an Agricultural Free Patent Reform Act to remove growth-killing restrictions that hamper the effective functioning of agricultural land markets in the Philippines. The bill was passed by Congress in December 2018 and signed into law in February 2019. Since the

inauguration of President Rodrigo Duterte in late June 2016 moreover, CfC has actively lobbied the new administration to adopt a National Land Titling Program to redress the manifold problems with land-titling procedures – and reduce the vast extent of untitled land parcels – across the breadth of the archipelago. In a variety of ways, CfC has been actively involved in promoting land governance reform in the Philippines from 2014 up through the present day.

CfC's involvement in land governance reform is reminiscent of its support for Sin Tax Reform as described in the preceding chapter. As with Sin Tax Reform, after all, land governance reform was not really identified at the inception of CfC as a core concern of the program; CfC's involvement emerged through the identification of opportunities for reform advocacy work not fully visible or very prominent on the program's radar screen as of early-mid 2012. As with its support for the Sin Tax Reform campaign in late 2012, CfC's move into land governance reform in 2014 came in the context of diminishing or disappearing external funding for preceding advocacy work on this front, with CfC funds once again replacing those previously provided by the United States Agency for International Development (USAID). Finally, as with CfC's support for Action for Economic Reforms (AER) in the Sin Tax Reform effort, CfC's role in land governance reform has involved support for the Foundation for Economic Freedom (FEF), another established policy advocacy group working in the national capital.

However, in other, and perhaps more important ways, CfC's work promoting land governance reform over the past several years has represented a clear departure from the kind of contribution it made to the Sin Tax Reform effort in late 2012. On the one hand, in contrast with Sin Tax Reform, CfC's work on land governance reform since 2014 has unfolded without any active initiative or interest on the part of the Philippine government. Thus in the realm of land governance, CfC has very clearly gone far beyond "backstopping" to promote its own reform agenda, rather than that of an incumbent administration. On the other hand, CfC's work on land governance reform since 2014 has been undertaken not only in continuation and resumption of previous advocacy campaigns in this policy arena, but also as an extension of a longer history of arguably foundational work by overseas development agencies in the Philippines from the year 2000 onwards. Thus while it is important to appreciate the special modalities and specific *modus operandi* through which CfC has worked

on land governance reform in the Philippines since 2014, it is also essential to acknowledge – and understand – how CfC has built on the achievements and accumulated legacies of more traditional development programs dating back many years.

Land Governance Reform in the Philippines: The Backstory

Indeed, since the turn of the 21st century, a diverse set of land governance reform initiatives have been launched in the Philippines, with generous support from a range of overseas development agencies, including AusAID and the Asia Foundation, as well as the World Bank, USAID, and the Asian Development Bank (ADB). First and foremost among these initiatives was the Land Administration and Management Project (LAMP I and II) which was supported by AusAID and the World Bank over the course of 2000-2010. The diverse components of LAMP included: a) promotion of new land policy and institutional reforms, especially through legislation, b) institutional development and capacity building, especially within the Land Management Bureau (LMB) of the Department of the Environment and Natural Resources, c) support for accelerated land titling through systematic adjudication and other experimental initiatives in select localities across the Philippines, and d) support for property valuation reform, especially in the Department of Finance.

A second set of land governance reform efforts were undertaken by USAID and the Asia Foundation under the Policy Reform Project (2006-2008) and the Economic Growth Hubs program (2009-2013). These reform efforts included the passage of the Residential Free Patent Act in 2010, the drafting of implementing rules and regulations (IRRs) for the new law, and the promotion of partnerships between the Department of the Environment and Natural Resources and local government units to enable and expedite its implementation. These efforts were still under way at the inception of CfC in early-mid 2012.

These various land governance reform initiatives in the Philippines since the turn of the 21st century emerged not as new iterations of earlier “agrarian reform” efforts focused on the redistribution of land, but rather as part of a wave of new programs promoted across the developing world by international financial

institutions like the World Bank and overseas development agencies by USAID from the 1980s onwards.⁵⁹ The underlying premise of these new programs lay in the assumption or argument that greater clarity, efficiency, and transparency in land governance would strengthen property rights and reduce rigidities and transaction costs in land markets, thus encouraging capital accumulation and investment, increasing agricultural productivity and government revenues, and enhancing economic growth and development. This point of departure owed much to the New Institutional Economics and in particular the writings of the Nobel Prize-winning economist Douglass C. North, whose work highlighted the role of property rights in economic development.⁶⁰

Against the backdrop of these intellectual and institutional trends among policymakers in international financial institutions and overseas development agencies across the world, the Philippines appeared to be a highly appropriate candidate for land governance reform at the turn of the 21st century. After all, even at this late juncture in the country's development, a considerable portion of land parcels in the Philippines was estimated to remain untitled, leaving millions of Filipinos without firm legal claims to the plots they were tilling or their places of residence. This left them vulnerable to intra- and inter-familial property disputes and limited their security of tenure, their ability to use land as collateral for loans, and their payment of local property taxes. The process of obtaining land titles, moreover, was said to be highly complex, costly, and cumbersome, discouraging many potential applicants for titles from initiating the process and relegating many others to lengthy, time-consuming, and inconclusive engagements with the courts or with the multiple agencies involved in the process. Thus, the pace of land titling reportedly remained woefully slow, even as continuing demographic growth, urbanization, and real-estate development increased pressures on land and on the available set of institutional mechanisms and procedures for land titling.

⁵⁹ See, for example, Frank F.K. Byamugisha, *The Effects of Land Registration on Financial Development and Economic Growth: A Theoretical and Conceptual Framework* (Washington, DC: World Bank Policy Research Working Paper, 1999); Klaus Deininger and Hans Binswanger, "The Evolution of the World Bank's Land Policy: Principles, Experience, and Future Challenges," *World Bank Research Observer*, Volume 14, Number 2 (August 1999), pp. 247-276; Klaus Deininger, *Land Policies for Growth and Poverty Reduction* (Washington, DC: The World Bank, 2003); Klaus Deininger, Clarissa Augustinus, Stig Enemark, and Paul Munro-Faure, *Innovations in Land Rights Recognition, Administration, and Governance* (Washington, DC: The World Bank, 2010); and Klaus Deininger, Harris Selod, and Anthony Burns, *The Land Governance Assessment Framework: Identifying and Monitoring Good Practice in the Land Sector* (Washington, DC: The World Bank, 2011).

⁶⁰ Sebastian Galiani and Ernesto Scharfrodsky, "Land Property Rights," in Sebastian Galiani and Itai Sened (eds.), *Institutions, Property Rights and Economic Growth: The Legacy of Douglass North* (Cambridge: Cambridge University Press, 2014), pp. 107-120.

This seemingly sad state of affairs reflected an institutional context for land governance, which appeared to cry out for reform. A diverse set of government departments and agencies were involved in the land-titling process at the national level, even as their offices, personnel, and responsibilities at the local level seemed to remain difficult to access, understand, and make use of by ordinary Filipinos interested in obtaining titles to parcels of lands scattered across the archipelago. On the one hand, the various departments and agencies involved in land titling appeared to be weak in terms of institutional capacity, with remarkably incomplete land records and inadequate resources for proper surveying, titling, and registration of land parcels. On the other hand, these departments and agencies were also reportedly riddled with corruption and rent-seeking, with “fixers” and “brokers” assisting predatory officials in extracting illegal fees and bribes to expedite land transactions and in manipulating land records in accordance with pecuniary interest and political advantage.

Against this backdrop, the Philippines appeared to be in serious need of a major land governance reform initiative. The preceding decade had seen the onset of the Comprehensive Agrarian Reform Program (CARP), which had been enacted in 1988 amidst growing concerns about the economic, political, and social problems associated with pronounced inequalities in landownership in the country. But the slow and limited progress in land redistribution over the course of the 1990s, and the country’s belated economic recovery after the crisis years of the 1980s, were not accompanied by rising agricultural productivity or improving socioeconomic welfare for ordinary Filipinos, whether in the countryside or in the swelling slum areas of Metro Manila and other Philippine cities, where problems of informality and insecurity in residential settlement patterns continued to worsen.⁶¹ Major problems in land governance clearly continued to haunt the Philippines, impeding economic growth, development, and poverty reduction, and imposing costs on millions of Filipinos. It was against this backdrop that the first major land governance reform initiative, the Land Administration and Management Project (LAMP) was launched by AusAID and the World Bank in 2000 in the Philippines.

⁶¹ For an illuminating discussion and debate on CARP, see: Raul V. Fabella, *Comprehensive Agrarian Reform Program (CARP): Time To Let Go* (Quezon City: University of the Philippines School of Economics Discussion Paper Number 2014-02, 2014); and Toby C. Monsod and Sharon A. Piza, *Time to Let Go of CARP? Not So Fast* (Quezon City: University of the Philippines School of Economics Discussion Paper Number 2014-3, 2014).

The Land Administration and Management Project (LAMP), 2000-2010

The first – preliminary and exploratory – phase of the Land Administration and Management Project (LAMP I) unfolded in the Philippines over the course of 2000-2005 with support from AusAID (AUD13.7 million) and the World Bank (US\$4.29 million). To this end, the project included four major components, including one designed to make preparations for the anticipated second phase, LAMP II, which would see the implementation of major land governance reforms in the Philippines from 2005. Under the first component, a set of land policy studies were undertaken to examine various key areas of land administration. These policy studies covered areas such as land use planning processes and conversion procedures, land registration fees and taxes, property valuation systems, and – crucially – the overall legal and regulatory framework and set of institutional arrangements for land administration in the country. These policy studies involved a diverse set of Philippine government agencies, including the National Economic and Development Authority (NEDA), the Department of the Environment and Natural Resources (DENR), The Department of Finance (DOF), the Department of Justice (DOJ), and the Department of Budget and Management (DBM). These agencies were among those represented on an inter-agency coordinating committee created in July 1999 by an Executive Order of then-President Joseph Estrada which committed the Philippine government to a Land Administration and Management (LAM) program, with the DENR's Land Management Bureau (LMB) serving as the key agency for its operations.

The second component of LAMP I focused on a set of “prototypes” or pilot projects designed to test various titling processes, record management procedures, and surveying methods. One prototype was implemented in six municipalities in Leyte Province, where both judicial and administrative processes for titling were evaluated, and where some 31 *barangays* were surveyed. A second prototype was implemented in Quezon City and focused on the verification and reconstitution of land records, the creation of a new cadastral map base, the elimination of fake and duplicate titles, and computerization of records. Finally, in both the six municipalities of Leyte Province and Quezon City, a One Stop Shop (OSS) was established to examine the possibilities for institutional collaboration in the provision of land administration services. In both Leyte and Quezon City, OSS were provided for all land-related transactions, with the offices of different

relevant agencies housed in a single building to help simplify, streamline, and speed up land-titling procedures and other land administration processes. The third component of LAMP I involved institutional development in government departments and agencies involved in land administration and management. One key element of institutional development was education and training in the areas of management, surveying and mapping, land administration and land information systems, with focused study tours and overseas training opportunities for personnel in relevant departments and agencies. The intention here was to produce a core group of competent staff with the technical capacity to implement and oversee a wide range of land governance reform initiatives under LAMP II. In addition, a set of training manuals were prepared and published, covering fake title identification, land records management, OSS, operations for the awarding of free patents, records and field validation, systematic adjudication, surveying, records and field validation, and cadastral index mapping.

The final component of LAMP I entailed preparations for the second stage of the Land Administration and Management Project (LAMP II), which unfolded over 2005-2010, with continuing support from AusAID (AUD29.6 million) and the World Bank (US\$18.995 million). LAMP II built on the lessons and legacies of LAMP I to initiate and undertake major land governance reform initiatives in the Philippines along a number of different lines.

Following upon the completed studies and accumulated experiences from LAMP I, LAMP II shifted into the promotion of a policy development agenda centered around four major pieces of legislation: the Free Patent Act, the Land Administration Reform Act (LARA), the Real Estate Service Act (RESA), and the Real Property Valuation Reform Act.

The Free Patent Act was drafted to amend existing land laws to allow for the – administrative, rather than judicial – issuance of free patents to long-occupied but still untitled lands. It reduced existing restrictions and encumbrances on such titles and eliminating restrictions on transfers and other conveyances for titles acquired through the free patent process. Meanwhile, the LARA bill was intended to integrate and rationalize the myriad agencies, overlapping responsibilities and jurisdictions, complex procedures involved in land administration, surveying, registration, and titling under a unified and freestanding Land Administration

Authority (LAA) under the Office of the President. The RESA bill, by contrast, was designed to professionalize and standardize the real estate industry, establishing mechanisms of accreditation and regulation of real estate agencies and brokers in the Philippines. Finally, the Real Property Valuation Reform Act was conceived as a means of strengthening, standardizing, and simplifying land valuation procedures in order to enhance local property tax revenue collection capacities, right-of-way compensation mechanisms, and real estate transactions.

LAMP II simultaneously pursued land governance reform on several other fronts. Building on the preliminary achievements of LAMP I, for example, LAMP II saw further institutional development and capacity building in agencies involved in land governance in the Philippines, especially within the Land Management Bureau (LMB) of the DENR and the Bureau of Local Government Finance (BLGF) in the DOF. Meanwhile, continuing the work initiated under LAMP I, LAMP II devoted considerable energy and resources on accelerated land-titling initiatives in three provinces in the Visayas and Mindanao. Finally, through its Innovation Support Fund (ISF), LAMP II provided small grants to local government units (LGUs) to encourage and enable local experiments in reforming land administration and management in different parts of the Philippines. Sixteen LGUs – 12 cities and four municipalities – were funded to undertake efforts to improve property tax collection, improve land information systems, and engage in other capacity building and procedural reform initiatives at the local level.

Looking back of these diverse streams of LAMP, we can identify ample evidence of early achievements and immediate impact on land governance in the Philippines. In terms of legislation, for example, the RESA was passed by the Philippine Congress and signed into law (Republic Act 9646) by then-President Gloria Macapagal-Arroyo in July 2009. RESA introduced a new regulatory framework for real estate practitioners in the Philippines under the Professional Regulation Commission (PRC) and a newly constituted Professional Regulatory Board of Real Estate Service under its authority. This new board was tasked with establishing a system of licensing and accreditation for real estate appraisers, brokers, consultants, and sales representatives, and for property tax assessors working for LGUs. The board was also tasked with setting up courses, academic requirements, examinations, codes of conduct, and mechanisms for monitoring standards, investigating violations of codes, laws, and regulations relevant to the industry, and setting fines and other sanctions for such violations. Under RESA, moreover, all real estate appraisers, brokers, consultants, and sales

representatives were required to be properly licensed or accredited, all real estate firms were required to be properly registered with the Securities and Exchange Commission and managed by registered and licensed practitioners, and all LGU assessors were required to be properly qualified, registered, and licensed. Thus, RESA created an entirely new regulatory apparatus for the professions and practices involved in real estate development in the Philippines. In terms of other legislative measures, the Residential Free Patent Act (Republic Act 10023) was passed by the Philippine Congress and signed into law by then-President Arroyo in March 2010. The new law was restricted to residential properties on public lands, reducing the period of occupation needed to apply for title from 30 to 10 years, abolishing the requirement of payment of outstanding property taxes for award of title, and further eliminating restrictions on transfer and other conveyances on titles acquired through the free patent process. The Residential Free Patent Law thus provided a faster, simpler, and less expensive mechanism for administrative titling of residential lands than the route offered by judicial procedures. By 2011, evidence of the effectiveness of this new law in enabling titling emerged with the DENR reporting that more than 58,000 residential free patents had been issued in that year alone, a 1,450% jump from 2010. The following year saw nearly 60,000 new residential free patents issued, with subsequent years witnessing a consistent stream of new titles produced at the rate of 50-60,000 per annum.

Beyond legislation, the 10 years of LAMP saw considerable achievements in terms of institutional development and capacity building within certain key agencies involved in land governance, most notably the Land Management Bureau (LMB) of the Department of the Environment and Natural Resources (DENR) and the Bureau of Local Government Finance (BLGF) in the Department of Finance. These two bureaus were assisted and enhanced in terms of a wide range of technical capacities over the course of the project, as seen in the rolling out of the Land Administration Management System (LAMS) across all the regional offices of the DENR, representing a major overhaul and upgrading of land records in the Philippines. A Land Sector Development Framework was completed to enable and encourage long-term (20 years) planning in land governance.

LAMP also witnessed the promotion of educational and training programs for land valuation and land administration and management in the Philippines. More than 20,000 staff members of different government agencies involved in land governance participated in various kinds of training programs or

received other forms of technical support under the project. A select number of personnel from the LMB received scholarships to enable post-graduate study of land administration and management overseas. With support from the project, the Visayas State University established new courses and programs leading to a one-year diploma in Land Administration and Management and a two-year Master's in Science in Land Administration and Management, in which dozens of students enrolled. An additional program in Property and Land Valuation was established through the University of the Philippines Open University.

These achievements in institutional development and capacity building in the LMB were complemented by parallel advances in the Bureau of Local Government Finance (BLGF) in the Department of Finance. Here, emphasis was placed on the development and implementation of stronger guidelines, standards, and procedures for property valuation, through training, new manuals, and new information systems and revenue collection procedures piloted in three cities – Iloilo, Mandaue, and Naga. In addition to these three cities, some 30 provinces and 52 cities updated their Schedules of Market Values in response to the reforms implemented in Manila, leading to enhanced collection of local property tax revenues.

Meanwhile, the accelerated land-titling initiative launched under LAMP in select provinces achieved some gains over the course of 2000-2010. Beginning in Leyte and expanding to Bohol and Bukidnon, LAMP encouraged and enabled local government and community awareness and participation with regard to land titling, undertook systematic adjudication efforts at the *barangay* level, and established OSS and/or other mechanisms and procedures to streamline, simplify, and speed up the land-titling process in these three provinces. Over the course of the project, more than 100,000 new land titles were issued and registered across the three provinces. Subsequent surveys reported evidence that the initiative had decreased the cost and time involved in land titling, strengthened perceptions of land tenure security, reduced land conflicts, and increased investment in land development, land values, and property tax revenues in the localities where the project's accelerated land-titling initiative was implemented.

Finally, under LAMP II's Innovation Support Fund, pilot projects were undertaken in 12 cities and four municipalities across the Philippines to explore different

ways to improve revenue collection systems and land information systems at the local level. These pilot projects developed a model for partnerships between LGUs and national government agencies involved in land governance, with LGUs submitting proposals and contributing at least 25% of the funding for the local reform initiatives. The pilot projects demonstrated both the importance of LGU interest, involvement, and initiative, especially on the part of LGU executives, and the potential effectiveness of partnerships between national government agencies and LGUs for transforming land governance at the local level.

Alongside these early achievements and this evidence of immediate impact on land governance in the Philippines, LAMP also suffered from difficulties, obstacles, and shortcomings, which led to reported disappointments and failures vis-à-vis the stated aims and objectives of the project. Most obviously and importantly, LAMP II did not succeed in achieving passage of two major pieces of legislation that were identified in studies undertaken under LAMP I as crucial for land governance reform in the Philippines. In particular, the Land Administration Reform Act (LARA) had been presented and promoted as a basis for wholesale institutional reconfiguration, rationalization, and reform of land governance in the country, integrating the manifold functions, procedures, and responsibilities scattered across a diverse range of government agencies and departments in a single Land Administration Authority (LAA). The failure to win passage and enactment of the LARA bill thus represented a missed opportunity to simplify, streamline, and speed up land titling and other land transaction processes, reducing costs, inefficiencies, market distortions, and rent-seeking opportunities in land administration and management.

In addition, the Valuation Reform Act (VRA) had been presented and promoted to establish a new regulatory framework for a uniform, market-based land valuation system governed by international standards, techniques, and practices, as well as a new set of regularized procedures for the revision of the Schedule of Market Values by provincial, city, and municipal tax assessors. The failure to win passage and enactment into law of the VRA bill thus represented a missed opportunity to establish within the Bureau of BLGF of the Department of Finance (DOF) a Real Property Valuation Service and a set of mechanisms for a top-down, nationwide, wholesale revamp of property valuation and property tax collection across the breadth of the Philippine archipelago.

Meanwhile, it is also worth noting the compromises, limitations, and restrictions imposed on the Free Patent Act over the course of the legislative process in Congress. It was, after all, only a Residential Free Patent Act that was passed and enacted in the end, with agricultural lands excluded from this form of administrative titling. The forging of a compromise on this point and the eventual passage of the Residential Free Patent Act, moreover, were not simply or solely the product of LAMP's efforts in Congress, but also reflected the fruits of another land governance reform initiative, as is discussed in detail below.

As for the institutional development and capacity building efforts proceeding outside the realm of land governance reform legislation, there were additional constraints and limitations on LAMP success. Most obviously, LAMP's successes in achieving access, interest, and active commitment and participation on the part of the LMB in DENR and the BLGF in DOF were not matched by similar experiences with the Land Registration Authority (LRA), the agency operating under the Department of Justice (DOJ) with powers over the issuance of land titles. In fact, not only did the LRA persist in keeping LAMP at bay in terms of institutional development and capacity building (and on the legislative reform front, as detailed below), it also exacerbated pre-existing problems with the complexity and costliness of the titling process and other land transaction procedures and with the weakness of inter-agency coordination in land governance. Here in particular, the LRA's contracting of a private company to undertake the computerization of the agency's documentation system proved to be especially problematic, with new fees – and further delays – imposed on applicants for titles and new obstacles impeding the sharing of documents and information with other agencies.

At the same time, there were also real limitations to the achievements of the various localized pilot projects undertaken under LAMP to engage in accelerated land titling and to establish partnerships with LGUs to improve land information systems and revenue collection procedures. There was uneven success in terms of establishing OSS and other forms of inter-agency cooperation in the localities involved, and there were only so many provinces, cities, and municipalities involved in these pilot projects in the first place. More importantly, the engagement with three provincial governments on the one hand, and 12 cities and four municipalities on the other, involved a degree of self-selection by "reform"-minded LGU executives and raised questions about both the sustainability of the reforms beyond the lifetime of the project and their

applicability in other localities elsewhere across the breadth of the Philippine archipelago. Finally, insofar as LAMP focused its energies and resources on local pilot projects, it relied very heavily on specially contracted staff whose participation did not lead to accumulated institutional memory or capacity building at the local or national levels.

Overall, the nature and extent of the early achievements and immediate impact of LAMP were profoundly shaped by the specific constellation of political opportunities and constraints operating in the realm of land governance in the Philippines. LAMP found allies in the national government, Congress, and the private sector whose interests were aligned with such reforms as the professionalization of the real estate industry and the loosening of restrictions on the awarding of free patents on residential lands. LAMP likewise found willing and able partners within national government agencies, such as the LMB within the DENR and the BLGF within the DOF, whose interests were clearly aligned with the rationalization of land titling and land valuation procedures. Finally, LAMP similarly found willing and able partners among LGU executives whose interests were aligned with the improvement of land information and land valuation systems and local property tax revenue collection procedures and capabilities. In all of these ways, LAMP's strengths and successes owed much to the coalitions it was able to forge within national government agencies, in Congress, and among private sector interests and local government officials. But LAMP also found opponents and obstacles within the national government, in Congress, in the private sector, and within LGUs whenever its initiatives threatened entrenched interests of one kind or another. LARA, for example, ran aground in the face of strong opposition from the Land Regulatory Agency (LRA), which feared incorporation within and subordination to the LMB and concomitant constraints on its role in the issuance of land titles and on the accompanying rent-seeking opportunities for its officials. The crucial role of LRA officials in facilitating land transactions guaranteed the agency a high degree of protection and support from members of Congress and senators involved in real estate development which enabled them to block the passage of the LARA bill. The VRA similarly ran up against resistance in the face of concerns that its enactment would weaken the discretion of provincial, city, and municipal councils – over local property tax collection, with potentially dangerous consequences for local politicians' political and business interests. Whether in terms of data- and document-sharing across national government agencies or cooperation among local government personnel in the various pilot projects sponsored by LAMP,

there was ample evidence of feigned compliance, foot-dragging, and even full-blown open resistance when and where entrenched interests in established practices were threatened by the possibility of land governance reform.

Alongside political opportunities and constraints, alliances and forms of opposition, the trajectory and outcome of LAMP was also shaped by two somewhat contradictory features of its own internal structure and *modus operandi*. In the first instance, as a 10-year two-phased joint project, LAMP was able to engage in serious scoping studies and pilot projects in its early years. It set the stage – and the agenda – for an approach to land governance reform that was simultaneously holistic and multifaceted, but also focused on a set of very specific institutional and technical issues. Both the preliminary studies and the “prototypes” generated considerable evidence and insight with regard to the nature and extent of problems with land governance in the Philippines, from the overarching laws, institutions, and procedures to realities on the ground in terms of incomplete and inaccessible land records, fake titles, and costly, time-consuming, and corruption-ridden land transactions. Built into the phasing of LAMP I and LAMP II was a commendable, problem-driven, and evidence-based approach to the formulation and implementation of reform.

However, as a highly formalized development project funded by the World Bank and AusAID and forged as a partnership with the Philippine government, LAMP was poorly equipped and ill-suited to manage these political challenges and constraints and to maneuver within the highly politicized environment of land governance in the Philippines. Forced to operate under management steering committees in which a range of departments and agencies were represented, operational flexibility (especially in the legislative arena) was reduced and the opportunities increased for blockage, delay, and subversion of the project from within.

Looking beyond the mixed record of early achievements, disappointments, and immediate outcomes of LAMP, these strengths and weaknesses have continued to this day to shape the legacies of this foundational program for land governance reform in the Philippines. On the one hand, LAMP’s early investments in learning about the problems with existing laws, institutions, and procedures in the realm of land administration and management in the Philippines led to the formulation of a clear, coherent agenda that has continued to inform land governance reform initiatives in the Philippines up to the present, including those sponsored by CFC since 2013. On the other hand, LAMP’s mixed record

in implementing this agenda in the face of institutional obstacles and various forms and sources of opposition pointed to the importance of developing more effective ways to think and work politically to promote land governance reform in the Philippines – a lesson learned through LAMP’s own experiences and those of other land governance reform initiatives as well, including those under CfC, as discussed below.

USAID/TAF: Residential Free Patent Act and Beyond, 2007-2013

An early beneficiary of the linkages, legacies, and lessons of LAMP for land governance reform in the Philippines was the work of the Asia Foundation (TAF) and the United States Agency for International Development (USAID) promoting the December 2009 passage, March 2010 enactment, and the subsequent implementation of the Residential Free Patent Act (Republic Act 10223). This work unfolded under the Policy Reform Project (2006-2008) and the Economic Growth Hubs Project (2009-2013) – two very broadly construed initiatives that were designed to enhance competition, strengthen property rights, improve infrastructure, and promote economic growth in the Philippines through targeted efforts to enable policy reforms. In sharp contrast with LAMP, the work on land governance reform unfolded through engagement with and assistance to a variety of reform advocacy groups rather than a formal partnership with the Philippine government.

As with AusAID and the World Bank, TAF and USAID became interested in questions of property rights and land governance reform in the context of a broader concern with underlying problems in the Philippines such as those identified in a 2007 Asian Development Bank (ADB) study on “critical development constraints” in the country. While the ADB study referred only briefly to problems with land distribution and ignored questions of land administration and management, it did highlight how limited access to land and, relatedly, capital among poor Filipinos constrained their ability to benefit from – and contribute to – economic growth in the country. An earlier study undertaken under a USAID-funded project on Economic Modernization through Efficient Reforms and Governance Enhancement (EMERGE) in 2004-2008 had focused not only on property rights in general but on the legality of using tax declarations – rather than proper titles – as the basis for using land as collateral for bank loans.

The study arose not as a mandated part of the EMERGE project, but rather in response to difficulties encountered by rural bankers in lending to potential borrowers who were unable to produce titles to their properties and thus to use land as collateral for loans. These difficulties had been communicated to the director-general of the National Economic and Development Authority (NEDA), who encouraged research on the legality and feasibility of making tax declarations bankable. While the study concluded that tax declarations were neither legally sufficient nor actually reliable as a basis for collateral for bank loans, it served to highlight both the extent of untitled lands and the obstacles to obtain titles, while establishing linkages to officials at the LMB of the DENR, who were already deeply involved in land governance reform under the auspices of LAMP.

Against this backdrop, TAF began to explore different possible avenues for the promotion of reform in land governance in the hopes of easing and expanding access to land titles, and thus strengthening property rights and expanding access to bank loans by small landowners across the Philippines. TAF organized a team to work on these issues, which included Calixto “Toti” Chikiamco, the policy advocate who had authored the USAID-funded study under EMERGE, as well as Erwin Tiamson, a former head of the LMB who had served as the executive director of LAMP. The team also drew on available academic expertise, funding the Ateneo Center for Economic Research (ACERD) of the Ateneo de Manila University and the Institute of Governance at De La Salle University (LSIG) to undertake research and produce reports on alternative policy reform options to promote land titling. Economists from ACERD undertook a pilot project in Cebu City which examined the potential benefits accompanying the integration and digitalization of land title records, while researchers from LSIG produced a paper which highlighted the advantages of allowing for the administrative awarding of titles (“free patents”) to residential lands.

It was in this context of a rather familiar approach to questions of land governance reform in the Philippines that the TAF/USAID initiative began to converge with LAMP in the promotion of reform legislation in Congress in 2007-2009. But the initiative differed from LAMP in at least two ways. First, TAF proceeded in a more flexible and footloose fashion than LAMP, working with independent policy advocates, academic researchers, and other experts. Rather than reverting to a formal partnership with a cluster of government agencies, TAF engaged in informal dialogue and coalition-building with a range of interested actors inside and outside government. Secondly, instead of a

broadly construed and multifaceted reform agenda including a Free Patent Act alongside other bills promoting root-and-branch institutional transformation of land governance in the Philippines, the TAF/LSIG team focused its energies and efforts on a more narrowly targeted, restricted, and concise piece of legislation, with better prospects for passage, enactment, and implementation.

It was thus through the combination and complementarity of different approaches to land governance reform that the Residential Free Patent Act was eventually passed by both houses of the Philippine Congress in December 2009 and signed into law by then-President Gloria Macapagal-Arroyo in March 2010. On the one hand, LAMP's efforts since at least 2005 to promote four major pieces of land governance reform legislation had achieved very limited success, as seen in the failure of the LARA and Valuation Reform bills in the face of resistance from powerful constituencies in the government, Congress, and the real-estate industry. LAMP was likewise unable to push the Free Patent Act it had drafted through the House Committee on Natural Resources, even as the inclusion of agricultural lands in the bill raised concerns and restricted support in the Senate given fears about real or perceived conflict between its provisions and those of the Comprehensive Agrarian Reform (CARP) of 1988, which was extended with reforms under new legislation in 2009.

But the TAF/LSIG team was able to work through a more iterative process and, through more informal channels, to promote a more narrowly construed Residential Free Patent Act over the course of 2007-2009. In the House of Representatives, for example, TAF's team used its members' personal connections and effective policy advocacy skills to convince the Assistant Majority Floor Leader and Chairman of the Committee on Land Use to support the bill, winning approval in his committee even as the Committee on Natural Resources remained unresponsive. This enabled the passage of the bill by the entire House of Representatives. In addition, TAF's team similarly exploited access to key senators in the Senate to win eventual support for a version of the bill confined to residential lands alone, even as the more inclusive version backed by LAMP continued to run up against foot-dragging and open opposition. The team also drew on the support of the Rural Bankers Association of the Philippines (RBAP), the Chamber of Thrift Banks (CTB), and the CTB's chairman, the owner of an important radio network, in its efforts to lobby legislators in favour of the bill.

The passage and enactment of the Residential Free Patent Act therefore owed much both to LAMP and to the separate land governance reform initiative spearheaded by TAF/LSIG with USAID support. After all, it was thanks to LAMP that various versions of the reform legislation were circulating in Congress, and it was in part thanks to lessons, legacies, and linkages of LAMP that TAF's team decided to push a more modest version of the Free Patent Act restricted to residential lands, which won the support of key allies in the House of Representatives and belated backing in the Senate. That said, it was only through the intervention of TAF's team that eventual movement on the long-stalled bill was achieved at the committee level in the House and that a bill acceptable to a majority in the Senate was drafted and driven through the final stages of the legislative process. Ultimately, the informal access and influence enjoyed by TAF's team and its allies gave it decisive movement forward in the legislative process.

In these different ways, LAMP and the TAF/LSIG team both contributed to the passage and enactment of the Residential Free Patent Act, and to its subsequent implementation. Unsurprisingly, both LAMP and TAF's team were involved in the drafting of the implementation rules and regulations (IRRs) for the new law, which were promulgated in May 2010, just a few short months after the signing of the bill into law by Macapagal-Arroyo. As noted above, by 2011, evidence of the effectiveness of this new law in enabling titling had begun to emerge. The DENR reported that more than 58,000 residential free patents had been issued in that year alone, a 1,450% jump from 2010, and 2012 saw the issuance of nearly 60,000 new residential free patents. Subsequent years have seen a steady stream of new titles produced more or less at this annual rate, thus already outstripping the numbers of titles produced by LAMP's accelerated titling program in Leyte, Bohol, and Bukidnon. As the titling process has continued at this steady rate since 2011, the reform has proved to be self-sustaining rather than reliant on continuing external support and/or stimulus.

Meanwhile, the leveling-off of titling at the rate of 50-60,000 parcels per year was cause not for complacency but for concern and for creative thinking about ways to extend the benefits of the reform beyond this small fraction of the estimated number of untitled properties across the archipelago. After the passage and enactment of the Residential Free Patent Act in 2010, TAF's team continued to work on land governance reform in the Philippines, using the passage of the legislation as a point of departure for a range of related reform initiatives. By this time, the team was now housed at the Foundation for Economic Freedom

(FEF), a think tank headed by Calixto “Toti” Chikiamco, the policy advocate who had played a key role alongside former LMB and LAMP veteran Erwin Tiamson in the TAF/LSIG team in the campaign for the passage of the Residential Free Patent Act. With continuing support from USAID and The Asia Foundation, FEF helped to draft Department Administrative Orders (DAOs) and Memorandum Circulars by DENR and the Department of the Interior and Local Government (DILG) to enhance implementation of the new law by local governments. FEF also drafted a handbook, circulated by DENR, which instructs LGUs on how to set up integrated land information offices or land management offices, clearly drawing on expertise and experiences from LAMP. Thanks to these efforts, more than 100 LGUs have set up integrated land offices since 2011, with some evidence of enhanced accessibility, efficiency, and honesty in the processing of land title applications and other land transactions in the localities where these initiatives have been undertaken.

With support from USAID, TAF undertook a set of initiatives over the course of 2007-2013, which in some ways complemented, converged, and combined – and in other ways compared, and contrasted favorably – with the earlier land governance reform initiative launched by AusAID and the World Bank under LAMP. In many ways, as suggested above, TAF’s land governance reform team drew on the expertise, experience, insights, and points of access accumulated over the course of the LAMP program, exploiting the legacies, lessons, and linkages of LAMP and thus extending its benefits far beyond the life cycle of the program itself. In other ways, however, as also suggested above, TAF’s approach to land governance reform departed from LAMP in terms of its *modus operandi*, eschewing formal partnerships with government agencies and traditional programming in favor of a more iterative, informal, and open-ended approach to the promotion of policy reform. TAF relied on a small team of policy advocates, experts and insiders, on a loose set of alliances with government officials, politicians, and private-sector interests, on an array of unforeseeable political opportunities, and on an evolving agenda to enact, enhance, and extend reform in land governance in the Philippines. It was thus against the backdrop of both LAMP and a subsequent set of USAID/TAF land governance reform initiatives – and with the benefit of the legacies, linkages, and lessons these initiatives imparted – that CfC began work on land governance reform in 2014.

Coalitions for Change, 2014 to the Present

Beginning in 2014, TAF's land governance reform team has been essentially reconstituted and redeployed under the auspices of CfC. As in the earlier USAID-funded, TAF-managed work on land governance reform in 2007-2013, the team was still based at the think tank FEF and led by policy advocate Chikiamco, alongside former LMB and LAMP veteran Tiamson. The team was further strengthened by the re-enlistment of other veterans of earlier land governance reform initiatives dating back to LAMP. They included George Katigbak, a lawyer with many years of experience working for DENR and the LMB; Rhea Dealca, a geodetic engineer with a similarly strong track record with LMB; and Rene Sanapo, who had worked from his base in Cebu for many years to help manage the DENR-LGU partnerships in the Visayas and Mindanao for TAF and USAID. Thus in terms of personnel, CfC clearly drew directly on the accumulated expertise, experience, and access accumulated by land governance reform advocates working on successive initiatives in this arena since 2000.

That said, in contrast with the formal "project" approach pursued by AusAID and World Bank with LAMP, and also unlike the contract between USAID and TAF that included work on property rights and the Residential Free Patent Act, CfC has operated both as a bilateral partnership and as a multi-stranded program explicitly and self-consciously committed to an iterative, problem-driven approach to promoting reforms through "thinking and working politically". Even as CfC has drawn on these accumulated lessons and legacies of earlier land governance reform initiatives, and on the combined experiences and expertise of individuals involved in such initiatives, this program has operated with more flexibility and freedom of maneuver in terms of its *modus operandi*, its points of access and alliance-building, and its agenda than those that preceded it over the years.

For example, CfC's work in the realm of education reform helped to stimulate efforts to enhance and extend the implementation of the Residential Free Patent Act enacted in 2010. TAF had convened and coached the land governance reform team that had helped to push the bill through Congress in 2007-2009, helped to draft the implementing rules and regulations (IRRs) for the new law in 2010, and helped to expedite implementation through DENR-LGU partnerships in 2011-2012. In addition, in 2012 under CfC, TAF had recruited and run a new team that was exploring possible solutions to problems of school congestion in the

Philippines, launching a pilot project in Central Luzon and engaging with senior officials within the central offices of the Department of Education in Manila (as detailed in Chapter 4 below).

In the course of the team's research in 2012-2013, the insecurity of schools' titles to the land on which they were built emerged as a common problem, inhibiting expansion and construction of new buildings and classrooms and complicating the purchase of additional land for the same purpose. Research revealed that only 10% of the 46,000-plus public schools in the country held legal title to the land on which they were built, leaving 90% without the clarity and security of ownership.

With the real estate boom increasing not just land prices but pressures on local governments and the families or heirs of private donors to reclaim school sites for "development" and sale, the Department of Education found itself embroiled in more and more land disputes in the courts. According to the department's undersecretary Alberto Muyot, over 200 such cases were in litigation at any one time, imposing heavy legal costs on the department and – given the rules and regulations of the Commission on Audit (COA) – effectively impeding the awarding of permits for the construction of new classrooms on these school sites.

To this point, the implementing rules and regulations for the Residential Free Patent Act offered effective guidance, as TAF knew well if not verbatim from its role in drafting the law. The two-page law had explicitly included a provision stipulating that "public land actually occupied and used for public schools, municipal halls, public plazas or parks, and other government institutions for public use or purpose may be issued special patents under the name of the national agency or Local Government Unit (LGU) concerned." But the IRRs for the law remained conspicuously silent on this point, and within the DENR, the national government agency responsible for drafting the IRRs and executing the law, there remained considerable reticence to resolve this ambiguity. This was due to the perceived dangers of alienating other agencies and local government units by unilaterally extending broad coverage of the law and overstepping the powers and prerogatives that some insiders argued should rest with the Office of the President.

Against this backdrop, from late 2013 TAF's reconstituted land governance reform team began to work to help push the promulgation by DENR of new

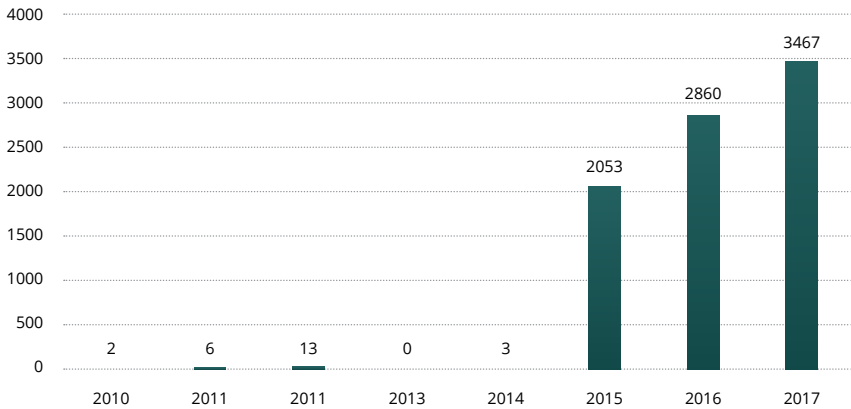
rules enabling public schools to obtain titles to the lands on which they were built. Taking advantage of Cfc's work on school congestion, the FEF-based team nudged the Department of Education's Undersecretary for Legal and Legislative Affairs to meet with his counterpart at DENR to raise the issue, preparing the "talking points" for a December 13 preliminary meeting.

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

In response, the team based at FEF continued to work behind the scenes to help push the process forward to fruition. The team drew on its members' own personal connections and political capital, as well as those of senior Department of Education officials, to lobby for the new rules in the Palace. The team drafted a memorandum for the Secretary of Education to send to the Executive Secretary. Two senators and a cousin of the president were called upon to push for the resolution of the issue.

By October 2014, a confidential memo had been written by the Chief Presidential Legal Counsel ruling that the DENR had full legal authority to issue land titles to public schools under the Residential Free Patent Act, and by March 2015, after further foot-dragging from within and pushing and prodding from outside, the Secretary of DENR finally signed the Department Administrative Order authorizing the new rules. Subsequent months saw some resistance to the new rules within the bureaucracy, most notably from the Land Registration Agency (LRA) and its local Registers of Deeds, but by the end of 2016, about 5,000 titles had been issued to public schools under the new procedures.

Figure 1. No. of Schools Titled per Year



Source: Department of Environment and Natural Resources

With the signing of the new rules on titling public school lands, the FEF team had – quite deliberately – opened the door to a broader set of possibilities and pressures for fuller implementation of the Residential Free Patent Act. With public schools now gaining access to land titles, it would only be a matter of time before other national government agencies and LGUs would begin to push for extension of the rules to cover various other government offices and public buildings across the Philippines. With the new rules covering public school titles already signed, the legal precedent of the DENR’s prerogative to award titles to lands housing government buildings was firmly established. This would pave the way for additional new rules to enable titling of lands housing offices of various national government agencies, LGUs, and the courts.

With this in mind, the FEF team moved expeditiously after the signing of the new rules in March 2015 to jump-start the extension of their coverage to government buildings other than schools. Using the new rules for public schools’ land titles and the legal opinion issued by the Office of the Chief Presidential Legal Counsel, the team began to examine the legal and political obstacles to the reform. By May 2015, the team was already identifying alternative approaches to the drafting of new rules and exploring new avenues of access, influence, and pressure to promote their promulgation by DENR. Over subsequent

months, the team worked within DENR to help draft and promote the new rules, while generating interest and rallying support for their enactment among legislators, national government officials, and elected local executives. The approaching end of Aquino's term in office, the legislative logjam in Congress, and the onset of the election campaign impeded movement within DENR on the rules for many months. Legitimate concerns within DENR about possible abuse and exploitation by corrupt officials of new powers to title land parcels housing government buildings (i.e. through self-interested manipulation of land transactions) also led to lengthy discussions and debates about the need for legal safeguards to be inserted in the new rules, which further delayed approval. But the FEF team persisted. The team had strong allies in the LMB who helped to advocate for these new rules within the DENR. Moreover, the signing of the new rules for public schools in March 2015 had led to the awarding of more than 2,000 new land titles and attracted positive coverage and commentary in the media, thus emboldening the DENR Secretary to move forward to expand coverage to the sites of other government buildings. Enabled and encouraged by TAF's team and its allies, the DENR Secretary finally signed a Department Administrative Order with the new rules on 30 June 2016, the very last day of the Aquino administration. Since that time, the issuing of land titles for government buildings has shot up, from a mere 18 titles in 2016 to 212 in 2017.

Meanwhile, the FEF team simultaneously began to explore possibilities for revisiting the very terms of the Residential Free Patent Act to see if its provisions could be extended to cover agricultural lands as had been initially intended in the original legislation promoted in Congress by LAMP. Over the course of 2015 and 2016, the team conducted, published, and publicized research on the existing constraints on agricultural land transactions remaining from legislation dating back to 1936 and left intact and unamended in the 2010 Residential Free Patent Act. In particular, the team's research highlighted two remaining provisions of the 1936 Public Land Act which 1) prohibited sale or transfer of agricultural land titled administratively through a free patent within five years of the issuance of the patent and 2) guaranteed vendors of agricultural land titled under a free patent the right of redemption for five years after the sale of the property. Thus, owners of agricultural lands titled through the administrative procedures for free patents faced restrictions preventing them from transferring ownership of their lands for five years, while granting them the guaranteed right of repurchase for an additional five years following sale of their lands. The nearly 4 million agricultural land parcels titled as free patents, covering nearly 9 million

hectares of land across the Philippines, have thus remained unencumbered with what amount to 10-year restrictions on land transfers, thus imposing onerous constraints and costs on land transactions throughout the country.

Over the latter half of 2015 and the first half of 2016, the FEF team began to publicize the findings of their research and to push for an amendment of the 1936 Public Land Act to remove these restrictions on lands titled through administrative procedures for free patents. Members of the team met with and made presentations before a variety of potential private-sector backers of the bill in the banking and business community. They also drafted a very concise Agricultural Free Patent Reform Act that would serve as the basis for the promotion of reform legislation. As Aquino's term in office drew to a close and the newly elected President Rodrigo Duterte assumed office at the end of June 2016, TAF's team was already ready to make a renewed effort to promote another crucial piece of legislation to promote land governance reform. Thanks to its accumulated experience, FEF team was able to identify key allies in both houses of Congress who were well-situated to advance the bill. By October 2016, three versions of the Agricultural Free Patent Reform Act had been filed in the House of Representatives and two others had been filed in the Senate – signaling good prospects for further movement on this front. By May 2017, Senate hearings on this legislation were under way, leading to efforts to initiate parallel movement in the House of Representatives, and in due course passage of the bill in December 2018 and its enactment into law by Duterte in February 2019.

Alongside these efforts to extend the benefits and coverage of the 2010 Residential Free Patent Act, the FEF team built on the local pilot projects of LAMP as well as those funded by USAID to promote partnerships between DENR and LGUs to encourage accelerated land-titling initiatives at the local level under the auspices of integrated Land Management Offices. Thanks to the 2011 DENR Department Administrative Order and the DENR-Local Government Partnerships Handbook, both of which the earlier incarnation of the team had drafted, local DENR offices were authorized and assisted to enter into partnerships with LGUs, thus enabling a continuation of systematic adjudication campaigns after the termination of the LAMP program. This was seen most impressively in Bohol, where the provincial government and many municipalities committed funds and personnel to further land titling efforts. Against this backdrop, the CfC program renewed involvement in these partnerships by TAF and FEF in 2014. Over the course of 2014-2015, the FEF team made presentations before the Union of Local

Authorities of the Philippines (ULAP) and the League of Philippine Provinces to publicize and promote the benefits of DENR-LGU partnerships, and then identified individual provincial governors potentially interested in participating.

These efforts soon began to bear fruit. By the end of 2015, no less than eight provinces – Agusan del Sur, Bohol, Bulacan, Cebu, Negros Oriental, Palawan, Siquijor, and Surigao del Sur– had officially committed their funds and personnel to partnerships with provincial offices of the DENR and accelerated land-titling initiatives, with two additional provinces, Dinagat and Surigao del Norte, beginning to follow suit in 2016. As of November 2016, at least four of these provinces were reported to remain fully committed to sustaining the partnerships without further encouragement or assistance. Within the DENR, moreover, the regional, provincial, and sub-provincial offices were given both targets and budgets for partnerships with LGUs, and annual assessments of partnership performance were also established, thus demonstrating the effective institutionalization of the reform.

By mid-2017, not only were a handful of provinces still devoting considerable resources (i.e. funds and personnel) to accelerated land-titling campaigns under these DENR-LGU partnerships, but the Region VII office of DENR had on its own steam created a Core Management Team to oversee and facilitate their operations. Since that time, this innovation has been extended across the archipelago, with Core Management Teams established in all regions of the country – except ARMM, which falls outside the remit of the LMB – strengthening confidence in the sustainability and scalability of the initiative beyond the lifetime of CfC.

At the same time, the FEF team was also extremely well-placed to resume promotion of a more ambitious and holistic land governance reform agenda with the newly inaugurated Duterte administration as it came into office in mid-2016. After all, the new Secretary of the Cabinet, Leoncio “Jun” Evasco, Jr., who had served as Duterte’s election campaign manager and was given special oversight of anti-poverty policies across 12 government agencies, had previously served as municipal mayor of Maribojoc, Bohol, which had participated in LAMP and remained actively involved in land governance reform in subsequent years through one of the DENR-LGU partnerships enabled and encouraged by the FEF team. It was in all likelihood thanks to Evasco that the Duterte administration’s official “10-Point Agenda” included land governance reform, using language

– like “Ensure security of land tenure to encourage investments, and address bottlenecks in land management and titling agencies” – that was strikingly reminiscent of the agenda pursued over the years from LAMP onwards and still informing TAF’s work on this front.

In late September 2016, members of TAF’s land governance reform team submitted to Evasco a 14-page proposal for a National Land Titling Program, which urged the Philippine government to follow up on the reforms initiated under LAMP and extended through subsequent initiatives. The proposed new program, it was suggested, should be of such scale as to have a target of one million new titles, with sufficient budgetary support and inter-agency coordination to enable mass titling. It was further suggested that the proposed new program unfold through DENR-LGU partnerships and systematic adjudication, drawing on the methods and procedures developed under LAMP. The proposed new program would also build on capacity building gains and technological advances dating back to LAMP in terms of GIS-based mapping, cadastral surveys, and computerized document storage and data collection developed under the Land Administration and Management System (LAMS).

By April 2017, Cabinet Secretary Evasco had submitted a draft Executive Order for a National Land Titling Program to a number of government agencies for their consideration and comments in advance of an inter-agency meeting to discuss its possible promulgation and implementation. As of mid-2018, Cfc was still working closely with Evasco to win support for the program within the Duterte administration. But with Evasco’s resignation from his Cabinet post in October 2018 to run for governor of Bohol in the May 2019 elections, Cfc lost its key champion within the administration for the National Land Titling Program. Thus the agenda of comprehensive land governance reform first articulated and advanced more than 10 years earlier under LAMP has yet to be fully realized as of mid-2019, but much has been achieved and there is much to build on for advocacy campaigns in years to come.

Overall, Cfc has provided a rubric for extending, advancing, and expanding elements of a land governance reform agenda that was first developed under LAMP and then pursued under other externally funded projects and programs over the years leading up to the inception of Cfc. Under Cfc, the FEF team resumed its support for DENR-LGU partnerships in various localities across the Philippines, worked to revive interest in the extension of the Residential

Free Patent Act to include agricultural lands as originally conceived in the Free Patent Act as formulated and favored by LAMP years earlier. More importantly and impressively, the FEF team also succeeded in promoting passage of the Agricultural Free Patent Reform Law and in winning extension of the implementation of the Residential Free Patent Act to cover lands housing public schools and, in due course, all other government buildings across the archipelago. Finally, following the inauguration of the Duterte administration in mid-2016, the FEF team initiated efforts to rejuvenate interest in the broader, more holistic approach to land titling and land governance reform. Only time will tell if this initial approach will develop further in the years to come.

Under CfC, land governance reform advocacy work has been mixed in terms of effectiveness and observable outcomes. On the one hand, efforts to revive a LAMP-style national titling program have yet to bear fruit in terms of immediate results or evidence of strong prospects for success in the months and years ahead. On the other hand, previously unexplored and unexploited possibilities for extending the Residential Free Patent Act to cover plots of lands housing public schools and other government buildings effectively expanded the coverage of the legislation to include thousands of parcels of lands largely ignored in earlier land governance reform initiatives. More importantly, perhaps, the Agricultural Free Patent Reform Act was finally passed by Congress and enacted into law.

As suggested above, the land governance reform efforts undertaken under CfC built on the achievements, experience, expertise, access, and influence accumulated under earlier initiatives. After all, under CfC, the FEF team included key members whose involvement in land governance reform dated back not only to the USAID-funded projects with TAF of 2007-2013, but in some cases as far back as LAMP's work in 2000-2010. Under CfC, the FEF team took as one of its points of departure unwritten and thus unimplemented and unexploited provisions of the IRRs for the Residential Free Patent Act, which its members had played a key role in drafting in the spring of 2010. Furthermore, under CfC, the FEF team returned to the original conception of the free patent legislation to cover both urban and rural landholdings and successfully promoted the passage of the Agricultural Free Patent Reform Act. Finally, under CfC, the FEF team drew from an available menu of reform options as it engaged in advocacy work with the Philippine government. Compared with earlier TAF projects funded by USAID, the CfC program granted the FEF team more flexibility and freedom to operate as it explored new ways to exploit the Residential Free Patent Act to

extend its coverage beyond residential lands to include public schools and other government buildings whose insecurity of title had largely escaped the attention of previous land governance reform initiatives.

Conclusions: CfC and the Lessons, Linkages, and Legacies of Land Governance Reform

Overall, as suggested in the pages above, the activities and achievements of CfC in the realm of land governance reform must be understood against the backdrop of a preceding history of initiatives in this policy arena launched by various overseas development agencies under somewhat different – and rather more traditional – forms of development assistance. Just as CfC’s support for AER in the Sin Tax Reform effort of 2012 must be viewed against the backdrop of the Aquino administration’s sponsorship and steering of the reform process in Congress, so must CfC’s work in land governance reform from 2014 be situated within the context of the achievements, experience, expertise, and access accumulated in this policy arena under LAMP and subsequent USAID/TAF-backed work from 2000 through the inception of CfC in 2012.

Since the turn of the 21st century, a variety of land governance reform initiatives have unfolded in the Philippines, with support from a diverse set of international financial institutions and overseas development agencies. These initiatives have varied in their sources of funding, in their organizational structures and modes of operation, in their coverage and focus, and in their effectivity and impact. But these initiatives have also been profoundly intertwined – with legacies, lessons, and linkages from the earlier initiatives shaping their successors in myriad ways. Therefore, a comparative analysis of these initiatives must be coupled with a holistic analysis of their overall trajectories and outcomes over the past sixteen years.

It is worth noting here the early interest and effort devoted to empirical research in the preliminary, exploratory phase of the Land Administration and Management Project (LAMP I). The first four to five years of LAMP were effectively devoted to a close examination of the “realities on the ground”, with in-depth studies conducted and detailed reports produced on the state of institutional arrangements, land laws, and policies in land administration and management, as well as the realities of administrative and judicial titling procedures, cadastral surveys and land parcel mapping, land markets, land records management,

land valuation procedures and standards, tenancy conditions, transfer of titles and other land transactions, and myriad other facets of land governance. Drawing on such research and on the knowledge and experience accumulated in the pilot projects in Leyte and Quezon City, LAMP I also produced a set of lengthy manuals for the “densification” of the geodetic network in support of land titling and cadastral surveys for GPS-based mapping, and for the awarding of free patents, the establishment of OSS, systematic adjudication, document verification, and identification of fake titles.

It was thus not simply on the basis of theoretical assumptions about property rights and land markets that LAMP II and subsequent land governance reform initiatives proceeded in the Philippines, but rather on the more solid foundations of empirical research about realities on the ground. This research provided ample detail with regard to a set of observable problems with existing land administration and management arrangements and practices in the Philippines:

- A weak and inefficient land administration and management system, with too many agencies, weak coordination, and ineffective conflict resolution mechanisms across them, and a set of outdated, restrictive, and mutually contradictory land laws;
- Serious limitations on the extent of titled lands in both rural and urban areas, with land records systems that are inefficient, poorly inventoried, inaccessible, and compromised by destruction through war, theft, fire, and water damage, loss through misplacement or deliberate removal; fragility, falsification, and duplication of existing land titles; incomplete, unreliable, and inaccessible cadastral maps;
- Inaccessible, inefficient, and unreliable land administration and management offices and land-titling and registration procedures encumbered with long delays and high transaction costs, including rampant corruption;
- Multiple and inconsistent land valuation systems complicating right-of-way disputes, compromising real-estate development practices, and constraining real property tax revenue collection.

- The research conducted under LAMP I, in other words, provided an unprecedented intellectual foundation and empirical basis for the establishment of a baseline against which to measure program outcomes and other prospective changes, for the accumulation and distribution of practical knowledge and technical know-how, and for the identification of an agenda for land governance reforms. Insofar as subsequent land governance reform initiatives – such as those sponsored by Cfc – have continued to work on a consistent set of policy reforms and have continued to draw on an established toolkit for reform implementation, the investment in knowledge made in LAMP I has certainly outlived the original program and will continue to inform further land governance reforms in the Philippines for years to come.

Against this backdrop and baseline, what achievements and related outcomes can we ascribe to LAMP and its successor programs for land governance reform in the Philippines, including Cfc? In concrete terms for the case of LAMP, we can first point to a set of performance indicators and other policy outcomes:

- More than 100,000 new land titles issued in the provinces of Bohol, Bukidnon, and Leyte, with some evidence of strengthened perceptions of land tenure security, increased land values, formal land transactions, and real property tax revenues, and decreased processing time and transaction costs in the land registration process in these localities;
- Dramatically improved data collection, mapping, record-keeping, technical skills and technological capacities within the LMB, including the roll-out of the Land Administration Management System across all regions of the country and near-completion of a nation-wide cadastral survey;
- Development and deployment of manuals, manpower, and a *modus operandi* for systematic adjudication to enable accelerated land titling campaigns at the local level in partnerships with LGUs;

- Professionalization of the real-estate industry and real property tax assessors under the RESA;
- Moves toward rationalization of land valuation standards and guidelines by the BLGF of the Department of Finance (DOF); and
- Extension of titling, enhancement of data collection systems, improvement in land registration and land processes and land valuation standards and procedures, and increases in local real property tax revenue collection in the select cities and municipalities where pilot projects were undertaken.

But looking beyond LAMP, it is also quite striking to see the achievements of the subsequent advocacy-based initiatives launched in support of land governance reform, from those sponsored by USAID in 2007-2013 to those under CfC since 2014. Here, the first key success is clearly that of the passage and enactment of the Residential Free Patent Act, enabled not only by LAMP but also, as noted above, in crucial ways by the work of the TAF-FEF team behind the scenes in both houses of Congress in 2008-2009 and in the drafting of key IRRs and other new policies in 2010-2011. After all, it was the passage, enactment, and implementation of the Residential Free Patent Act that enabled and impelled accelerated land titling across the Philippines at the unprecedented rate of 50,000-plus new titles per annum, far exceeding the successes of LAMP on this front.

Beyond the passage and enactment of the Residential Free Patent Act in 2009-2010, subsequent advocacy work by FEF with CfC support has extended and expanded the land governance reform agenda. It is worth highlighting CfC's work here to promote the Agricultural Free Patent Reform Act, which bore fruit in the passage of the bill in late 2018 and its enactment into law in early 2019. It is also worth noting CfC's work to extend coverage of the Residential Free Patent Act to provide a mechanism to secure titles for thousands of school sites and other government buildings in a period of increasing insecurity and encroachment. Meanwhile, CfC's work promoting provincial-level DENR-LGU partnerships overcame bureaucratic inertia, enabled and impelled land-titling campaigns, and established precedents and procedures for continuing land-titling efforts across the country. Finally, CfC's work reviving interest in a National Land Titling Program has produced very limited short-term results, but further advocacy work on this front may eventually bear fruit in years to come.

CfC has thus been “carrying the torch” for land governance reform in the Philippines since 2014. As suggested above, LAMP and subsequent land governance reform programs have combined to leave an important legacy beyond the numbers of land titles produced and the levels of property tax revenue increases induced under these initiatives, or even the advances in technical “know-how” and technological capacity within certain government agencies. Relayed from LAMP and reproduced under subsequent programs up through CfC, a fairly clear, coherent, and comprehensive land governance reform agenda has crystallized in the Philippines, along with an established base of understanding, expertise, and experience among an enduring if not expanding network of advocates for this agenda, embedded within key government agencies and policymaking circles and available for re-activation in subsequent campaigns over the years. It is only against the backdrop of this legacy of LAMP and its partners and heirs – including CfC – that we can understand the inclusion of land governance reforms among the first pieces of legislation filed in the 17th Congress and among the 10-point agenda of the incoming Duterte administration in mid-2016.

Viewed from the perspective of 2019, the past, present, and future of land governance reform in the Philippines must be understood to owe a debt both to the pioneering work undertaken under LAMP and to subsequent initiatives which unfolded alongside it and in its aftermath, including, notably, CfC. LAMP provided intellectual and institutional foundations not only for a set of pilot projects which produced their own localized gains, but also for both serious advances in capacity-building in key national government agencies involved in land administration and management, and for a substantive and systemic agenda for nationwide land governance reform in the Philippines. These legacies of LAMP have continued to inform, empower, and impel a succession of land governance reform initiatives in the Philippines for years after the official termination of LAMP II. These legacies are now clearly embedded within policymaking circles in Manila and within the Duterte administration today.

In addition, a succession of advocacy-based land governance reform initiatives convened and coached by TAF with the support first of USAID and later the Australian government under CfC have made important contributions and achieved gains unattainable by the more formal projects and partnerships with the Philippine government constituted under LAMP. These advocacy-based initiatives undertaken by the team based at the FEF have drawn on the legacies of

LAMP in terms of its original intellectual premises, empirical research findings, and institutional capacity-building achievements, as well as the accumulated expertise, experience, and insider access of the LAMP veterans among its members.

But the advocacy work undertaken by the FEF team in 2007-2013 and again under CfC since 2014 has not been burdened by the formal partnerships and other project requirements which constrained LAMP in terms of relationships with national government agencies and *modus operandi* in the legislative arena. The FEF team has thus been able to use informal, personal, and partisan political access, networks, and pressures in its favor as it has maneuvered in the House of Representatives and the Senate, and within the DENR, other national government agencies, and even the Office of the President to promote reform legislation and other changes in government rules and regulation through department administrative orders and the like. These tactics, the iterative processes which have encouraged the FEF team to adapt, adjust, improve, and escalate their use, and the funding modalities which have enabled their sustained deployment were absolutely crucial to the achievement of major land governance reforms such as the passage and enactment of the Residential Free Patent Act of 2010 and the extension of coverage to include lands housing public schools and other government buildings in 2015 and 2016.

In combination – and contrast – with the preceding chapter on CfC’s contribution to Sin Tax Reform, this chapter on CfC’s work in land governance reform thus reveals another implication of CfC’s activities and achievements, while suggesting other lessons, questions, and challenges for the program as a whole. On the one hand, CfC’s work in land governance reform reveals how reliant the program has been on the accumulated achievements, experience, expertise, and access of preceding reform efforts in this policy arena. Here, CfC has not only reconstituted and redeployed the FEF team sponsored and supported by TAF and USAID in 2007-2013. The program has also resumed, refined, extended, and expanded the reform agenda first developed under LAMP in 2000-2010, relying heavily on LAMP legacies and LAMP veterans in its reform advocacy work. CfC’s work on land governance reform since 2014 thus reveals not a sharp contrast, conflict, or zero-sum competition between development programs self-consciously grounded in “thinking and working politically” and traditional – or “main-frame” – development programs, but rather a realm of potential complementarity and co-dependency.

On the other hand, its work has raised a set of thorny issues for the program itself. After all, if land governance reform were to be taken as emblematic if not exemplary, then its work would suggest a CfC strategy of relying on – and simply reviving and resuming – pre-existing reform agendas and activities, and pre-established reform experts and advocates, “rounding up the usual suspects” for yet another round of a longer struggle for a pre-determined set of reform goals. While this kind of strategy might helpfully narrow the set of strategic choices for CfC to a conveniently small set of “technically sound, politically possible” options for reform advocacy work, it would also arguably deter CfC from undertaking new reform initiatives and engaging in innovative, original work entirely of its own. If CfC were to confine itself to “backstopping” avowedly “reformist” incumbent administrations and carrying forward pre-existing reform advocacy initiatives, CfC’s own capacity for independent activities and achievements would remain decidedly limited.

But as it happens, the Sin Tax Reform and land governance reform initiatives represent only a partial picture of CfC’s approaches and activities in support of transformational change in the Philippines. As detailed in the chapters to follow, CfC has undertaken a wide range of other reform initiatives which demonstrate great diversity in terms of their linkages with pre-established government agendas and pre-existing reform advocacy initiatives, including some completely original, independent, and innovative initiatives advanced entirely on its own. Indeed, such diversity is in ample evidence in CfC’s work in the realm of education, as detailed in the next chapter.



CHAPTER FOUR

ORIGINAL NEW INITIATIVES: EDUCATION REFORM

In contrast with the Sin Tax Reform and land governance reform described in the preceding chapters, Coalitions for Change (CfC) program's work on education since 2012 has unfolded according to a very different set of enabling conditions and abiding constraints. Unlike the "opportunistic" moves by CfC to involve itself in the Sin Tax Reform effort in mid-late 2012 and to engage in a new round of land governance reform from late 2013, CfC was tasked from the very inception of the program with education as one of the four core streams of the program, alongside Disaster Risk Reduction, Mindanao, and Subnational Governance. These four streams of CfC corresponded to the four pillars of Australian development assistance provision and prioritization in the Philippines. Given the Australian government's role in the conceptualization, funding, and management of CfC, it was hardly surprising that the program was organized along these lines. Thus, CfC's interest and involvement in education did not emerge and evolve in response to a specific set of opportunities, but rather from the imperative of doing *something* on the issue instead.

However, unlike CfC's accumulated experience, expertise, access, and links with veteran advocacy groups operating in the policy arenas of excise tax reform and land governance reform, the program was ill-equipped at its inception to engage with the complex questions and challenges of education reform in the Philippines. As of early 2012, the staff at Asia Foundation (TAF) office in Manila did not include anyone with serious experience or expertise – or any self-motivated interest or enthusiasm – with regard to the policy arena of education. It was, at the outset, purely a concern to conform with the original design of the program that CfC undertook to include education as one of the four main streams.

Indeed, one indication of the apparent awkwardness – if not irrationality – of education’s position in the CfC program was the “schizophrenic” approach to staffing. In the absence of existing TAF talent in the realm of education, CfC scrambled to compensate for this weakness in personnel. But it did so in contradictory fashion, recruiting a new member of staff with extensive prior experience and expertise in education to identify avenues for new initiatives, while simultaneously redeploying a senior member of staff to do the very same thing, but without any preceding history of working in this policy arena. Two separate teams emerged and began operating without real coordination or communication between them. Thus, the starting point for CfC’s work on education in early-mid 2012 did not appear to be very promising, especially in the light of the essential premise and abiding promise of the program: an iterative, adaptive, open-minded, innovative, and entrepreneurial approach to promoting transformative change in the Philippines.

Against this backdrop, the past five years of CfC’s work on education have arguably been surprising – and strikingly impressive – in terms of the successes achieved. First of all, CfC’s new resident expert on education oversaw an initiative which provided advice, assistance, and encouragement to the Department of Education (DepEd) and local government units (LGUs) in the period leading up to the implementation of legislation passed in 2013 which expanded compulsory public education from kindergarten to 12th grade (“K-12”) and required the creation of Senior High Schools across the Philippines by June 2016. Concerned that the Department of Education (DepEd) might be ill-equipped to provide effective oversight of the rapid transition to Senior High Schools on its own, CfC engaged with a group of interested city mayors across the country to encourage them to focus energies and resources on the potential difficulties and problems ahead, and to enable them to coordinate closely with DepEd.

First, working closely with Quezon City Mayor Herbert Bautista to pilot the initiative and then using Bautista’s presidency of the League of Philippine Cities as a launching pad for a “City Leaders” program, CfC helped to nudge and needle the mayors of cities in Luzon, the Visayas, and Mindanao to invest and involve themselves in the transition to Senior High Schools. Thus when Senior High Schools across the Philippine archipelago opened their doors for the first time in June 2016, there were nearly a dozen cities – with hundreds of thousands of new students enrolled in the Senior High School – well-prepared for a transition

which DepEd itself was not fully able to manage on its own. In this way, CfC helped to facilitate the transition to Senior High Schools, providing much needed backstopping to an administration which had promoted and pushed through Congress an important educational reform in 2013 but was not fully preparing or providing for effective implementation in 2016.

At the same time, CfC's work on Senior High Schools also led the program in new and promising directions that extended beyond "alarm bell ringing" in the lead-up to June 2016. In the course of its work on Senior High Schools in 2013-2016, CfC also engaged with local industry representatives in various cities, in an effort to align secondary-school curricula with employment opportunities – and industry needs – at the local level. In cities like Calamba and Santa Rosa, Laguna, the owners and operators of business parks were effectively drawn into discussions and dialogues with DepEd and local government officials about the content and quality of public education, as were their counterparts in the tourist industry in the province of Bohol.

These discussions provided an unprecedented basis for communication and coordination between private sector employers and public education providers at the local level, a very promising move in a country where the imperative of improving and "upgrading" human capital is ever more urgent and essential for sustainable economic growth and development. By late 2016 and early 2017, CfC was thus shifting its engagement with education reform in the direction of new work on the enhancement of standards of assessment and certification of technical and vocational skills, aligning the teaching methods and facilities, curricula, and assessment methods and standards of Senior High Schools more closely with the requirements of prospective employers in various sectors of the Philippine economy. Thanks to its in-house expertise and experience in education, CfC has been able to go beyond backstopping the Aquino administration's K-12 program and the transition to Senior High School. The program began to identify new reforms to help the Department of Education (DepEd) and other government agencies involved in technical and vocational education to prepare secondary-school graduates in the Philippines for the opportunities and challenges of the global economy in the 21st century.

Meanwhile, even as TAF's new resident education expert was beginning to work on Senior High Schools in the early years of CfC, a second team began work

on “Education and School Facilities” for the program in early-mid 2012, but without the advantages of prior experience in this policy arena. The senior TAF program officer tasked with investigating possibilities for educational reform had no previous personal interest in education, and the team leader recruited to lead the initiative was likewise a total novice. Over the course of 2012 and well into 2013, their preliminary explorations of problems and possibilities for “transformative change” through reform in education remained inchoate and inconclusive, with numerous dead-ends, delays, and difficulties in formulating a coherent plan of action. By the end of their first year, the team had virtually nothing concrete to show for their work.

Viewed from the perspective of 2019, however, the troubled infancy and “teething pains” of this second CfC Education and School Facilities team appear in retrospect to have set the stage for policy reforms notable both for originality and impact. This CfC team focused on a major problem in primary and secondary education across the Philippines – classroom overcrowding or “congestion” – and provided a previously unaddressed explanation for its persistence in the face of increasing government budget allocations for classroom construction: budgetary and procedural constraints on the purchase of land. More importantly, over the course of 2013-2017, this CfC team succeeded in identifying – and in due course introducing – a set of policy reforms that enabled and encouraged the DepEd to undertake a set of complex and daunting tasks:

- analyzing school enrollment to identify highly congested schools, alternative mechanisms for alleviation of congestion, and availability of buildable space;
- experimenting with a local referral scheme facilitating re-allocation of students from congested schools to undersubscribed schools nearby;
- establishing the budgetary provisions, legal precedents, and bureaucratic procedures necessary for DepEd’s purchase of land to build new classrooms.

In short, without the benefit of previous TAF experience/expertise, Australian Embassy assistance/involvement, or Philippine government initiative/interest, this CfC team has helped transform the ways in which school congestion is understood, addressed, and alleviated in the Philippines. The remainder of this chapter is devoted to a narrative account and critical analysis of these successes.

Assembling the Team: 2012-2013

Over the course of 2012 and early 2013, CfC's Education and School Facilities team was assembled. The team leader CfC recruited in early-mid 2012, Toix Cerna, was a graduate of the University of the Philippines with a major in political science. Cerna had worked for many years for the Transparency and Accountability Network (TAN), a non-governmental organization focused on documenting and deterring corruption in government procurement. But over time, Cerna had begun to experience frustration with the limitations of this kind of NGO activity, and in 2011 she attended a series of workshops that TAF was running on development entrepreneurship. She found this non-traditional approach simultaneously innovative, intriguing, eye-opening, and unnerving in terms of her own work. During and after the lectures, Cerna responded with questions, matching the unconventional approach with an impassioned defense of established modes of NGO work and a vehement insistence on evidence in support of the new approach TAF was advocating. These heated exchanges extended into debates over email and coffee, with Cerna eventually turning to a TAF program officer for input and assistance as she crafted a grant proposal for the funding of a new anti-corruption initiative which incorporated concepts of development entrepreneurship into its project design. It was thus based solely on TAF's awareness of Cerna's capacity for tough-minded, self-critical intellectual creativity, and adaptation – rather than specific technical expertise in education – that she was recruited by CfC as team leader in 2012.

Alongside Toix Cerna, CfC recruited two experts from TAF's previous work on economic reforms: Professor Grace Gorospe-Jamon and Dr. Francisco "Frankie" Villanueva. Jamon had been teaching Political Science and Public Administration at the University of the Philippines for more than 30 years. She had ample understanding of politics and policymaking in the Philippines, as well as abiding connections to her hometown of San Fernando, Pampanga, which proved helpful for the team's work from the outset. She also had a wide range of useful contacts in Manila, especially among the legions of former students she had taught and supervised over the years. As for Villanueva, he had also worked closely with TAF on economic reform initiatives in the past and amply demonstrated his intellectual energy and enthusiasm. His post-graduate expertise, doctoral dissertation, and teaching experience lay in the realm of business management, thus complementing the political and administrative strengths of Jamon. As a

businessman who headed the Metro Angeles City Chamber of Commerce and Industry, Villanueva also had excellent access in an urban center not far from Metro Manila, where – as in neighboring San Fernando – the team could engage in preliminary investigations and establish “pilot projects” at an early stage of its work.

Over the course of 2012 and early 2013, Cerna also recruited individuals with deep knowledge and networks within the education sector to the team. First, Beth Makayan, a former official in the Department of Budget and Management (DBM), with whom Cerna had worked on various anti-corruption initiatives over the years. Makayan’s work at DBM had included responsibility for managing the DepEd’s budget, and she was intimately familiar with its internal budgeting procedures and with key senior officials in the department. In April 2013, Cerna also contacted Abram Abanil, who had resigned from DepEd just a few months earlier. Cerna and other members of the team had heard many positive references to Abanil from contacts within DepEd, and she reached out to him via Facebook and recruited him to the team. With many years of experience working as a senior education program specialist in Region 10 (northern Mindanao) and in a senior position handling IT, planning, and data management in DepEd’s central office in Metro Manila, Abanil had unparalleled expertise, experience, and access to relevant information, including primary data, enabling him to make crucial contributions to the work of the team.

Meanwhile, over the course of 2012 and early 2013, as Cerna assembled her team, she and her colleagues began to immerse themselves in the substantive challenges facing education in the Philippines in the hopes of identifying both problems and possibilities for reform. As the team discovered, the broad backdrop to questions of education reform in the Philippines was a growing gap between government efforts/investments and educational performance. On the one hand, between 2005 and 2014, national government spending on basic education in the Philippines more than doubled in real terms, and average spending per public school student also increased by almost 50% during the same period. This period saw increasing investment in school infrastructure, rising salaries for teachers and rising numbers of teachers, and expanding student enrollment. On the other hand, school completion rates during the same period remained stagnant and, as the World Bank noted in 2016, “the national achievement scores do not suggest that there has been any significant improvement in overall learning achievement in recent times.” For the Philippine government, the inadequacy and inefficacy

of investing more money had become amply evident, and the need for more structural reforms was likewise apparent.

Against this backdrop, Cerna's team began to investigate various possible explanations for the growing performance gap in public education in the Philippines. CfC's initial work plan for education in March 2012 had indicated that the program would focus on "1) developing effective stakeholder participation in budget execution; and 2) reducing distortions in use of education resources to improve the quality and efficiency of public spending on education." But these goals remained exceedingly broad, as did both the range of possible problems – bureaucratic over-centralization? interference by local politicians? corruption? – and the set of plausible solutions for reform.

Over the course of 2012 and into early 2013, Cerna's team read, researched, brainstormed, and canvassed expert opinion; they held seminars, workshops, and focus group discussions in Metro Manila and nearby Pampanga. But there was little discernible movement towards clarity and closure on an effective strategy for education reform. As of July 2012, the team was hypothesizing that DepEd's over-centralization combined with the misuse of locally sourced revenues by municipal and city mayors to constrain the autonomy, integrity, and capacity for innovation of school principals and teachers, and thus advocating for "school-based management" (SBM) instead. To this end, the team focused its attention on two potential mechanisms for reform. First, the Special Education Fund (SEF), a source of funding derived from local property taxes and designated for the operation, maintenance, construction, and repair of public schools and school buildings, book purchases, and athletic events and facilities, as per the Local Government Code. Second, Local School Boards (LSBs), whose composition included municipal/city mayors and councilors, DepEd officials, and representatives of parents and teachers, at least according to the 1991 Local Government Code. But the team learned that municipal and city mayors jealously guarded control of the SEF and typically ran LSBs in an authoritarian manner, if they convened them at all. They also realized that civil society organizations like Synergia and the Bayan Academy for Social Entrepreneurship and Human Resource Development had been doing training and capacity-building for LSBs around the Philippines for a number of years. It remained unclear what, if anything, CfC might be able to contribute to the promotion of education reform through this route.

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

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

But this goal merely echoed the promise of Aquino, without identifying either the particular problems preventing the government from achieving its own avowed aims or specific solutions to overcome these problems. As of January 2013, for example, the team was hypothesizing that a major part of the problem with classroom construction was political interference by elected officials – municipal and city mayors, provincial governors, and members of Congress – leading to a misallocation of resources. Through Villanueva and Jamon, the team had encouraged the formation of local coalitions in Angeles City and San Fernando, Pampanga, bringing together business owners, civil society organizations, DepEd officials, and politicians to coordinate and direct the reallocation of funds for classroom construction to the most overcrowded schools. But as with the team's earlier schemes for LSB, the potential for extending this local coalition-building approach across the Philippines was utterly unrealistic and unsustainable, if not inevitably ineffective, given how little discretion over classroom construction was left in the hands of local officials. This proved another dead-end for the team.

However, through these local coalitions, the team had come to understand more about the specific nature, extent, and pattern of overcrowding in schools across Pampanga and to envisage different ways to address and alleviate the problem. For example, it soon became evident that overcrowding in some schools in Angeles City and San Fernando – with student to classroom ratios as high as 99 to 1 forcing schools to operate in two or even three shifts per day – was accompanied by under-utilization of available space in other schools nearby, even within the boundaries of these two cities. But local DepEd and other government officials balked at suggestions that parents could be forced to redirect their children to these undersubscribed schools to alleviate overcrowding elsewhere, given the legal and political obstacles to any kind of zoning or districting for public primary and secondary education. DepEd’s mandate, after all, was one of universal provision of education to all school-aged children without residential restrictions on the availability of places. School principals and school division superintendents had no legal precedent for excluding students from congested schools and “off-loading” them onto undersubscribed schools within the vicinity.

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

Mid-2013: Breakthrough

Early 2013 saw the team devote more attention to the underlying bases and overarching processes for allocation of resources for classroom construction, through focus group discussions with coalition partners in Angeles City and San Fernando, Pampanga. Once Abram Abanil, the former senior DepEd planning and data management specialist came on board, the team gained access to crucial data at the local, regional, and national levels, offering a consummate insider's understanding of DepEd budgetary processes.

By mid-2013, discussions with local school principals and division superintendents in Pampanga, and deeper analysis by Abanil had produced the dawning realization of a previously unaddressed impediment to the alleviation of school overcrowding or "congestion" through the construction of new classrooms. As Aquino had promised, there were in fact ample funds for new classrooms (see table below for the significant budget increases). However, in the built-up urban and suburban areas – like Pampanga – where school congestion was concentrated, there was a) virtually no more "buildable space" on existing school sites; and b) no funding available and usable for the complex task of purchasing new land. The team then realized that a critical element of the growing problem of school congestion in the Philippines was land and the absence of budgetary provisions and bureaucratic procedures for its purchase. DepEd traditionally looked to local governments and wealthy individuals to donate parcels of land for new schools.

Abanil's analysis of available data in June 2013 told the story. According to DepEd figures, at least 31% of all public schools were overcrowded or congested, while 15% were undersubscribed, and most of the congestion was concentrated in the 17 constituent units of Metro Manila, neighboring (sub)urban provinces, and other major urban centers around the country. At first glance, only 339 (6%) of the 5,558 elementary schools and 187 (11.5%) of the 1,620 high schools located in cities across the Philippines were officially reported to lack space for new classrooms. But once Abanil included previously neglected data on the total area of school sites and calculated student to land ratios, the proportion of schools lacking buildable space rose to 40% of all elementary schools and 44% of all high schools in the cities.

Figure 2. National Budget for Classroom Construction (Pesos)



Source: Department of Education

The implications were clear: A major obstacle to the alleviation of school congestion was not lack of government resources for the construction of classrooms, but rather the absence of funding streams and bureaucratic procedures for the purchase of land. Within DepEd, there appeared to be little interest in resolving this problem, given the financial, legal, logistical, and political constraints and hassles involved and the long history of relying on local governments and local private donors to provide land for schools. This was an increasingly unsustainable default option, given the rising cost of urban land in the Philippines and the resultant opportunities and pressures for local governments and private donors – or their families and heirs – to rescind previous donations and refuse requests for new parcels of land. But despite the obvious implications of demographic pressures and economic trends for urban real estate, within DepEd there was no apparent interest or appetite for a proactive approach to land acquisition for public schools. The impetus for reform had to come from somewhere else: CfC.

This was a major breakthrough by the CfC's Education and School Facilities team led by Cerna. The disappointing performance of public education in the Philippines, the team determined, was at least partially due to congestion in schools – a problem that was not being effectively alleviated by the Aquino

administration's program for funding classroom construction, a problem inevitably exacerbated and accelerated by rapid population growth and urbanization in many areas across the Philippines. While undersubscribed schools potentially provided some spare capacity to help alleviate congestion, the key constraint on decongestion lay in the realm of land acquisition, and the key task of reform was to enable, encourage, impel, and incentivize the government – in particular DepEd – to incorporate land acquisition into its data analysis, planning, budgeting, and standard operating procedures. From mid-2013 onwards, Cerna's team moved into high gear and worked to make this happen, exploring a range of different angles, opportunities, and entry points for developing and promoting reform.

A Tale of Two Cities: Pilot Projects in Pampanga, 2013-2015

Drawing on the lessons learned and the contacts made through Frankie Villanueva and Grace Jamon, the team continued to work in Angeles City and San Fernando, Pampanga. In each city, a "Partnership for Better Educational Facilities" was publicly announced, with Villanueva and Jamon expending their local political capital to make sure that members of congress and mayors were on board and involved alongside local DepEd officials and other interested parties. With the active participation of the DepEd regional director, local schools division superintendents, and school principals, data was gathered, patterns of school congestion in Angeles City and San Fernando were carefully and closely analyzed, and a variety of options for alleviating congestion were examined.

In the process, Abanil and the team began to develop a new analytical framework that rendered visible previously obscured patterns of congestion and constraints on buildable space, thus enabling and encouraging local DepEd officials to adapt their planning, budgets, and operating procedures in accordance with realities on the ground. By February 2014, this exercise had borne fruit at the regional level, with the Region 3 Office of DepEd issuing a memorandum on the "Guidelines on the Expanded Analytical System for School Facilities" for school division superintendents across Central Luzon. In a few short months, CfC's Education and School Facilities team had increased awareness and understanding of school congestion – and inserted analytical and operational tools for addressing the problem – in one of the most densely populated and congested regions of the Philippines.

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

In Angeles City, the experiment unfolded over 2014 and 2015 with ample speed and success, thanks to the active endorsement and involvement of two young and energetic city councilors. Thanks to their efforts, insistence, and authority, the councilors were able to enlist *barangay* (neighborhood) officials across Angeles City to assist in the complex and laborious exercise of undertaking a kind of local census of students to determine their numbers and their places of residence. Armed with this new data, school principals and the school division superintendent were able to identify opportunities for the alleviation of school congestion in Angeles City through redirection and re-allocation of students to schools located in proximity to their areas of residence. By enlisting *barangay* officials, public awareness of congestion – not only congestion in regards to schoolchildren in classrooms but also congestion for local residents in terms of traffic, resources, and needed services like trash removal – increased and provided political cover for local reform.

By June 2015, the *Sangguniang Panlungsod* – or city council – had approved an ordinance that formalized “A Systematic Approach in Dealing with School Congestion in All Public Schools in Angeles City.” The ordinance institutionalized use of Abanil’s analytical framework – dubbed the School Congestion Analytical Tool or SCAT – and an Enrollment Referral and Coordination System to redistribute schoolchildren more in line with family residence and school capacity. It further committed the Angeles City Government to construct new classrooms in schools with available land, to acquire additional land for schools requiring more classrooms but lacking buildable space, to establish new schools where necessary, and to advocate for inclusion in DepEd’s budget special allocations for the acquisition of land to reduce school congestion. The implementing rules and regulations for the city ordinance, spelled out a set of guidelines for the Enrollment Referral and Coordination System, with priority

for enrolling new entrants given to residents of the *barangay* where a school is located, and congested schools empowered to refer new entrants residing in *barangays* more than 1 km away to schools closer to their areas of residence.

This unprecedented commitment of a city government to address and alleviate school congestion – and equally unprecedented experiment with a formal referral system – was enabled, encouraged, and impelled by the work of CfC’s Education and School Facilities team. Alongside Abanil’s invention and application of the SCAT, the team worked closely with the two city councilors to draft the city ordinance and its implementing rules and regulations on the basis of its work in Angeles City since early 2013. Thanks to the team’s networks and lobbying efforts among senior officials in the DepEd, they were able to overcome their anxiety and uncertainty with regard to the referral system.

In February 2015, DepEd Undersecretary for Legal Affairs Alberto Muyot, a former student of team member Grace Jamon at the University of the Philippines, issued a ruling that “the Department sees no legal impediment in addressing public school congestion through a referral system” such as that outlined in the ordinance under consideration in the Angeles City Council. A few short months later, the ordinance and its implementing rules and regulations were approved, with immediate effect and implementation in Angeles City. By 2016, the Enrollment Referral and Coordination System was up and running, with hundreds of new students redirected to local schools in ways which helped to correct imbalances in classroom sizes across Angeles while realigning school assignment with family residence, thus reducing congestion both in the schools and on the streets of the city. A local victory in the fight against school congestion had been won.

But the impact and implications of CfC’s success in Angeles City remained decidedly limited. In San Fernando, after all, the Education and School Facilities team had the same kind of access and influence through Grace Jamon that Frankie Villanueva provided in Angeles City, but local government officials’ appetite for engagement with the problem of local school congestion was more modest. Unlike Angeles City, where many “referable” schoolchildren came from families living in neighboring municipalities (and thus ineligible to vote in city elections), maldistribution of students in San Fernando schools was entirely an in-city problem. This left elected officials anxious about the electoral impact of a

referral scheme that might inconvenience and alienate local parents (i.e. voters). Thus, San Fernando City Council never really followed through on its initial interest in addressing school congestion. No referral system was established. Nor were any ordinances passed committing the municipal government to other kinds of serious, sustained engagement with the problem of school congestion. So if CfC's successful experiment in Angeles City could not be replicated in neighboring San Fernando, how could it possibly be rolled out – “horizontally” – across the Philippines, or scaled up – “vertically” – to the national level? As with other reform initiatives under CfC and otherwise, the decentralized nature of Philippine democracy enabled and encouraged “pilot projects” in localities with receptive or “reformist” local government officials. But it remained unclear how to move from a single local “pilot project” to policy reform at the national level. Now that CfC's Education and School Facilities team had learned from their experience in Pampanga, it was time for them to craft a persuasive plan for tackling school congestion among national-level policymakers in Metro Manila.

The Challenge of Scaling Up, 2014-2015

From the outset, the CfC team was conscious of the need to create a strategy for a national-level reform to address the problems of school congestion in the Philippines, but the team was also wary of the dangers of a premature engagement with the central offices of the DepEd, senior policymakers, and politicians in the capital. For starters, the team lacked both credibility and a clear, coherent proposal for reform. As for DepEd, it was a huge – and highly centralized – department seemingly resistant to innovation and reluctant to involve itself in the complex, corruption-ridden, and often controversial processes of land acquisition. How then could the CfC team come up with a strategy for overcoming the built-in obstacles it had identified to expanding buildable space for much-needed new classrooms in highly congested areas?

Already in August 2013, members of the team had met with DepEd Undersecretary for Legal Affairs Alberto Muyot, and DepEd Undersecretary for Planning Lino Rivera, another former student of Grace Jamon at the University of the Philippines. But both Muyot and Rivera remained skeptical with regard to the outcome and potential applicability of the ongoing experiment in Central Luzon. In September of the same year, the team mobilized its contacts

among Pampanga members of Congress and key figures in the House of Representatives, including the Chairman of the Appropriations Committee and the House Minority Leader, to try to win insertion in the budget of a new line-item for school site acquisition. But the absence of support from DepEd doomed this preliminary effort.

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

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

In the course of the Education and School Facilities team’s research in 2013-2014, the insecurity of schools’ titles to the land on which they were built had emerged as a consistent and significant problem inhibiting expansion and construction of new buildings and classrooms and complicating the purchase of additional land for the same purpose. Research revealed that only 10% of the 46,000-plus public schools in the country held a legal title to the land on which they were built, leaving 90% without the clarity and security of ownership. With the real estate boom increasing not just land prices but pressures on local governments and the families or heirs of private donors to reclaim school sites for development and sale, the DepEd found itself embroiled in more and more land disputes in the courts. According to DepEd Undersecretary Muyot, over 200 such cases were in litigation at any one time, imposing heavy legal costs on the Department and, given the rules and regulations of the Commission on Audit (COA), effectively impeding the awarding of permits for the construction of new classrooms on these school sites.

On this point, however, as CfC's team knew amply well, the implementing rules and regulations for the Residential Free Patent Act offered effective guidance and potential assistance. The two-page law had explicitly included a provision stipulating that "public land actually occupied and used for public schools, municipal halls, public plazas or parks and other government institutions for public use or purpose may be issued special patents under the name of the national agency or Local Government Unit (LGU) concerned." But, as noted in Chapter Three above, the IRRs for the law remained silent on this point, and within the Department of the Environment and Natural Resources (DENR), there remained considerable reticence to resolve this ambiguity, given fears of antagonizing other agencies and LGUs by unilaterally extending coverage of the law and overstepping the powers and prerogatives that some insiders argued should rest with the Office of the President.

Against this backdrop, from early 2014 CfC reconstituted the old TAF land governance reform team under the rubric of the program and began to work to help push the promulgation by DENR of new rules enabling public schools to obtain titles to the lands on which they were built. The team encouraged DepEd Undersecretary for Legal Affairs Muyot to meet with his counterpart at DENR to raise the issue, preparing the "talking points" for a preliminary meeting, which was held in December 2013. Early 2014 witnessed forward movement with the signing of a Memorandum of Agreement between DepEd and DENR, committing the two departments to a resolution of the missing rules and regulations for the titling of lands housing public schools as well as the formation of a Technical Working Group to draft the new rules, which provided for administrative titling of public school site lands by provincial offices of the DENR as per the Residential Free Patent Act. But while the new rules were quickly drafted, subsequent months saw little movement on the part of DENR, with the Secretary referring the matter to the Office of the Chief Presidential Legal Counsel for a legal opinion. By late 2014 it had become clear that the proposed new rules could remain in legal limbo indefinitely, leaving the question of public school land titles essentially unresolved.

In response, CfC's land governance team continued to work behind the scenes to help push the process forward to fruition. The team drew on its members' own personal connections and political capital, as well as those of senior DepEd officials, to lobby for the new rules in the Palace. The team drafted a

memorandum for the Secretary of Education to send to the Executive Secretary. Two senators and a cousin of the President were recruited to help push for the resolution of the issue. By October 2014, a confidential memo had been written by the Chief Presidential Legal Counsel ruling that the DENR had full legal authority to issue land titles to public schools under the Residential Free Patent Act, and by March 2015, the hitherto reluctant secretary of DENR signed the Department Administrative Order authorizing the new rules. Subsequent months saw some resistance to the new rules within the bureaucracy, most notably the Land Registration Agency (LRA) and its local Registers of Deeds, but by the end of 2015 more than 2,000 titles had been issued to public schools under the new procedures. Another 2,800 titles were issued in 2016.

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

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

Over the course of 2014 and 2015, Abanil's data analysis and the team's assiduous efforts to promote land acquisition for alleviating school congestion began to attract more interest and engender more action among policymakers and politicians in the national capital. Late 2014 saw the team generating support among senior DepEd officials and also Senator (and Senate Finance Committee chairman) Francis "Chiz" Escudero for the inclusion of a special provision in the 2015 budget for land acquisition for congested schools.

By mid-2015, the team had won a major victory. A special provision of the 2015 General Appropriations Act (GAA) awarded DepEd P335 million (roughly US\$8.3 million at the time) for the acquisition of school sites to address congestion in existing schools. While the amount allocated for land acquisition remained small, an important precedent was established, both within DepEd and beyond. In June 2015, Education Secretary Luistro signed a set of formal guidelines for acquisition of lands under the GAA. Originally drafted by the CfC team, these brief guidelines incorporated key elements of Abanil's SCAT – most notably the student-to-land ratio – as the basis for determining school congestion levels, and, crucially, formally empowered School Division Superintendents "to consider *Acquisition of New School Sites* as a decongestion strategy." The guidelines also provided a short step-by-step outline and flowchart of the process through which land acquisition should unfold. In other words, CfC's Education and School Facilities team had successfully convinced DepEd to openly acknowledge the need to acquire land to relieve school congestion as well as to actively incorporate new budgetary provisions and operational procedures for land acquisition. As Secretary Luistro said in an interview with television station ABS-CBN:

Aaminin ko mayroon tayong mga sitwasyon na ang solusyon ay hindi magtayo ng classroom kasi unang-una walang lupa. Ang solusyon – maghanap ng panibagong lupa at magtayo ng bagong high school. Eto yung ating sitwasyon sa Kamaynilaan.

[I'll admit that we have situations where the solution is not simply building classrooms, first of all because there isn't land. The solution is to find new land and then build new high schools. This is our situation in Metro Manila.]

Endgame: Locking in the Reform, 2015-2017

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

With these concerns in mind, the CfC team immersed itself in the process of land acquisition, both to make sure that the funds allocated would be properly used, and as a critical learning exercise. Through Abanil's data analysis, it had been determined that two cities within Metro Manila – Caloocan City and Quezon City – suffered from high rates of congestion in schools highly constrained in terms of buildable space. Contacts with DepEd officials in Caloocan City in the latter half of 2014 generated interest in land acquisition for new school sites, but efforts to find land for purchase proved unsuccessful. In February 2015, however, through DepEd Undersecretary Rivera, the team established contact with Quezon City School Division Superintendent Helen Go, who showed considerable enthusiasm for the initiative and ability to overcome obstacles to land acquisition. The team worked with the superintendent to identify and negotiate the purchase of parcels of land for new schools in Quezon City. Meanwhile, August 2015 saw movement on land acquisition by DepEd officials in Cavite, a highly urbanized – and increasingly congested – province just south of Metro Manila. In Antipolo City, Rizal Province, just east of Metro Manila, and in Batangas Province, south of Cavite, local School Division Offices also expressed interest in purchasing land to help alleviate school congestion in their localities. In both Cavite and Antipolo City, it was a CfC-sponsored DepEd workshop that had informed local school officials of the available funds and procedures for alleviating acute congestion in their schools and impelled them to embark on the new processes of land acquisition.

January 2016 saw the successful purchase of the first parcel of land by DepEd in Quezon City, with movement on the identification, appraisal, and acquisition of a handful of other properties in Quezon City and provinces adjacent to Metro Manila unfolding over the rest of the year. Throughout the year, Cerna's team maintained communications with a variety of DepEd officials involved in the process, to encourage and assist them in the land acquisition process and to draw upon and document their experiences for purposes of further institutionalizing the reform. By the end of the year, seven purchases of land had been completed by DepEd – two in Quezon City, one in Cavite, and four in Bulacan – thus making demonstrably good use of the available budget allocation in the 2015 General Appropriations Act and providing new schools and classrooms for no less than 27,990 students.

At the same time, the team was hard at work on other fronts. Much time was devoted to defending the budgetary provision in the 2016 General Appropriations Act for DepEd land acquisition. In August 2015, the team had already used Abanil's SCAT to identify members of Congress and senators from areas with high levels of school congestion and heavy constraints on buildable space, and the team used its contacts among these and other legislators to lobby in favor of continued budgetary provision for land acquisition by DepEd. As the transition from the Aquino to the Duterte administration unfolded in mid-2016, efforts were made through Congress and otherwise to encourage the new Education Secretary Leonor Briones on this front. Team member Grace Jamon was a former student and colleague of Briones at the University of the Philippines, and thanks to her the team gained direct access to the Office of the Secretary, much as she had enabled contact and communications with the two key undersecretaries at DepEd over previous years.

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

In the end, the budgetary allocation for land acquisition by DepEd was reduced to P76 million, given the difficulties experienced by DepEd in spending the P335 million allocated in the 2015 GAA. But despite the reduced allocation, the budgetary process culminating in the 2016 GAA represented a further victory for the team. For two years running, DepEd had allocated funds for the purpose of land acquisition, and in so doing it had established within its National Expenditure Program a regular line-item for "Acquisition, Improvement, Survey, and Titling of School Sites" specifically designated as intended "for the acquisition of school sites to address congestion." Both the link between school congestion and land acquisition and the principle of responsibility for land purchase were officially incorporated into core DepEd procedures. In addition, the interventions and other demonstrations of interest during the hearings in Congress further heightened awareness and interest in land acquisition as a mechanism for alleviating school congestion. This budgetary provision would not simply disappear.

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

It is worth noting here the daunting complexity and contingency of land acquisition processes, from identification of parcels to appraisal, negotiation of purchase, surveys, authorization and "downloading" of funds, and eventually payment and transfer of title to the land. These processes involve a diverse range of national government agencies and local government offices, with multiple considerations and complications threatening difficulties, delays, and dead-ends. If DepEd were to establish regularized procedures if not accelerated processes for land acquisition, then existing budgetary provision could be more fully and effectively used, and then expanded so as to provide a recognized and

reliable set of resources and mechanisms for alleviating school congestion on a larger scale. A key goal was to ensure the sustainability of the reform.

By early 2017, there were ample signs that the team was succeeding in approaching a point where the reforms it had introduced over the preceding years were becoming “locked in” at DepEd. Crucial here was the work of the STO, which had evolved from its more tenuous status as a task force set up to address both the growing numbers of legal disputes over school lands and the new opportunities for acquiring land titles afforded by the extension of the Residential Free Patent Act to cover school sites. Over the course of 2015 and 2016, the challenges of acquiring seven parcels of land in Quezon City, Bulacan, and Cavite provided a steep learning curve for the newly established STO, and Cerna’s team was on hand to provide assistance and guidance.

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

More importantly, perhaps, over the latter half of 2016 and the early months of 2017, the team succeeded in drafting, circulating, and winning support among senior DepEd officials for a Department Order establishing a permanent set of “Guidelines on the Acquisition, Surveying and Titling of School Sites”. The Department Order clarified and strengthened the powers and prerogatives of the STO, empowered and instructed the STO to develop “forms, policies, and procedures for the acquisition, surveying, and titling of public school sites”, and to utilize and update existing databases and “the analytical framework to be used in determining the Department’s priorities in terms of acquisition, survey, and titling of school sites.” The Department Order empowered and instructed superintendents to designate personnel and devote resources to facilitate SDO engagement in the acquisition, surveying, and titling of school sites. By April

2017, this Department Order had won the approval of senior officials and was awaiting formal approval by Education Secretary Briones. In other words, CfC's Education and School Facilities team was on the verge of locking in DepEd's adoption and institutionalization of procedures to acquire land to alleviate congestion in schools lacking more buildable space.

At the same time, the Enrollment Referral and Coordination System developed by the team in Angeles City was finally gaining traction at the national level. By March 2017, DepEd's planning service director had directed his staff to examine the viability of a new Department Order scaling up the referral system to the national level, and in April 2017 the author met a member of his staff (on a visit to Angeles City) who reported that movement on this front was accelerating. They were even hoping to establish the new system before the onset of the next school year in June 2017. This was unrealistic, but indicative of the sense of urgency and enthusiasm for the scheme within DepEd. Meanwhile, the mayor of Angeles City, Edgardo Pamintuan, had emerged as the new president of the League of Cities of the Philippines, providing an excellent opportunity for him to showcase the successful experiment his city had undertaken with the assistance of CfC before the mayors of the 140-plus cities of the archipelago, and thus to help "socialize" LGUs into a supportive stance vis-à-vis the scheme. Thus by early 2017, the preliminary efforts by CfC's Education and School Facilities team in 2012-2013 in Pampanga had borne fruit in the adoption and institutionalization of a diverse set of budgetary provisions, operational procedures, and bureaucratic commitments to alleviate school congestion in the Philippines.

Conclusions

The activities and achievements of CfC's Education and School Facilities team over the course of 2012-2017 must be understood against the backdrop of the policies and programs of both the Aquino administration and the Australian Department of Foreign Affairs and Trade (DFAT) in support of education in the Philippines. On the one hand, the Aquino administration had devoted considerable resources to the expansion and improvement of primary and secondary school education, as seen in its commitment of unprecedented resources to increases in the numbers and salaries of teachers, the extension of compulsory and free public education from kindergarten to 12th grade ("K-12"), and, notably, the construction of new classrooms in schools across the country.

But, as CfC's research showed, these outlays and efforts were undertaken without a full understanding of the roots of the growing problem of congestion in schools in densely populated areas, a problem dramatically exacerbated by the addition of three more years to the school curriculum with the Philippines' introduction of K-12 program. Figures from the 2013-2014 school year indicated that as many as 3.85 million schoolchildren in 2,300 schools were suffering from classroom congestion, with average numbers of students per classroom well above the limit of 45 stipulated at the time by DepEd. Schools were thus relying on multiple daily shifts to cope with increasing congestion. Classroom experience and performance were not improving in line with funding increases. With demographic and economic growth pushing up school enrollments and real estate prices, the failure of DepEd to address the problem combined with increasing claims on untitled school sites. These trends guaranteed a deepening crisis of school congestion over the years ahead, with no solution – or even efforts at a solution, or sustained attention to the problem – in sight.

Over the course of the same period, the Australian government had devoted considerable effort and resources to supporting Philippine education. In particular, DFAT's five-year AU\$100 million Basic Education Sector Transformation (BEST) program combined teacher training and guidance on management, curricula, and assessments with support for organizational and data management systems, teaching and learning materials, and school facilities. As part of the BEST program, Australia committed AU\$45 million to a Classroom Construction Initiative, designed to enable the construction of 800-1,000 classrooms to provide an additional 90,000 places for students in schools across the Philippines. But as evident in a World Bank report on "Assessing Basic Education Service Delivery in the Philippines" published in June 2016, the real dimensions and dilemmas of school congestion in the Philippines did not figure prominently in the thinking of overseas development agencies committed to improving educational outcomes in the archipelago. Thus, the complex and hidden challenges of finding solutions to school congestion remained unaddressed.

CfC's Education and School Facilities team's focus on school congestion came without any real direction from the program. Viewed in this context, the team's success in identifying and analyzing the complex source of the problem of school congestion, exploring and experimenting with a set of potential solutions, and introducing and institutionalizing them within DepEd stands as a major achievement of CfC. By 2017, CfC had:

- Dramatically increased awareness and understanding within DepEd of the nature, extent, and dimensions of overcrowding and congestion in schools across the Philippines;
- Introduced and institutionalized a set of analytical tools and operational procedures within DepEd for use in planning, budgeting, and responding to problems of school congestion;
- Incorporated key elements of the School Congestion Analytical Framework (SCAT) within DepEd's planning, budgeting, and operational procedures;
- Identified the line-item in DepEd's annual National Expenditure Program and the General Appropriations Act for acquisition, surveying, and titling of land for school sites as a recognized mechanism for alleviating school congestion;
- Activated ongoing and imminent adoption of a Department Order establishing guidelines for acquisition, surveying, and titling of land for school sites;
- Assisted in the establishment of the School Titling Office (STO) and the strengthening of its capacities;
- Disseminated information on and awareness of school congestion and land acquisition among school division superintendents and other officials of school division offices, especially in highly congested areas;
- Disseminated information on and enhanced awareness of school congestion and land acquisition among members of Congress and local government officials;
- Activated (almost certain) adoption of a Department Order establishing a nation-wide Enrollment Referral and Coordination System;
- Facilitated purchase of seven sites for schools in highly congested areas to accommodate more than 27,000 schoolchildren (with a further seven sites for 29,000 students purchased by the end of 2018); and

- Empowered DepEd to avail of the Residential Free Patent Act to obtain secure title to land, resulting in nearly 5,000 newly titled schools since January 2015 and prospects for thousands more securely titled schools now freed from legal uncertainties and constraints to build more classrooms in the years ahead.

How, then, to explain CfC's success in addressing and beginning to alleviate problems of school congestion in the Philippines? As suggested above, the success of Cerna's team must be understood in terms of their commitment to the original premises and essential promise of CfC as a program designed for "thinking and working politically" and for an iterative, adaptive, entrepreneurial approach to development work. The team devoted considerable time and energy to identifying and understanding the roots of the problems in Philippine education without relying on a pre-assumed theory, approach, road map, or set of marching orders. The team proceeded by asking the right questions of the right people, exploring different options, experiencing manifold difficulties, delays, and dead-ends, and experimenting with a range of possible solutions. Instead of following a pre-scripted, linear progression, the team pursued a multiplicity of paths, which eventually converged and produced transformative reform.

How was the team able to operate in this fashion? CfC had been created to enable and encourage precisely this kind of nimble, inventive development work. Ample room was provided for the team to make a range of "small bets" on various ideas, initiatives, and activities, not all of which were expected to succeed. Cerna and her team were given a long leash for wide-ranging exploration and development of their ideas, without the burdens of measurable milestones or key performance indicators imposed from above. As they proceeded, Cerna and her team scrupulously maintained a timeline of their work, documented their findings, progress, and activities, and transmitted occasional updates to the CfC Program Management Team. But they were largely left to solve the problem, rather than being closely monitored or micromanaged.

At the same time, the team was only able to operate in this fashion because of the individual and combined strengths and skills of its constituent members. The team was composed entirely of Filipinos and Filipinas, deeply immersed in the social relations, political realities, and policy processes of 21st-century Philippines. They could operate effectively because of their highly developed

linguistic, social, and political communication skills, a requirement for effective policy advocacy work in local- and national-level contexts in the country.

The team members were also all highly motivated and personally dedicated to their work, as seen time and again in their investment of political and social capital in the initiative. All members of the team were sufficiently smart, self-confident, and thick-skinned to adapt to the difficulties, delays, dead-ends, and disagreements inherent in their work. All members of the team were fully able to admit when and where they were uncertain, ignorant, or wrong, and to acknowledge the limits of their abilities and expertise. The team also possessed a rare complementarity of skills and roles among its members: Cerna as manager and motor; Abanil (and Makayan) as insider experts; Jamon and Villanueva as political analysts and networkers. CfC's land governance team – composed of economists, geodetic engineers, and lawyers – functioned according to a similar logic. Here, we see the CfC program itself operating internally as a “coalition” of the willing, the eager, and the able.

Finally, the team operated according to a *modus operandi* that was simultaneously flexible yet focused. The team made experimental use of pilot projects in Pampanga and opportunistically availed of all manner of personal connections and political pressure points among local government officials and members of Congress, as well as within DepEd to advocate for and advance its reform agenda. They also accumulated hard data, detailed knowledge, and expertise in the policy arena and devoted close, careful attention to the crafting of technically sound reforms, while maintaining an abiding focus on the end game of institutionalized budgetary provisions and bureaucratic procedures within DepEd that would guarantee effective operation and implementation of the reforms without further involvement or incentivizing on the part of CfC.

Thus overall, in contrast with excise tax reform and land governance reform, CfC's work addressing school congestion in the Philippines offers the purest example of the kind of problem-driven, iterative, adaptive reform advocacy initiative that the program was designed to promote and help bring to fruition. While Australia's earlier and more traditional investments in the realm of education delivered brick-and-mortar results, CfC, by contrast, worked at relatively little expense to institutionalize new processes enabling the Philippine government's DepEd to address a hitherto unaddressed obstacle to the longstanding – and

worsening – challenge of school congestion. Unlike a mainframe development program, or a sub-contracted consultancy, CfC’s Education and School Facilities team operated with agility and flexibility to identify and address major problems, and to explore and introduce technically sound, politically possible solutions which neither the Philippine government nor overseas development agencies really had on their agendas or even their radar screens. When and where CfC enabled and encouraged other teams working in other policy areas to operate in a similarly autonomous, innovative, iterative, adaptive fashion, the program achieved other impressive results, as discussed in the chapters to follow.



CHAPTER FIVE

CAMPAIGNS AND CONSPIRACIES: LOCKING IN ELECTORAL REFORMS

In addition to its efforts promoting excise tax reform, land governance reform, and education reform, the Coalitions for Change (CfC) program in the Philippines has, from its inception, also been deeply involved in various aspects of electoral reform in the country. Three initiatives are particularly worthy of note.

First, CfC supported work by the Parish Pastoral Council for Responsible Voting (PPCRV) to oversee and enable the re-registration of voters in the Autonomous Region of Muslim Mindanao (ARMM) in July 2012, an initiative designed to reduce the numbers of “ghost” voters in an area of the country notorious for the prevalence of “wholesale” and “retail” election fraud. CfC also supported PPCRV’s subsequent mobilization of election monitors for the May 2013 mid-term elections in ARMM. Secondly, CfC sponsored a team of lawyers from the Legal Network for Truthful Elections (LENTE) who spearheaded the drafting, passage, enactment, and implementation of the Election Services Reform Act, which has improved the terms of service for public school teachers as members of the Electoral Boards in polling places around the archipelago. Thirdly and finally, CfC helped to organize and assist Fully Abled Nation (FAN), a coalition of civil society organizations mobilized to protect and promote the voting rights of people with disabilities (PWDs) across the Philippines, in both the 2013 mid-term and the 2016 presidential elections. In very different ways, CfC has thus been working from its inception to improve the quality of elections in the Philippines.

CfC’s involvement in electoral reforms, it should be noted, did not emerge out of any pre-programmed or otherwise preordained commitment to work in this policy arena. Neither The Asia Foundation (TAF) nor the Australian government had been very deeply involved in election-watch campaigns or election-related

advocacy work in the Philippines, and there was no mention of electoral reform in the program design for CfC. Indeed, electoral reform did not fit easily within the initial four main program streams of CfC – disaster risk reduction, education, Mindanao, and subnational governance. The breadth and complexity of the 1985 Omnibus Election Code had long deterred advocates of holistic electoral reform, much as the 1991 Local Government Code had long discouraged reform of the modalities of decentralization in the Philippines. Thus, the prospects for CfC to engender “transformative change” in this policy arena appeared weak at the inception of the program in early-mid 2012.

That said, CfC’s involvement in supporting various electoral reforms since 2012 has arguably been unsurprising, given that the program has coincided with a period of significant change in election-related processes and practices in the Philippines. As briefly noted in the introduction to this volume, elections in the Philippines have persistently been characterized by forms of voter mobilization heavily reliant on coercive, clientelist, and monetary inducements and pressures, and by a variety of forms of “retail” and “wholesale” electoral fraud, as seen perhaps most famously in the controversies and scandals surrounding the 2004 presidential election. In this context, the dependence of elected officials on local powerbrokers for the delivery of votes has continued to compromise and corrupt relations between the executive branch and the national legislature and between national, provincial, city, and municipal levels of government. The dependence of candidates for office on money to mobilize voters, to oil political machines, and to manufacture votes has continued to underly the structural imperative of rent-seeking by elected officials and the structural power of an entrenched oligarchy of business interests.⁶²

The past three decades since the restoration of democracy in the Philippines have witnessed subtle but significant shifts in electoral processes and practices in the country. The switch to a multi-party system has combined with ongoing demographic changes to undermine the effectiveness and reliability of money and machinery as mechanisms for voter mobilization, especially for candidates for national office, prefiguring a greater role for “public opinion” – and thus, polling – in deciding contests for public office. These trends have been

⁶² Eva-Lotta E. Hedman, *In the Name of Civil Society: From Free Election Movements to People Power in the Philippines* (Honolulu: University of Hawai’i Press, 2006); Cleo Calimbahin, “The Promise and Pathology of Democracy: The Commission on Elections of the Philippines” (PhD Dissertation, University of Wisconsin at Madison, 2009).

reinforced by technological innovations, most notably the computerization of elections and biometric registration of voters. Recent years have seen a marked move towards “cleaner” and more procedurally correct elections in terms of votes properly counted, canvassed, and closely corresponding to those cast in support of candidates for office. Unlike 2004, the 2010 and 2016 presidential elections were unblemished by serious accusations of wholesale fraud, and the final results essentially replicated those of pre-election polls and surveys, thus further strengthening confidence in the legitimacy of both the processes and the outcomes of elections in the country.⁶³

These improvements in the quality of elections in the Philippines have thus opened the door to new opportunities – and imperatives – for electoral reform. For example, insofar as elections have become freer and fairer in most of the country, the stubborn persistence of electoral violence and fraud in the Autonomous Region of Muslim Mindanao (ARMM) has become more obviously and awkwardly anomalous, and has thus shown an urgent need for redress. As most voters have come to find election candidates more accessible, election procedures more transparent, and election results more credible, the effective disenfranchisement of citizens physically unable or otherwise incapacitated to cast their votes has become more embarrassingly inexcusable. Finally, insofar as computerization has reduced opportunities for “wholesale” fraud in the realm of vote canvassing, politicians’ reliance on “retail fraud” has arguably not only remained relatively unaltered but even been reinforced, thus suggesting a heightened need for concern, vigilance, and perhaps reform with regard to Boards of Election Inspectors (BEIs) at the voting precinct level.

It is thus against this set of increasingly apparent opportunities and imperatives that CfC’s three electoral reform initiatives should be understood. As detailed in the pages, below, however, these three initiatives unfolded in response to quite different sources of inspiration within CfC and along very different lines in terms of their approaches to the pursuit of reform. Within a single shared policy arena, CfC’s three initiatives in electoral reform thus provide the basis for a comparative analysis of different ways of “thinking and working politically” and promoting transformative change in the Philippines.

⁶³ Eva-Lotta E. Hedman, “The Politics of ‘Public Opinion’ in the Philippines,” *Journal of Current Southeast Asian Affairs*, Volume 4, Numbers 1-2 (2010), pp. 97-118.

Voter Re-registration and Election Monitoring in ARMM

The first CfC initiative in the realm of electoral reform unfolded in July 2012–May 2013, when the program provided support for the re-registration of voters and for mid-term election monitoring in the Autonomous Region of Muslim Mindanao (ARMM). This initiative emerged in the context of CfC’s broader commitment to support the peace process in the southern Philippines, and as one of many components of its broader stream of work on Mindanao, as discussed in Chapter Seven below. The point of departure for this initiative was not really electoral reform per se, but rather a multi-stranded effort to strengthen the credibility of government institutions and governance arrangements in a poor, peripheral, and conflict-ridden region of the country, in order to enhance the prospects for effective and sustainable conflict resolution. For CfC, electoral reform in ARMM was only a small piece in a much larger Mindanao puzzle.

Within the context of conflict resolution and concerns about governance in the southern Philippines, the importance of electoral reform was clear from the beginning of the CfC program in early-mid 2012. Indeed, in ARMM, the nature and extent of wholesale fraud and other problems with elections remained not only extreme and exceptional, but also integral to the broader political and developmental impasse which persisted in the southern Philippines since the restoration of democracy in the country in 1986. Alongside the forms of voter mobilization – and demobilization – observed elsewhere in the archipelago, local powerbrokers in the majority-Muslim provinces of Mindanao and the Sulu Archipelago continued to enjoy much greater autonomy and impunity in terms of the use of violence and intimidation in electoral competition (and otherwise), and they also exploited this broader latitude and control over “locked-in electorates” in their relations with the national government in Manila.⁶⁴

The extent of this problem became abundantly evident in November 2009, when 58 people were killed in the context of a longstanding local political feud in the central Mindanao province of Maguindanao.⁶⁵ The “warlord”-style rule of

⁶⁴ See, for example, Eric Gutierrez, *Rebels, Warlords, and Ulama: A Reader on Muslim Separatism and the War in the Southern Philippines* (Quezon City: Institute for Popular Democracy, 2000); and Yvonne T. Chua and Luz R. Rimban (eds.), *Democracy at Gunpoint: Election-Related Violence in the Philippines* (Quezon City: VERA Files, 2011).

⁶⁵ *The Philippines: After the Maguindanao Massacre* (Jakarta/Brussels: International Crisis Group, 2009).

the Ampatuan clan in Maguindanao Province was revealed in lurid detail in the investigations that followed the massacre.⁶⁶

Since at least the senatorial elections of 1987, moreover, successive presidential administrations relied on local powerbrokers in the southern Philippines to deliver large blocks of manufactured votes, both to secure victories for presidential candidates and to strengthen the chances of pro-administration candidates for the Senate. Officials of the Commission on Elections (Comelec), as well as officers of the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP), colluded in such exercises. With the shift to a multi-party system in the post-Marcos era, both presidential and senatorial elections were often won by very narrow margins and without the pre-martial law checks afforded by a zero-sum two-party system of vote delivery and vote counting at the local level. Thus, successive elections saw repeated delays in vote-canvassing in the southern Philippines (whether due to election-related violence or otherwise), and recurring reports of negotiated deals between parties in Manila and ARMM that effectively determined the subsequent electoral outcomes for senatorial and presidential candidates. The most recent and memorable example of this pattern was undoubtedly the “Hello Garci” scandal involving then-president Gloria Macapagal Arroyo and senior Comelec officials in 2004.⁶⁷ But earlier episodes along these lines were noted in the (Corazon) Aquino administration’s virtual sweep of the senatorial elections in 1987 and the very slim and highly suspect victory of Fidel Ramos in the presidential elections in 1992.⁶⁸

This shows that the persistent reliance of incumbent and aspirant politicians at the national level on local powerbrokers in the southern Philippines profoundly constrained, compromised, and corrupted the relationship between the national government and the ARMM. Small wonder that the Ampatuan clan enjoyed close relations with the Macapagal-Arroyo Administration, or that successive governors of the ARMM have consistently been the favored candidates of the administration in Manila, such as Zaldy Ampatuan from 2005 through 2009. Ironically, democracy in the ARMM in some ways seemed less autonomous of the dictates of incumbent administrations in Manila than anywhere else in the Philippines, with subnational authoritarianism promoted and protected instead.⁶⁹

⁶⁶ *“They Own The People”: The Ampatuans, State-Backed Militias, and Killings in the Southern Philippines* (New York: Human Rights Watch, 2010).

⁶⁷ John L. Linantud, “The 2004 Philippine Elections: Political Change in an Illiberal Democracy,” *Contemporary Southeast Asia*, Volume 27 Number 1 (2005), pp. 80-101; Calimbahin, “The Promise and Pathology of Democracy,” pp. 198-226.

⁶⁸ Luzviminda G. Tancangco, *The Anatomy of Electoral Fraud: Concrete Bases for Electoral Reforms* (Manila: MJAGM, 1992).

In this context, elections in the ARMM involved not only especially coercive forms of voter mobilization and demobilization, but also forms of “wholesale” fraud involving Commission on Elections (Comelec) officials in the southern Philippines and Manila. Here the so-called *dagdag-bawas* (vote-padding/shaving) system of fiddling the votes at successive stages of the canvassing process stood out as the prevailing mechanism for wholesale fraud, requiring the active assistance and intervention of colluding Comelec officials. With computerization of elections by 2010, opportunities for *dagdag-bawas* ostensibly disappeared, making other forms of electoral fraud more important.⁷⁰ Here local politicians’ use of so-called “flying” and fictitious voters was particularly noteworthy. ARMM, after all, had long been notorious for its “ghost voters”, alongside its “ghost schools” and “ghost roads”, with Comelec (like other national government bodies) unable, unwilling or unmotivated to distinguish between fact and fiction on the ground.⁷¹ Indeed, knowledgeable observers noted that census figures for ARMM long appeared to be artificially inflated by a considerable margin, in order to facilitate commensurate exaggeration of claims with regard to voters, residents, students, and other nominal beneficiaries of government resources and services. A revalidation of the 2007 census by the National Statistics Office in 2010 revealed that the population of ARMM had indeed been inflated by nearly 25%.⁷²

It was against this backdrop that the Aquino administration undertook the re-registration of voters in ARMM in July 2012, in tandem with its ongoing ceasefire and negotiations with the Moro Islamic Liberation Front (MILF) over the formation of a new special autonomous region in the southern Philippines. Aquino pushed Congress to pass legislation postponing the 2011 regional elections in ARMM, and to pass a resolution mandating annulment of the voters’ lists and re-registration throughout the region. Aquino also prodded the Commission on Elections into

⁶⁹ Ed Lingao, “National Politicos Prop Dynasties as Surrogates to Win Elections” (Pasig City: Philippine Center for Investigative Journalism, 12 April 2013), at: <http://pcij.org/stories/nat-politicos-prop-dynasties-as-surrogates-to-win-elections/>.

⁷⁰ Asian Network for Free Elections (ANFREL), *Philippines 2010: Automated National and Local Elections: Final Report of the International Elections Observation Mission* (Bangkok: Asian Network for Free Elections (ANFREL), 2010).

⁷¹ See, for example, Carolyn Arguillas, “The Ghosts of Registrations Past Are Back (1),” *MindaNews*, 14 July 2012, at: <http://www.mindanews.com/top-stories/2012/07/14/the-ghosts-of-registrations-past-are-back-2/>; and Carolyn Arguillas, “Exorcising the Ghosts of Registrations Past (2),” *MindaNews*, 15 July 2012, at: <http://www.mindanews.com/top-stories/2012/07/15/exorcising-the-ghosts-of-registrations-past-2/>.

⁷² Congress of the Philippines, *Joint Resolution Annulling the Book of Voters of the Municipalities/Cities in the Autonomous Region of Muslim Mindanao, Directing the Commission on Elections to Immediately Conduct a New General Registration of Voters in the Region, Providing Funds Therefor, and for Other Purposes* (Metro Manila: Congress of the Philippines, 9 May 2012).

grudging acceptance of this task, and his administration positioned, proctored, and policed Comelec, PNP, and AFP personnel charged with implementing the voter re-registration drive in the southern Philippines.⁷³

In other words, the purging of fictitious, underage, and “command” voters from the ARMM electoral rolls in 2012 unfolded in response to Aquino’s initiative, and it was the president’s independence vis-à-vis local powerbrokers and active interest in promoting governance reform and conflict resolution in the southern Philippines that explains the origins of the initiative and the primary impetus for its implementation. But Aquino’s success in effecting a dramatic reduction of fictitious and underage voters from the electoral rolls, and improving the quality and credibility of elections in the southern Philippines, was hardly a foregone conclusion. The region, after all, was one in which government offices and institutions were weakly established and institutionalized, with limited resources and capacities. It also had local powerbrokers entrenched in local state offices and local society, compromising the potential integrity of any top-down internal “reform” process as it unfolds on the ground. Indeed, as former Comelec officials and other election observers told one of the authors, there was abundant evidence that the voter re-registration process in July 2012 was complicated and compromised by the efforts of many local politicians to register “flying voters” in multiple locations and to register underage voters as well.

Meanwhile, the primary vehicle for electoral reform in ARMM, the Commission on Elections, was also a very problematic institution, with ample potential for under-delivering or actively undermining the electoral reform process. It is worth noting here not only the wide-ranging accusations and insinuations voiced against Comelec chairman Sixto Brillantes, Jr. from the time of his appointment,⁷⁴ but also the very serious allegations repeatedly raised against attorney Rey Sumalipao, the ARMM regional director of Comelec. Sumalipao had been directly implicated in the “Hello, Garci” scandal, allegedly assisting in the manufacture of huge margins of victory for Gloria Macapagal Arroyo during the 2004 presidential elections in Lanao del Sur, where Sumalipao then

⁷³ Jocelyn R. Uy, “Comelec Denies Aquino Request to Register ARMM Voters Anew,” *Philippine Daily Inquirer*, 23 April 2012; Gerald Naval, “Comelec Denies Palace on ARMM,” *Malaya*, 2 May 2012.

⁷⁴ T.J. Burgonio, “Aquino Asked to Rethink Comelec Chief’s Appointment,” *Philippine Daily Inquirer*, 15 June 2011.

served as Comelec's provincial director.⁷⁵ If, as critical commentators suggested, the Commission on Elections – both in its central offices and in ARMM itself – remained compromised by corrupt and collusive involvement in election fraud, then there was little reason to trust its ability or inclination to implement computerization, voter re-registration, biometric voter identification, and other elements of electoral reform in a thorough, straightforward, or effective manner. Indeed, Comelec chairman Brillantes dragged his heels, even publicly denying the Aquino administration's request for re-registration as late as April 2012, while Sumalipao's performance in the subsequent May 2013 mid-term elections was subjected to critical commentary and speculation in the press. Questions were raised about the extremely slow transmission of election results in ARMM and the highly suspicious 100% voter turnout in 54 clustered precincts in the region in these elections.⁷⁶

Against this backdrop, as with the virtually simultaneous Aquino administration campaign in Congress for Sin Tax Reform treated in Chapter Two above, the re-registration drive in ARMM offered the imperative – or at least the opportunity – for CfC to “backstop” a pre-designed presidentially authored reform initiative threatened to help ensure or enhance its prospects for successful enactment and implementation. Here, CfC elected to provide support to the Parish Pastoral Council for Responsible Voting (PPCRV), an election watch group closely associated with the Catholic Church which was mobilized before, during, and after the July 2012 re-registration in ARMM, and once again to monitor the mid-term elections in the region in May 2013.

PPCRV's support was needed to supplement the efforts of local government officials in ARMM. After all, even if local Comelec officials and the local schoolteachers on the Boards of Election Inspectors were scrupulously honest, they faced enormous challenges and difficulties in implementing voter re-registration. With more than 100 municipalities, over 2,000 *barangays* (villages), some 1,164 voting centers, 9,342 precincts, and 2,946 clustered/group precincts, the limited resources and powers of the Commission on Elections were woefully inadequate for the

⁷⁵ Orlando Dinoy and Charlie Señase, “Poll Exec in ‘Hello, Garci’ Scandal Named S. Mindanao Comelec Head,” *Philippine Daily Inquirer*, 16 April 2010; Christian V. Esguerra, “6 ‘Garci Boys’ Still Holding Key Positions in Comelec,” *Philippine Daily Inquirer*, 11 June 2011; Ryan Chua, “Poll Exec in ‘Hello, Garci’ Now in Koko’s Turf,” *ABS-CBN News*, 31 August 2011.

⁷⁶ Aries Rufo, “PHVOTE 2013: Coincidence? Transmission Glitches in Garci Boys’ Areas,” *Rappler*, 14 May 2013, at: <http://www.rappler.com/nation/politics/elections-2013/29141-slow-transmission-garci-boys-areas>. Aries Rufo, “PHVOTE 2013: 70 Precincts Post 100% Turnout, Mostly in ARMM,” *Rappler*, 18 May 2013, at: <http://www.rappler.com/nation/politics/elections-2013/29515-70-precincts-post-100-turnout-mostly-in-armm>.

implementation of electoral reform. Local powerbrokers exerted considerable pressure on local Comelec officials, schoolteachers, and election inspectors, with ample evidence of intimidation, harassment, and occasional outright violence. Logistical problems were abundant, in terms of the remoteness and relative inaccessibility of some precincts and polling centers, and the irregularity and unreliability of communications due to power cuts and limited satellite coverage. In terms of law and order, some 6,500 PNP personnel and perhaps a similar number from the AFP confronted a diverse array of armed groups across the provinces of the ARMM, rendering enforcement of the gun ban and of the election code more broadly a very difficult and dangerous exercise.⁷⁷

In this context, the role of the PPCRV in coordinating with Comelec, PNP, and AFP officials and in mobilizing volunteers was crucial for the implementation of the July 2012 voter re-registration campaign across ARMM. PPCRV recruited and deployed thousands of volunteers to monitor the voter re-registration drive in 2012, and to deter efforts to undermine its implementation. PPCRV also engaged in active efforts to publicize the ARMM voter re-registration campaign in 2012, working closely with local media outlets – ranging from radio stations to websites and social media – to raise voter awareness across the southern Philippines. At the same time, it won accreditation and worked closely with the Commission on Elections, the PNP, and the AFP, joining a “Task Force Rehistro” in 2012 and forging a similar pact for “Clean, Honest, Accountable, Meaningful, and Peaceful” elections – or CHAMP – in 2013. In short, PPCRV spearheaded a coalition that played a crucial role in enabling effective implementation of electoral reform in ARMM.

Insofar as PPCRV was able to mount a credible campaign to oversee and advance the July 2012 voter re-registration drive and to monitor the May 2013 mid-term elections in ARMM, its success is especially interesting and arguably impressive on at least two counts. First, as noted above, since its founding in the early 1990s PPCRV relied heavily if not exclusively on the infrastructure of the Catholic Church and on Catholic lay associational networks. Thus, its ability to mobilize volunteers in majority-Muslim provinces represented a departure from its standard

⁷⁷ Jani C. Arnaiz et al., “Far Too Much Work: Far Too Few Personnel with Poor Provisions,” *Philippine Center for Investigative Journalism*, 17 April 2013, at: <http://pcij.org/stories/far-too-much-work-far-too-few-personnel-with-poor-provisions/>.

operating procedures for the recruitment and deployment of volunteers and for the representation of the organization as an independent and unbiased observer of elections and advocate for electoral reform. With Catholics remaining a small minority in ARMM, and as issues of religious difference corresponded to political cleavages in the region, the ability of PPCRV to mobilize volunteers and to assume a leading role in the promotion of electoral reform in the southern Philippines certainly merits special consideration and commendation.

Secondly, and less obviously, previous election watch efforts in the Philippines had not only relied heavily on the infrastructure of the Catholic Church and its affiliated lay associations, but also on the resources of – national-level and local – business owners and business organizations. Alongside the institutional autonomy of the Catholic Church, it had been crucial for business owners – national and local – with some claim to relative independence from politics to throw their considerable financial, social, and cultural capital behind the cause of “clean elections”.⁷⁸ In much of ARMM, however, business and politics remained intimately intertwined, and the limited economic development of the region had not yet produced a set of genuinely local business interests – much less business associations – which lay outside the interlocking directorate of local political alliances and antagonisms.⁷⁹ Thus, the ability of PPCRV to recruit and deploy volunteers across the full breadth of ARMM without either a regionwide infrastructure of Catholic parishes and local lay activists, or a regional association or informal alliance of business interests, was especially striking and significant.

Indeed, it is against this backdrop of ARMM-wide weakness in the usual institutional and economic resources required for election-watching efforts that PPCRV's ability to create and sustain a coalition in support of electoral reform in 2012 – and 2013 – in the southern Philippines should be understood. The head of PPCRV, Father David Procalla, was a Catholic priest, and the occasional priest or lay Catholic activist could be found among the ranks of the organization's local coordinators. But overall, instead of relying on networks of Catholic lay activists and business owners, PPCRV turned to a range of local Muslim non-governmental organizations (NGOs) to provide the essential infrastructure for the promotion and protection of the ARMM voter re-registration campaign of

⁷⁸ Eva-Lotta E. Hedman, “Mapping the Movement: NAMFREL in Six Philippine Cities,” *South East Asia Research*, Volume 7, Number 2 (1999), pp. 189-214.

⁷⁹ Francisco J. Lara, Jr. and Steven Schoofs (eds.), *Out of the Shadows: Violent Conflict and the Real Economy of Mindanao* (Quezon City: Ateneo de Manila University Press, 2016).

July 2012 and once again for the monitoring of the May 2013 mid-term elections in the region.

PPCRV forged a coalition with 17 partner NGOs – six from Basilan, Sulu, and Tawi-Tawi, four from Lanao del Sur and Marawi City, and seven from Maguindanao and elsewhere in the greater Cotabato region. It was the activists of these 17 NGOs who provided the human resources for PPCRV, in terms of provincial- and municipal-level coordinators and who oversaw the recruitment, evaluation, deployment, and management of the hundreds – indeed thousands – of volunteers who monitored voter re-registration in July 2012 and the mid-term elections in May 2013 in thousands of *barangays* across ARMM. Ultimately, on the ground it was these NGO activists who ran PPCRV for the most part, and who thus represented the cause of electoral reform in the southern Philippines.⁸⁰

In essence, then, in the ARMM voter re-registration effort of July 2012 and the election monitoring effort of May 2013, PPCRV represented a coalition not only between the Catholic Church and lay association-based networks and a cluster of Muslim NGOs, but among these Muslim NGOs themselves. Most of these NGOs had long been engaged in community-level development work, typically involved in the implementation of projects funded by foreign development agencies. In recruiting volunteers for PPCRV, these activists drew on the extensive network of contacts, constituencies, and clients they had developed through their community-level development and/or conflict management/mitigation work. In terms of local knowledge and political intelligence, credibility in the eyes of local communities, access to local Comelec, PNP, and AFP personnel, and leverage vis-à-vis local politicians and their minions, these NGO activists drew more broadly on their experiences and their accumulated reputations and established positions to “make PPCRV work”.

Beyond its composition, the PPCRV-led coalition was also noteworthy in terms of the methods and *modus operandi* it relied upon to promote and protect the ARMM voter re-registration effort in July 2012 and to monitor the mid-term elections of May 2013 in the region. Here, as noted above, it is important to emphasize the close coordination between PPCRV at the local and regional

⁸⁰ ‘Poll Watchdog Gears Up for 2013 Election’, *Mindanao Cross*, 25 June 2012.

level and Comelec, the PNP, and the AFP. Such coordination was extensive throughout the July 2012 voter re-registration period under the auspices of “Task Force Rehistro” and again the lead-up to the May 2013 elections, as one of the authors witnessed during a two-day workshop in which teams composed of provincial representatives of all four organizations met for hours to discuss and develop preparations and plans in anticipation of a variety of problems. For PPCRV, this level of access, interest, and eagerness on the part of the PNP and the AFP (and, to an unsurprisingly lesser extent, Comelec) facilitated what appears to have been an unprecedented level of coordination, and obviously the broader context of the Aquino administration’s support for electoral reform in ARMM set the stage and the “mood music” for this development.

At the same time, PPCRV also actively engaged with various forms of media in support of its efforts to promote and protect the integrity of the ARMM voter re-registration effort in 2012 and the mid-term election in 2013. Here, it is worth noting that local PPCRV activists included prominent local media personalities, as seen perhaps most spectacularly in the case of a popular radio show host in Tawi-Tawi. PPCRV also recruited into its ranks some local members of *Kabalikat Civicom*, an association of ham radio operators whose communications network spanned the Philippines and enabled rapid transmission of information from remote localities in ARMM. At the same time, PPCRV arranged for announcements and advertising in newspapers and on websites, as well as promotional slots on radio programs.

With its well-established communications network and media access, PPCRV was thus well-placed to transmit information about problems in precincts around ARMM to responsible government officials and to provide reports, updates, and commentary to the broader public with regard to the general state of the voter re-registration process in July 2012 and the mid-term election in May 2013. This informational infrastructure not only enabled PPCRV to respond to a variety of problems – ranging from technical mishaps to violence, intimidation, and attempted fraud – but also, undoubtedly, to deter some would-be spoilers from electoral skulduggery. Through its extensive on-the-ground network of volunteers, PPCRV thus greatly increased voter awareness of re-registration in 2012 and of election procedures in 2013 while likewise enhancing the overall self-consciousness, transparency, and rectitude of the electoral process across ARMM.

Overall, PPCRV played a crucial role in enabling the implementation of the July 2012 re-registration campaign in the ARMM. Responding in a timely and effective

manner to Aquino's initiative, PPCRV coordinated closely with key administration insiders, allied legislators, and sympathetic government officials to promote and protect the integrity of voter re-registration in ARMM in 2012 and to monitor the mid-term elections in the region in 2013. PPCRV mobilized a diverse coalition of activist groups who could credibly represent universal rather than particularistic interests in order to help the Aquino administration to overcome resistance from entrenched forces eager to undermine the reform process.

PPCRV drew on knowledge, experience, contacts, and reputation – what some might term intellectual, cultural, social, and symbolic capital – accumulated over many years of activist work, generously supported by a range of international development agencies. It also engaged in highly labor-intensive monitoring efforts, with its activists working around the clock to gather and transmit massive amounts of complex information effectively in close communication and coordination with diverse coalition partners of varying reliability and trustworthiness. PPCRV provided a nodal point in a broad-based coalition, its activists providing not only crucial assistance and information to the Aquino administration but also *esprit de corps* and an appealingly idealistic frame for the broader cause of “governance reform” and conflict resolution in the southern Philippines.

What, then, was the impact of Cfc's support – via PPCRV – for electoral reform in ARMM? Prior to the voter re-registration drive, some 1.88 million voters were registered in ARMM as of 2010. During the voter re-registration drive, some 1.57 million applicants for re-registration were recorded. But of these 1.57 million, some 280,000 were disqualified, whether on the basis of age or multiple registration applications in different precincts. Over 250,000 were discovered to have attempted to register in multiple districts, while nearly 30,000 were identified as under eighteen years of age, leaving a total of 1.28 million voters registered in ARMM as of late 2012. Thus almost 600,000 fictitious or underage voters were “cleansed” from the ARMM electoral rolls in 2012, nearly a one-third reduction overall.⁸¹

Viewed in terms of immediate impact, the voter re-registration drive was clearly highly successful in reducing the number of “ghost voters” and thus narrowing opportunities for certain forms of wholesale electoral fraud. In measurable terms,

⁸¹ Reynaldo Santos, Jr., “Nearly One-Fifth of ARMM Voters Fake, Delisted,” *Rappler*, 4 December 2012, at: <http://www.rappler.com/nation/17275-nearly-one-fifth-of-armm-voters-fake-delisted>.

the re-registration thus appeared to a) reduce the ability of local powerbrokers in ARMM to use blocks of manufactured, fraudulent votes to ensure their own election and to assist favored candidates for national offices; b) reduce the ability of presidential and senatorial candidates to rely on wholesale fraud in ARMM; and c) weaken the symbiotic relationships between Manila-based and ARMM politicians which had long compromised local governance in the southern Philippines and, arguably, the quality of democracy in the country as a whole.

Viewed in terms of longer term political change, however, the results of ARMM voter re-registration in 2012 have proven to be much more limited. The “cleansing” of the electoral lists of fictitious and underage voters may have reduced opportunities for certain forms of electoral fraud in ARMM, but it left untouched, intact, and available a wide range of instruments for the application of coercive, clientelist, and monetary pressures on voters in the region. Thus, any celebration of the success of the ARMM re-registration drive must be seriously qualified. Local powerbrokers in ARMM were still left with ample forms of influence over voters, including intimidation and violence. The prevalence of poverty in ARMM ensured the continuing susceptibility of many voters to vote-buying, even as enduring conflict, insecurity, impunity, and weaknesses in infrastructure limited voters’ autonomy from local powerbrokers and access to independent sources of information, leaving much of the underlying structures of “locked-in electorates” essentially unchanged. Indeed, the May 2013 mid-term elections in ARMM saw many incumbent officials running for re-election unopposed – nine out of 19 municipalities in Sulu Province reportedly saw mayoral races decided in this fashion. In the May 2016 elections, 23 municipalities and one chartered city in ARMM likewise saw incumbents as the sole candidates running for re-election,⁸² with 21 mayors running for re-election unopposed in the region in the May 2019 elections as well.⁸³ Overall, looking back over the 2013, 2016, and 2019 elections, and seeing the re-election of entrenched local political “bosses” and “dynasties, it is difficult to discern any positive change.

⁸² Kat Uyan, “PHVOTE 2013: Ilocos Sur Lists Biggest Number of Unopposed Bets,” *Rappler*, 27 March 2013, at: <http://www.rappler.com/nation/politics/elections-2013/24949-ilocos-sur-biggest-number-of-unopposed-bets>.

⁸³ Carolyn Arguillas, “Winners Even Before May 13 Polls: 133 Unopposed Candidates in Mindanao,” *Mindanews*, 11 May 2019, at: <https://www.mindanews.com/top-stories/2019/05/winners-even-before-may-13-polls-133-unopposed-candidates-in-mindanao/>. This article claims that only 19 mayors ran for re-election unopposed, but a careful review of Comelec’s Certified List of Candidates” for the five provinces of ARMM revealed that in fact 21 mayors were running unopposed, with 13 of the 36 mayoral races in Maguindanao uncontested.

Meanwhile, the years since 2012 have seen evidence of commensurate continuity in terms of enduring control over “locked-in electorates” and the wholesale manufacture of votes not only for the re-election of entrenched local office-holders but also for delivery to incumbents and aspirants to office at the national level. In the 2013 elections, for example, there was 90-100% turnout in 153 clustered precincts in Maguindanao, 112 in Tawi-Tawi, 110 in Sulu, and 101 in Lanao del Sur, in contrast with the national average of 77%. Dozens of precincts in these provinces have also claimed a statistically implausible 100% turnout of all locally registered voters.⁸⁴ This pattern persisted in 2016 and is also evident in available data on voter turnout in ARMM in 2019. In Pandag, Maguindanao, for example, 19 out of 68 precincts claimed 100% registered voter turnout in the 2019 mid-term elections; no precinct claimed less than 90% turnout; and overall turnout averaged 97.98%, in the context of a local election in which the incumbent mayor ran unopposed. Likewise, in Languyan, Tawi-Tawi, where another incumbent mayor ran for re-election without challenge, turnout averaged 96.84% of registered voters, with 100% turnout in no less than 69 of 116 precincts in the municipality. In Panglima Sugala, Tawi-Tawi, where the Sahali family has remained entrenched for many years, a similar pattern was observed, with 27 precincts out of 104 claiming 100% turnout, three claiming more than 100% turnout, and an additional 47 with 98.0-99.95% turnout. With the outcomes of mayoral elections in these contexts already pre-determined, the suspiciously high turnout levels suggest a continuing pattern of coerced and/or manufactured votes for “delivery” to provincial, congressional, and national candidates in line with established practices.

Even in terms of the narrower goal of “cleansing” the voters’ lists in ARMM, the medium-term impact of the July 2012 voter re-registration exercise appears to have been essentially nugatory. In February 2016, just a few months before the May 2016 elections, Comelec reported that the number of registered voters in ARMM had increased from 1,468,584 in 2013 to 1,863,230 in 2016, a whopping 26.87% leap, far greater than anywhere else in the Philippines, and far more

⁸⁴ See: Aries Rufo, “Most 100% Turnout in ARMM, Cebu Precincts,” *Rappler*, 26 May 2013, at: <https://www.rappler.com/nation/politics/elections-2013/29992-most-100-turnout-in-armm-cebu-precincts>; and Aries Rufo, “70 Precincts Post 100% Turnout, Mostly in ARMM,” *Rappler*, 18 May 2013 at: <https://www.rappler.com/nation/politics/elections-2013/29515-70-precincts-post-100-turnout-mostly-in-armm>.

than observable demographic trends could explain.⁸⁵ By the time of the May 2019 elections, the number of registered voters in ARMM had further increased to 2,172,959, an additional 16% rise – well above the national average and not plausibly explicable in terms of demographic trends like urbanization and immigration evident in other regions of the country. Thus the gains in “cleansing” ARMM of “ghost voters” in July 2012 appear to have been essentially reversed over subsequent years.

Looking back at CfC’s involvement in the voter re-registration in ARMM in 2012, it is worth noting four limitations of this initiative. First of all, CfC did not become involved in voter re-registration as a self-conscious or strategic decision to promote electoral reform in the southern Philippines, but rather due to a broader interest in supporting a diverse array of activities in ARMM viewed as conducive to the peace process. Secondly, CfC acted in a purely responsive manner, agreeing to support PPCRV in assisting Comelec in the voter re-registration drive initiated by the Aquino Administration. CfC’s role was thus limited to that of “backstopping”. Thirdly, the nature of the initiative was mobilizational rather than transformational, focused on improving the quality of the re-registration exercise through independent monitoring by civil society organizations rather than one or another change in the “rules of the game” of electoral processes and procedures in the southern Philippines. Finally, while the initial impact was observable and impressive, the gains achieved were quickly reversed, and there is little evidence of any longer term impact as of 2019. Overall, unfortunately, CfC’s efforts to promote electoral reform in the southern Philippines – as with its broader work stream on Mindanao in support of the peace process described in Chapter Seven below – do not seem to have produced the kind of rule-changing, self-sustaining transformative change aspired to by the program.

⁸⁵ Reynaldo Santos, Jr., “What’s Going On? Is the ARMM Voters’ List Padded Again?,” *Rappler*, 1 March 2016, at: <https://www.rappler.com/newsbreak/investigative/124131-armm-padded-voter-registration-2016-elections>.

Electoral Service Reform Act (ESRA)

Beyond CfC's support for PPCRV in ARMM in 2012-2013, the program also launched a second initiative for electoral reform, which came to be identified as the Electoral Service Reform Act (ESRA). As with the re-registration drive in ARMM in 2012, this second CfC initiative emerged not out of an explicit, intentional commitment to electoral reform per se, but in the context of a more broadly conceived stream of work, in this case in the realm of education. As with its support for PPCRV in ARMM in 2012-2013, CfC's work on ESRA proceeded along "coalitional" lines, with civil society organizations joining forces and working closely with Comelec officials in an advocacy coalition in support of a shared reform agenda. That said, unlike CfC's backstopping of the government through PPCRV in ARMM in July 2012, the program's work on ESRA involved the independent identification and advancement of an original, innovative reform policy. In addition, unlike the CfC-supported 2012 re-registration drive in ARMM, ESRA focused on a new piece of legislation, with advocacy work focused on the complex and contingent challenges of achieving passage, enactment, and implementation of a new law.

The origins of the Electoral Service Reform Act date back to 2012-2013, when CfC's Education and School Facilities team was investigating the problem of school congestion in the Philippines. Among the early hypotheses explored by the team was that political interference in school management by local mayors, members of Congress, and governors was complicating and compromising the allocation of funds for classroom construction, and that greater insulation of schools from political interference would improve prospects for achieving decongestion of overcrowded schools. Elected politicians' excessive involvement and interest in education, the team reasoned, stemmed in large measure from the mandatory role of public school teachers as members of the Electoral Boards in polling places across the Philippines on election day. Mayors, members of Congress, and governors exerted influence over the appointment of school division superintendents, school principals, and even teachers, as a strategy for enabling election-day skulduggery and impeding countermeasures from their rivals for office. One implication: removal of teachers from compulsory service on Electoral Boards would reduce incentives for political interference in school management and thus remove one obstacle to improvement in education oversight, school performance, and educational outcomes.

It was in this context that CfC became interested in a bill filed in the House of Representatives in early July 2013 by Representative Antonio Tinio, the party-list representative for the Alliance of Concerned Teachers (ACT) Party, titled “Making Election Service Voluntary for Public School Teachers and Other Citizens.” Citing the personal costs, dangers, and casualties associated with election day service in polling precincts, Tinio’s bill proposed to release public school teachers from mandatory service on Electoral Boards, enabling local citizens of “known probity and competence” to serve in their stead. A few days later, CfC organized a focus group discussion on the bill, including representatives of the Legal Network for Truthful Elections (LENTE), Philippine Business for Education (PBE), and the Teachers Dignity Coalition (TDC).

Participants in the discussion concurred that the overall thrust and key provisions of the Tinio bill had merit, but given its sponsor’s marginal position in Congress as well as the active opposition of Comelec, it was highly unlikely that any progress towards passage of this particular version of the bill could be achieved. After all, party-list representatives like Tinio did not occupy powerful positions on House committees or otherwise enjoy sufficient influence among their fellow members of Congress to push forward legislation. Tinio and the ACT party were fundamentally at odds with the Liberal Party administration of then-President Aquino. As for Comelec, its opposition to the bill appeared to be intense and understandable: Given its meager resources and limited personnel, Comelec relied on compulsory enlistment of public school teachers to staff Electoral Boards around the country. The existing arrangements greatly simplified the task of recruitment for Electoral Boards on election day. Tinio’s bill, in other words, appeared to be a dead-end.

But CfC was undeterred. By the end of July 2013, CfC had enlisted a team centered around the LENTE, a nationwide network of lawyers, law students, and paralegals trained and deployed to monitor elections in the Philippines and designed to complement other election watch groups (like NAMFREL and PPCRV) through its provision of legal advice and assistance in connection with electoral fraud, on the one hand, and electoral reform, on the other. LENTE, in other words, had considerable technical expertise in the electoral arena as well as close contacts and credibility with Comelec.

Banking on these assets, LENTE launched a campaign to overcome – and outmaneuver – resistance to the proposed electoral reform within Comelec. On

30 July 2013, LENTE submitted a formal proposal to Comelec for a pilot project, to test the conduct and consequences of non-teacher service on Electoral Boards in selected voting precincts around the country in the approaching October 2013 *barangay* elections. While Comelec officials began to mull over the proposal, Ocampo's team began to hold meetings with key staff in the Senate, where another version of the bill filed by Rep. Tinio in the House had lain dormant for many months. In late September 2013, just a few short weeks before the *barangay* elections, Comelec approved LENTE's proposal for a pilot project deploying non-public school teachers in 20 polling places across the country.

LENTE's pilot project produced interesting findings and proved useful for purposes of further reform advocacy work. In terms of the findings, LENTE discovered that in practice many non-teachers were already serving as members of Electoral Boards, with 70% of local election supervisors admitting appointment of non-teachers during the October 2013 *barangay* elections. More importantly, perhaps, LENTE also discovered that these non-teachers were willing and able to serve on Electoral Boards and that their performance was as strong as that of public school teachers, with no discernible negative impact on the conduct of the elections. These findings served to undermine some of Comelec's arguments against removal of mandatory service for public school teachers, in terms of the teachers' putatively greater experience and ability to render service as members of Electoral Boards.

Meanwhile, even as the *barangay* elections – and LENTE's efforts on the pilot project – were unfolding, the LENTE team was hard at work lobbying in the House of Representatives. Drawing on diverse personal contacts in the House, the team succeeded in garnering support for a revised version of Tinio's bill among a variety of different groups of Congress members, both closely affiliated with the Aquino administration and otherwise. On 14 October 2013, Congresswoman Regina Ongsiako Reyes, an influential member of the ruling Liberal Party, filed a new version of the bill, which had been drafted by the LENTE team. By early December, the team's efforts had borne fruit in a "substitute bill" which drew together five different versions of the reform legislation into a single "Voluntary Election Service Act," now endorsed by Tinio, Reyes, and three other members of the House. Subsequent months saw the team participating in House hearings on the bill, while also organizing a succession of meetings with senior Comelec officials. These meetings enabled LENTE to report on the findings of the October 2013 *barangay* elections pilot project, and also occasioned the enlistment of two

undersecretaries of the Department of Education to voice their support for the reform agenda in the interests of school teachers across the country. In these meetings, senior Comelec officials' responses to the evidence and arguments presented in support of the reform remained notably muted, suggesting to LENTE that the Commission's resistance to the reform might be easing. But on 9 December 2013, just a few days after the filing of the substitute bill in the House, LENTE obtained a copy of a memo from Comelec's Legal Department, which signaled – and spelled out in great detail – its continuing concerns and qualms with the proposed legislation.

Against this backdrop, January 2014 saw LENTE focusing closely on the challenge of overcoming Comelec resistance to the legislation, which would effectively derail its prospects for progress in Congress and passage into law. To this end, the team based at LENTE recruited a kind of unofficial emissary to Comelec – an attorney who had previously worked with one member of the team in connection with an IFES (International Foundation for Electoral Systems) project in the 2010 elections, and who had also worked closely with senior Comelec officials in an internal assessment of the Commission's operations in the 2013 elections. Availing of his access and influence at Comelec, the attorney approached officials from the Commission's Legal Department to discuss the objections to the bill outlined in the internal memo which had been passed on to LENTE in December 2013. In these discussions, he identified key provisions which Comelec lawyers deemed especially problematic, as well as compromise positions which, if incorporated into the bill, would secure the Commission's acquiescence in – if not enthusiasm for – its passage.

Meanwhile, early 2014 also witnessed congressional hearings in connection with the confirmation of two new commissioners of Comelec, which provided another – and more public – opportunity to nudge the Commission into a more cooperative stance vis-à-vis the reform legislation. As luck would have it, one of the two new commissioners, Luie Tito Guia, had served as executive director of LENTE, and he openly expressed his support for the bill in the hearings. By the time of Guia's confirmation by the bicameral Commission on Appointments in March 2014, LENTE had succeeded in revising the substitute bill submitted in December 2013 in line with the compromises worked out by the team's unofficial emissary to Comelec with his contacts in the Comelec Legal Department, and, overcoming the initial objections of ACT Party List Rep. Tinio, the author of the original bill, submitting the revised version as a second substitute bill. Hearings

began in late February. By mid-March 2014, the House Committee on Suffrage and Electoral Reforms had approved the bill on first reading.

Over subsequent months, LENTE moved forward on two fronts. On the one hand, LENTE began to firm up support for the reform in the Senate. LENTE had already developed excellent contacts among key staffers in the Senate and incorporated one well-placed Senate staffer into the team. Against this backdrop, by late March 2014, Senator Paolo Benigno “Bam” Aquino had filed the “Election Service Reform Act,” a bill closely modeled on the second substitute bill moving forward in the House. By early May 2014, the team met with Senator Aquilino “Koko” Pimentel III, Chairman of the Senate Committee on Electoral Reforms and People’s Participation, to discuss the proposed legislation, and within two weeks a first hearing was held on the bill.

On the other hand, LENTE and its partners began to broaden their engagement with the executive branch beyond Comelec, in order to increase the administration’s support for the bill and to address its budgetary provisions, which were beginning to assume greater significance as the bill in the House moved from the Committee on Suffrage and Electoral Reforms to the House Appropriations Committee by June 2014. Already in January 2014, a public forum organized by the Teachers’ Dignity Coalition, a partner of LENTE pushing for the reform legislation, had focused attention on the provisions of the bill which improved financial compensation for election day service on Electoral Boards and enhanced provision of both insurance and legal indemnity against electoral intimidation, harassment, lawsuits, and violence. With these provisions in mind, the team consulted closely with officials of the Department of Budget and Management (DBM), while also seeking advice from private insurance agents.

But as of late 2014, DBM had not yet proved responsive or provided the assurances and information needed for the House Appropriations to approve passage of the bill. Two more senators had filed versions of the bill in the Senate, but the bill remained stalled in the House, due to the delays on the part of DBM. Luckily, LENTE and CfC’s contacts in both houses of Congress helped to overcome this procedural hurdle in early 2015, with House Appropriations Chairman Isidro Ungab – a close CfC ally on Sin Tax Reform in 2012 – agreeing to endorse the bill, subject to resolution of outstanding issues on budgetary provisions in the plenary session prior to the House vote. The bill could now move forward to the floor of the House.

But additional hurdles remained. The House Majority Floor Leader, Mandaluyong City district Representative Neptali Gonzales, Jr., remained unconvinced of the merits of the bill and was unwilling to prioritize its passage over other legislation. By mid-2015, LENTE had begun to prepare a petition drive in Congress urging the House leadership to expedite passage of the bill, drawing on allied teachers' groups avidly supportive of the reform. But by August 2015, the petition campaign plan was dropped in favor of a strategy more narrowly focused on House Majority Leader Gonzales, with the Teachers Dignity Coalition (TDC), LENTE's close ally, enlisting the Mandaluyong City branch of the Philippine Public School Teachers Association (PPSTA) in this effort. A PPSTA delegation from across Mandaluyong City met with Gonzales and impressed upon him their strong support for passage of the bill and for its prioritization on the legislative agenda. This lobbying effort clearly had an impact on Gonzales. Within a few weeks, the bill was scheduled and passed in early October 2015.

Meanwhile, LENTE's allies in the Senate were amply prepared to move forward with the bill in an accelerated fashion. The Electoral Service Reform Act (ESRA) proposed by three senators passed third and final reading in the Senate in late January 2016, and the Senate version was immediately adopted by the House, thus obviating the need for a bicameral conference committee. Over subsequent weeks, the bill was transmitted to the Office of the President for his signature, with mounting urgency and anxiety about its fate amidst the election campaign and the frantic final weeks of Aquino's term in office. But the team coordinated closely with allies like Education Secretary Bro. Armin Luistro to lobby the president, and by 9 April 2016 ESRA had been signed into law.

After nearly four years of difficulties with Comelec and delays in the legislative process in Congress, the reform was now enacted. The new law permitted public school teachers to decline to serve on Electoral Boards on grounds of health, age, and/or security concerns, while empowering Comelec to appoint non-public school teachers according to the following order of preference:

- a. private school teachers;
- b. national government employees;
- c. Department of Education non-teaching personnel;
- d. other national government officials/employees in regular or permanent position (excluding uniformed PNP and AFP personnel);
- e. members of Comelec-accredited citizens' arms;

- f. “any registered voter of the city or municipality of known integrity and competence with no connection to any candidate or political party.”

The bill also increased the honoraria and other benefits for Electoral Board members, as well as the compulsory provision of insurance and legal indemnification, while ensuring payment of honoraria in a timely fashion. Thus, in very concrete ways, ESRA improved the terms of service for all members of Electoral Boards across the Philippines. In addition, ESRA also freed public school teachers both from the burdens of obligatory service on Electoral Boards and thus hopefully from some of the forms of political interference which had compromised, complicated, and corrupted public school management in the Philippines for so many years.

But the passage of ESRA in April 2016 did not bring the work of Cfc’s LENTE-led electoral reform team to a sudden, self-congratulatory end. Aquino’s signing of the law, after all, came just a few short weeks ahead of the May 2016 elections, and once again LENTE embarked on an election-season research project to examine the specific mechanisms of political interference in the selection of Electoral Boards, through provision of patronage and application of pressure. By September 2016, Comelec had invited LENTE to provide advice and assistance in the drafting of the Implementing Rules and Regulations (IRRs) for ESRA, with an eye to ensuring the implementation of the new law in time for elections scheduled for 2019. It had been in anticipation of this role in drafting the IRRs that LENTE had undertaken this second research project, and the paper it produced on “Teacher Politicization and Election Service” included an explicit set of recommendations for the IRRs of ESRA. Once again, LENTE was ahead of the curve. By May 2017, LENTE had produced a draft version of the IRRs, which provided the basis for the final version promulgated by COMELEC in September of the same year.

Since that time, the *barangay* elections of May 2018 and the mid-term congressional and local elections of May 2019 have provided early opportunities for observation and analysis of the impact of ESRA. Indeed, LENTE, with Cfc support, has undertaken research on both elections, fielding teams of election observers and conducting focus group discussions with Comelec election officers and members of Electoral Boards in various locations across the Philippines. LENTE’s findings are abundantly clear, as confirmed by this author’s own

interviews and investigations in the weeks following the 13 May 2019 elections. On the one hand, ESRA has succeeded in enhancing the terms and conditions of service as members of Electoral Boards for public school teachers, by rendering such service voluntary, by increasing the amount – and expediting the payment – of remuneration, offering insurance and legal indemnity, improvements which are widely appreciated by the teachers themselves.

On the other hand, ESRA has had unanticipated consequences in terms of the conduct of elections. In particular, ESRA has rendered electoral service more attractive to teachers. This enabled Comelec to avoid a single instance of local “failure of elections” across the archipelago due to last-minute refusals of public school teachers to serve as members of Electoral Boards on election day, as has occurred in various localities in previous elections over the years, especially in conflict-affected areas of the country.

In addition, ESRA has introduced a set of clear procedures and criteria for the enlistment of Electoral Board members in voting centers where insufficient numbers of public school teachers can be recruited to serve. Here, it is worth noting that LENTE’s research revealed a heavy reliance by local Comelec election officers on local government employees as substitutes for public school teachers in previous elections, a problematic pattern given their susceptibility to personal pressure from incumbent local officials and thus possible partisanship in the conduct of their duties on election day. Thanks to ESRA, local government employees are now barred from service on Electoral Boards, and the procedures and criteria for selection of qualified substitutes for public school teachers – from among private school teachers, employees of national government agencies, and eligible citizens – are detailed, clear, and easy to implement and enforce. It is thus not so much through its provisions for public school teachers’ service as members of Electoral Boards but rather through its provisions for alternatives to teachers on Electoral Boards that ESRA has improved the integrity of elections in the Philippines, strengthening safeguards against partisan conduct by those deputized by Comelec to oversee the voting process and the vote count on election day.

At the same time, however, LENTE’s research on the May 2018 *barangay* elections and the May 2019 mid-term congressional and local elections has also revealed the limitations of ESRA’s effective impact with regard to the insulation of public school teachers, school principals, and other Department of Education (DepEd)

officials from political interference and influence. Post-election interviews and focus group discussions indicated that local Comelec election officers have continued to rely on the lists of qualified and recommended public school teachers submitted by Schools Division Superintendents (SDS), whose discretion over the selection of Election Board members has thus remained essentially intact under ESRA. In the May 2018 and May 2019 elections, Comelec election officers still carried out personal verification of the qualifications of public school teachers recommended for service, and public school teachers not included on the lists submitted by the SDS were entitled to submit applications for Electoral Board service directly to local Comelec offices on an independent individual basis. But post-ESRA the primary basis for recruitment of Electoral Board members – and selection of the chair, poll clerk, and third member of Electoral Boards – still lies in the lists submitted by Schools Division Superintendents (SDS), whose appointments and operations are still susceptible to influence and interference on the part of elected officials.

In reality, the actual impact of these enduring arrangements on the integrity of elections may be marginal, given that the automation of the vote count leaves less room for members of Electoral Boards to collude in “retail” fraud on election day. The partisanship of individual Electoral Board members – whether on the basis of personal preference, pecuniary incentive, or political pressure – could conceivably lead to the sharing of voters’ lists with the vote brokers of favored candidates, the invention, exacerbation, or extension of disturbances to delay and/or deter voters from voting in precincts where opposing candidates enjoy strong support, and the admission and/or invalidation of individual votes on the basis of partisan affiliation. But there is little evidence to suggest that such practices are widespread or that they have had a significant impact on the conduct and outcome of elections. Where serious problems with “retail” fraud appear to have persisted since the automation of elections, as in the ARMM localities alluded to above, local conditions seem likely to be ones of entrenched local power monopolies capable of imposing election outcomes by coercive means.

Thus overall, it seems clear that the effective impact of ESRA has been salutary, both for teachers and for the integrity of the electoral process, albeit not quite in ways initially anticipated by CfC. Compared to CfC backstopping of the government’s re-registration drive in ARMM in 2012 through PPCRV, the program’s support for the passage and implementation of ESRA through LENTE entailed much more independent initiative on the part of the program and

imparted much more enduring impact on elections in the Philippines, albeit in ways not fully anticipated at the outset.

Enhancing Election Access and Participation for/by People With Disabilities (PWDs)

Alongside CfC's support for voter re-registration in ARMM in 2012 and its promotion of ESRA in 2013-2016, the program also undertook a third electoral reform initiative in 2013-2016 focused on efforts to improve electoral access and participation for people with disabilities (PWDs) across the Philippines. Much as electoral reform in ARMM stemmed from a broader stream of CfC work in support of the peace process in the southern Philippines and ESRA emerged as a by-product of the program's work on education reform, so too did this second initiative arise out of a preceding interest in PWDs in the country. On the one hand, the Australian Embassy in Manila was working in line with Canberra's official "Disability-Inclusive Australian Aid Program" for 2009-2014, which explicitly articulated a commitment to assisting PWDs. On the other hand, TAF's office in Manila had been engaged in previous work involving PWDs in the Philippines, most notably the Consumer-based Health Care Advocacy Project in 2002-2007, which enabled the formation of the Philippine Alliance of Patient Organizations (PAPO), which advocated for universal access to health care and allied services for Filipino patients, including PWDs.

Through such work there was growing awareness that PWDs' problems with discrimination, exclusion, and inaccessibility extended to the realm of electoral participation. Of the 14.5 million estimated PWDs in the Philippines, only 1.44 million had self-identified as PWDs in the 2010 census, and among these, only a fraction registered to vote with Comelec, and less than 100,000 self-identified PWDs reportedly voted in the 2010 elections. In other words, 20 years after the passage of landmark legislation for PWDs in the Philippines, and even after the country's signing and ratification of the UN Convention on the Rights of Persons With Disabilities (2007-2008), there remained ample evidence of large-scale disenfranchisement of PWDs in the Philippines.

Against this backdrop, the AusAID and TAF formed a special partnership and launched a new joint initiative focused on election access and participation of PWDs in October 2011, months ahead of the inception of the CfC program. The

initiative built on earlier coalition-building and advocacy work initiated by Rene Sarmiento, a former human rights lawyer who served as a commissioner of the Comelec. Sarmiento formed an inter-agency committee for disability-inclusive elections, and linked up with disabled persons' organizations (DPOs) to create the Inter-Agency and NGO Network on the Empowerment of PWDs. These DPOs included a variety of organizations, including the Cerebral Palsied Association of the Philippines (CPAP), Link Center for the Deaf, Philippine Alliance of Patient Organizations (PAPO), and the Alyansa ng May Kapansanang Pinoy (Philippine Alliance of Disabled Persons or AKAP-Pinoy), a federation of 456 DPOs whose chairman, a retired Philippine Navy captain, had campaigned unsuccessfully for a party-list seat in Congress in elections since 1998. This emerging coalition campaigned for a special PWD voter registration drive, to allow Comelec to update its records of PWD voters in order to enable and encourage proper assistance to PWDs during elections. Thanks to its efforts, in May 2011 Comelec passed a resolution calling for a special PWD registration drive, to be held over a week-long period in July 2011.

It was thus in support of an emerging coalition of advocates for greater access and participation of PWDs in elections that AusAID and TAF forged a formal partnership in October 2011 and facilitated the launching of Fully Abled Nation (FAN) in April 2012, just as CfC was getting off the ground. FAN brought together DPOs with representatives of Comelec, the Department of Social Welfare and Development (DSWD), and the National Council on Disability Affairs (NCDA). It also included the Catholic Church-sponsored nationwide election monitoring group PPCRV; VERA Files, a respected multimedia outfit with a stellar record of in-depth investigative reporting; and Upholding Life And Nature (ULAN), an environmental group whose concerns extended to PWDs and whose ranks included seasoned lawyers committed to extensive pro bono legal work.

Building on the earlier and ongoing advocacy work of some of its key members, FAN scored a quick victory in June 2012 with the passage of a new Comelec resolution regarding PWD access in the May 2013 mid-term elections. The resolution provided for the establishment of Accessible Polling Places (APPs) for PWDs, with ground floor locations, wheelchair accessibility, PWD-specific forms of assistance (such as sign-language interpreters), and space sufficient to accommodate at least 10 PWD voters at any one time. These APPs were designed to reduce or eliminate major obstacles and impediments to PWD participation in the May 2013 mid-term elections.

Subsequent months saw further successes in CfC-supported advocacy work by FAN. In July 2012, the popular television channel ABS-CBN broadcast a 45-minute documentary film titled "*Silang May Kapansanan*" (Those Who Have Disabilities), which raised awareness of PWD issues and drew attention to efforts to expand PWD access, inclusion, and participation in elections. A special PWD Voter Registration Day was held in August 2012, the second time since 2011, in the midst of a voter awareness campaign in which DPOs, PPCRV, and Comelec held countless roundtable discussions and dialogues, as well as concerts and other public special events. By September 2012, Comelec Commissioner Sarmiento had sent out instructions to regional and provincial election supervisors for the establishment and implementation of the APPs. Meanwhile, the Comelec resolution on APPs was affirmed and formally authorized through the passage of RA 10366 and its signing into law by Aquino in February 2013. Finally, even as Sarmiento began making preparations for his retirement in early 2013, the October 2012 naming as Comelec commissioner of former Isabela Governor Grace Padaca, a childhood polio survivor who still walked on crutches, represented the first senior appointment to the election body of a self-identified PWD. Thus within less than a year, FAN's advocacy for greater inclusion, access, and participation of PWDs in elections seemed to be achieving considerable progress.

Unfortunately, these early signs of success did not bear fruit in terms of the actual conduct of the May 2013 mid-term elections and the effective consequences of FAN's advocacy work for PWD inclusion, access, and participation on election day. Already in April 2013, Comelec Commissioner Padaca had sent out a memorandum informing regional and provincial election supervisors that there would only be two APPs on election day, both located in Dasmariñas City, Cavite. Indeed, on 13 May 2013, the mid-term election day, these were the only two – out of 36,778 – voting precincts officially designated as accessible polling places, and sign-language interpreters were likewise deployed in only 17 precincts around the entire country. As for PWD participation, subsequent research indicated that only 23% of registered PWD voters had actually participated in the May 2013 mid-term elections. Whether in terms of Comelec performance or PWD participation, the May 2013 mid-term elections clearly proved to be very disappointing for FAN and for PWDs in the Philippines.

This immediate outcome prompted recriminations, reflections, and new research on the part of FAN. Initially, much of the blame was accorded to Comelec, where Sarmiento's ill-timed retirement and delays to congressional confirmation

of Padaca's appointment allowed implementation of plans for APPs to get lost in the transition. In early 2013, it subsequently transpired, Comelec had remained passive with regard to the establishment of APPs, and it was only in response to a single formal request submitted by the Dasmariñas City election officer that two APPs were established. Likewise with the provision of sign language interpreters, which was limited to volunteers who took the initiative and expressed an interest in providing their services on election day. Comelec remained passive in terms of implementation, as well as communication with FAN partners during the crucial final months before the election.

At the same time, however, disappointment with the extremely limited number of APPs and the persistently low number of PWD voters was coupled with an appreciation of the improvements which had been achieved through FAN's advocacy work. In terms of low PWD turnout, for example, a survey conducted for FAN by the respected Social Weather Station (SWS) suggested that the primary obstacles to PWD voting in the May 2013 mid-term election had been mobility, unavailability of companions, and incapacitating illness, rather than conditions in the polling places themselves. More importantly, the same survey indicated that 77% of the PWD voters polled had found that it was easier to vote in the May 2013 elections than it had been in the preceding May 2010 elections, with 82% registering satisfaction in Comelec performance overall (compared with 72% three years earlier). These survey results – and subsequent interviews and focus group discussions with PWDs – suggested that even in the absence of APPs, most PWDs found Comelec officials and others present at polling places on 13 May 2013 (e.g. PPCRV volunteers) more helpful and sensitive to the needs of PWDs as compared with previous elections. These findings suggested that FAN's awareness-raising campaign had helped to create a more inclusive, accessible, and enjoyable election day environment and experience for PWDs.⁸⁶

Against this backdrop, FAN resumed its work and redoubled its efforts to advocate for greater accessibility for PWDs in advance of the 2016 elections. In August 2013, the IRRs for RA 10366 were belatedly promulgated by Comelec, with crucial input from FAN. Over the course of January-June 2014, FAN undertook its own accessibility audit of polling places across the Philippines, focusing on a sample of 150 voting precincts across 17 regions of the country. Key findings

⁸⁶ For an overview assessment of PWDs' experiences of the 2013 elections, see: *The Right to Vote: Filipinos with Disabilities and the 2013 Elections* (Quezon City: VERA Files, 2014).

from the audit, which revealed serious problems of accessibility for PWDs in the majority of polling places, were presented to Comelec and NCDA in June 2014.

Over the course of 2014 to mid 2016, FAN continued its advocacy work in advance of the May 2016 elections, with a close eye on Comelec implementation of previous resolutions and legislation calling for APPs for PWDs. In 2015, as the elections approached, FAN partners engaged in an extensive PWD voter awareness campaign along the lines of their efforts in 2012-2013. February and March 2016 saw FAN assisting Comelec with accessibility audits of voting centers as well as training on PWD-related issues for teachers serving in Electoral Boards in polling places around the country. Finally, in April 2016, Comelec promulgated a new resolution on Emergency Accessible Polling Places (EAPPs) in anticipation of problems with polling places located in upper stories of multi-level buildings, allowing for special facilities and procedures on election day. This new resolution was drafted by attorney Ron Gutierrez from the FAN partner organization ULAN, whose advocacy work had brought him back into contact with his former law professor, newly appointed Comelec Chairman Andres Bautista, who then seconded him to his office at Comelec. Thus, FAN was well-placed to oversee and improve implementation of existing Comelec commitments to enhance the inclusion, access, and participation of PWDs on election day.

Against this backdrop, the May 2016 elections saw marked improvement in terms of Comelec performance and provision of accessible polling places for PWDs on election day. In contrast with the two APPs in Dasmariñas City, Cavite in May 2013, there were more than 6,200 APPs across the Philippines in the May 2016 elections, as well as an additional 275 voting centers with EAPPs for PWDs – as well as senior citizens and heavily pregnant women – who did not avail of the APPs. Beyond these APPs and EAPPs, FAN-assisted training in early 2016 for members of Electoral Boards had extended to 300,000 public school teachers, thus encouraging far greater sensitivity and helpfulness to PWDs in thousands of voting precincts across the country.

Meanwhile, the May 2016 elections also became more accessible to PWDs in other ways as well. Here, it is worth noting the unprecedented provision of simultaneous sign-language interpretation during some of the televised presidential and vice-presidential debates in the lead-up to election day. Through these special provisions – and a steady stream of FAN-supported media reportage on PWDs – the May 2016 elections represented a marked

improvement in terms of provision for PWD access and inclusion. According to Comelec, 160,802 of the 193,904 voters officially registered as PWDs voted in the elections, a proportion (83%) roughly in line with participation rates across the country as a whole, and higher than the 75% recorded by Comelec in 2013.⁸⁷

The longer-term impact and sustainability of FAN's work over 2013-2016 can also be seen in the May 2019 elections, with FAN now operating on its own for a few years without CfC support. January 2019 saw the early promulgation of a Comelec resolution for the establishment – and, crucially, funding – of EAPPs, in sharp contrast with the last-minute creation of EAPPs on the eve of the elections in May 2016. The intervening months allowed for accessibility audits of polling centers in various parts of the country by officials from local Comelec offices, together with counterparts from the DepEd and the Department of Public Works and Highways (DPWH) as well as representatives of organizations working for PWD rights.

Thus by April 2019, provisions had been made for 864 EAPPs manned by more than 8,000 support staff assigned to provide oversight and assistance to PWDs, alongside the 6,714 Accessible Polling Places (APPs) established by Comelec to accommodate the more than 270,000 PWDs registered to vote, as well as additional numbers of senior citizens and heavily pregnant women. Discussions with FAN-affiliated advocates in the weeks following the 13 May 2019 elections suggested broad satisfaction with Comelec's efforts to accommodate PWD voters, whether through "priority lanes" in regular voting precincts, APPs, or EAPPs across the country.

More importantly, perhaps, the 2019 elections suggested that FAN's mobilizational campaigns in connection with the 2013 and 2016 elections, and its advocacy work in the intervening period and thereafter, had led to an enduring and seemingly irreversible qualitative improvement in terms of accessibility and inclusivity of elections for PWDs in the Philippines. Beyond the increasing numbers of APPs and EAPPs for PWD voters over successive elections, another significant legacy of FAN activism and advocacy lies in an expanded and enhanced awareness of the obstacles and impediments to PWD participation in elections among Comelec officials and among those deputized by Comelec to serve as Electoral Board members and in other capacities in voting centers across the country.

⁸⁷ Paula Blanca P. Lapuz, "Disability-Inclusive Elections: The Experience in the Philippines" (M.A. Thesis, De La Salle University, 2017), p. 98.

Alongside greater awareness, moreover, a further legacy of FAN activism and advocacy stands an accumulated – and increasingly institutionalized – set of practices, processes, and procedures among Comelec officials and others involved in elections that anticipate and attend to the challenges of making elections in the Philippines more accessible and inclusive for PWDs. This accumulated and abiding legacy is evident in accessibility audits of polling places in advance of elections and in the established combination of “priority lanes” in regular polling places, APPs, and EAPPs made available for PWDs – as well as senior citizens and heavily pregnant women – on election days. Thus, while last-minute provisions for EAPPs were made by Comelec on the eve of the May 2016 elections, the 16-page Comelec resolution on EAPPs promulgated in January 2019 established a set of clearly detailed procedures and protocols not only for the May 2019 nearly four months ahead but also for subsequent elections in the years to come.

Conclusions

Looking back over CfC’s three different electoral reform initiatives, we find instructive commonalities as well as points of contrast. On the one hand, all three electoral reform initiatives emerged not out of pre-programmed plans for electoral reform per se, but rather as by-products of the program’s broader exploration of a diverse range of different avenues to promote conflict resolution in Mindanao and the Sulu Archipelago, greater inclusiveness for PWDs in public life (including education and employment), and education reform.

As noted above, the Philippines is a country in which – national and local – elections are absolutely central not only for the direction of government policies and the allocation of government resources, but also for the actual implementation and enforcement of laws and regulations, with important implications for everyday life for ordinary people across the archipelago. Thus, insofar as so much of Philippine life is heavily “electoralized”, it is arguably unsurprising if not inevitable that CfC’s advocacy of reform in diverse policy arenas encountered imperatives – and opportunities – for electoral reform of one kind or another, even if the real focus of the program’s reform agendas lay elsewhere.

Viewed from this perspective, it is a testimony to both the flexible institutional design of the CfC program in the Philippines and the iterative, adaptive,

opportunistic, and entrepreneurial practices of CfC's reform teams themselves that three separate electoral reform initiatives emerged and evolved over the course of 2012-2017. In line with CfC's approach, all three electoral initiatives were eminently coalitional, bringing together seasoned veterans of election monitoring campaigns with Comelec insiders, civil society organizations of various kinds, as well as allies in the media. In all three electoral reform initiatives, in short, we find CfC operating as it was intended to operate.

On the other hand, CfC's three electoral reform initiatives differed markedly in important ways in terms of point of departure, *modus operandi*, and impact. In the case of CfC-backed PPCRV deployment in ARMM during the re-registration drive of July 2012 and the mid-term election of May 2013, for example, a pre-existing repertoire of election watch mobilization was re-enacted in order to "backstop" the peace process initiated by the Aquino administration in the southern Philippines. CfC was much more responsive than proactive in the initiation and implementation of this reform effort, and its impact sadly soon proved to be ephemeral and easily undone, as seen in the re-inflation of the voters' lists in ARMM and the persistence of established patterns of electoral fraud and entrenched local bossism and dynasticism. Overall, the experience of the 2012 ARMM re-registration drive demonstrated the limited effectiveness of this method of reform advocacy work.

In the case of the ESRA, by contrast, CfC picked up an idea for electoral reform and ran with it until its enactment and implementation. The idea was borrowed from a piece of legislation sponsored by ACT Chairman and party-list Representative Antonio Tinio, and then revised, refined, re-branded, and re-sponsored in ways which overcame the obstacles to its progress and passage by Congress presented by Tinio's political marginality and Comelec's pronounced anxiety and opposition with regard to the bill. Over the course of 2012-2015, CfC's LENTE-led team was assiduous in its efforts to erode resistance to the bill on the part of Comelec, while equally active – and creative – in its multi-pronged strategy of recruiting allies, co-authors, and thus "co-owners" of the reform in the two houses of Congress. As with both PPCRV, LENTE's strategy was coalitional, building alliances in the House of Representatives and the Senate, in DepEd and even within Comelec, and working closely with leading teachers' groups like the Teachers' Dignity Coalition (TDC) and the Philippine Public School Teachers Association (PPSTA).

But unlike PPCRV, LENTE worked behind the scenes in a very politically astute fashion, with its intermediaries and interlocutors at Comelec and within Congress operating opportunistically and at times aggressively to push the bill that became ESRA through the highly byzantine process of legislation. As with CfC's other experiences in the legislative arena, this kind of "reform by conspiracy" unfolded in fits and starts, with interminable delays and inevitable disappointments, exasperating retrenchments and reversals, and abiding uncertainty and anxiety as to the eventual outcome of the reform advocacy campaign. But LENTE persisted – even for many months without any funding from CfC – and in the end its efforts paid off in the passage and enactment of ESRA.

Since the passage of ESRA in 2016 and the promulgation of the IRRs in 2017, the implementation of the law has clearly improved the terms and conditions of electoral service for public school teachers and tightened procedures for the enlistment of members of Electoral Boards, thus strengthening the integrity of elections in the Philippines, albeit in ways not fully anticipated by CfC and LENTE at the outset. While the hoped-for impact on education does not appear to be in evidence, the salutary consequences of ESRA for the teachers and for elections are clear.

Finally, CfC support for FAN's efforts to promote greater accessibility, inclusivity, and participation for and by PWDs in the 2013 and 2016 elections further demonstrated the potential effectiveness and impact of electoral reform advocacy work based on an even more ambitious and innovative agenda. Over the course of 2012-2017, FAN worked assiduously to needle and nudge Comelec to adopt a new set of practices and procedures which made elections more accessible and inclusive for PWDs. Given that elections already constituted a highly complex and contentious undertaking for Comelec, the introduction and implementation of new arrangements to enable and encourage PWD registration and participation represented a real challenge, both for FAN and for Comelec itself. But looking back from the vantage point of mid-2019, it is clear that FAN rose to this challenge and succeeded in establishing and institutionalizing within Comelec a new set of practices and procedures for PWD participation in elections, from accessibility audits to APPs to EAPPs.

Over time, these practices and procedures have come to be incorporated into Comelec's internal budgetary, planning, and communications systems, cascading from the Commission's headquarters in Intramuros, Manila down to

election officers in Comelec offices in municipalities across the archipelago. As of 2019, preparations and procedures for PWD participation in elections are now part of the established toolkit of how Comelec runs elections in the Philippines, available and in place for re-deployment in the next national elections in 2022. In fits and starts, through new laws and Comelec resolutions, transformative change for PWD participation in elections has been achieved.

Overall, Cfc's support for PPCRV in the July 2012 re-registration drive in ARMM, for LENTE in the passage and implementation of ESRA, and for FAN in advocacy for more accessible and inclusive elections for PWDs suggest a set of lessons with regard to the program's initiatives in the realm of electoral reform over 2012-2018.

First of all, the promotion of electoral reform in the Philippines is a daunting task, one destined to achieve only limited lasting impact on the integrity and inclusivity of elections in the country, given how embedded electoral procedures, practices, and processes are within a broader set of economic realities and social and political relations – which all constrain the possibilities for transformative change. This truism appears self-evident in the case of ARMM, where the short-term reduction of voting roll “padding” and removal of “ghost voters” were quickly reversed, and where underlying problems of local bossism, dynasticism, and even “warlordism” seem to be more deeply entrenched than elsewhere in the Philippines. But much the same could also be noted with the limitations of ESRA's impact, given the continuing susceptibility of local DepEd officials – and thus public school principals and teachers – to interference and influence by local elected officials, in the context of the historically weak insulation of the Philippine government bureaucracy and civil service as a whole from political meddling and manipulation. Finally, even FAN's successes in improving the accessibility of polling places and introducing and institutionalizing new procedures for voting for PWDs must be qualified by acknowledgement of the enduring difficulties of most PWDs in availing of these facilities, given the considerable economic, social, and logistical constraints on their ability to register and to reach polling places in the first place.

The struggle for cleaner, more credible, and more inclusive elections – the struggle against electoral violence, fraud, and disenfranchisement – has not yet been fully won in the Philippines, nor can it be fully won in the absence of other reforms and positive changes in the Philippine economy and in Philippine

society and politics. Only so much can be achieved through electoral reforms on their own.

Secondly, and more hearteningly, CfC's experience with electoral reforms over 2012-2018 provides ample evidence that reform advocacy can have a discernible impact on the integrity and inclusivity of elections in the Philippines. Here, we can cite the greater recognition and remuneration, and broader freedom of choice and protection now enjoyed by public school teachers and others deputized to serve on Electoral Boards in polling places across the country. We can also note the stronger and stricter procedures for the enlistment of Electoral Board members, whether public school teachers or otherwise, most notably through the exclusion of local government employees whose heightened susceptibility to political pressure and partisanship are more likely to complicate and compromise the conduct of their service on election day. Finally, we can further identify a raft of procedures, practices, and processes for enabling PWD participation in elections that have been successfully introduced and incorporated into the *modus operandi* of Comelec since 2013. In all of these ways, CfC and its partners have really made a difference and advanced transformative change in terms of the integrity and inclusivity of elections in the Philippines.

Thirdly and finally, CfC's experience with electoral reforms over 2012-2018 confirms the broader arguments of this book with regard to the importance of the modalities of reform advocacy for maximizing long-term impact. If we compare and contrast the three CfC electoral reform initiatives treated above, it is clear that the least autonomous and innovative initiative – “backstopping” the government's re-registration drive in ARMM in 2012 – was the least effective and impactful. It is likewise clear that the CfC initiative most embodying the program's broader strengths of established access, expertise, and experience in the legislative arena – ESRA – proved partially successful in achieving some of its avowed goals, but with notable consequences not fully anticipated at the outset. It is further clear that the most independent, ambitious, and open-ended CfC initiative – FAN's multi-pronged efforts to enhance the accessibility and inclusivity of elections for PWDs – achieved most in terms of transforming electoral procedures, practices, and processes overall, and in ways which – in fits and starts, through trial and error – have eventually corresponded most closely to the original aims and objectives of the program.

Thus overall, CfC's experience with electoral reforms in the Philippines in 2012-2018 suggests the abiding importance of humility, realism, and careful consideration of objectives and actual impact, as well as the real potential for proactive initiative, innovation, and ambition in sustained reform advocacy to promote greater integrity and inclusivity of elections, thus enhancing the quality of democracy as a whole. The importance of these lessons are also evident in the successes and failures of CfC's work in three main pillars or streams of the program, namely disaster risk reduction, subnational governance, and Mindanao, as detailed in the chapters to follow.



CHAPTER SIX

UNLOCKING LOGJAMS: DISASTER RISK REDUCTION

In contrast with its various “un-programmed” initiatives in electoral reform, the Coalitions for Change (CfC) program began its operations in early-mid 2012 with an explicit and important commitment to work in the realm of disaster risk reduction (DRR) in the Philippines. This commitment is understandable in light of the frequency and intensity of natural disasters in the Philippines, which is, according to a 2015 study by the United Nations Office for Disaster Risk Reduction (UNISDR), the fourth most disaster-prone country in the world, with typhoons repeatedly leading to deaths, displacement, damage, and untold difficulties for millions of Filipinos over the past decade. This commitment is also understandable in the light of the broader efforts of the Australian government and The Asia Foundation (TAF) to assist the Philippines in dealing with natural disasters – beyond the CfC program – as seen in the provision of tens of millions of dollars of relief funds in the aftermath of Super Typhoon Yolanda (known internationally as Typhoon Haiyan) in the Central and Eastern Visayas in November 2013. Moving beyond post-disaster provision of relief to proactive policies promoting readiness and risk reduction in anticipation of natural disasters, CfC thus included DRR alongside education, subnational governance, and Mindanao among the four main streams of the reform advocacy program.

Within the DRR stream of CfC, the points of focus have been twofold. From 2012 through 2014, CfC worked to assist and expedite implementation of a Philippine government program for in-city relocation of informal settler families in living in low-lying, flood-prone areas of Metro Manila. As with some of the CfC activities discussed in the preceding chapters, this initiative was designed to align with pre-existing programs on the part of both the Australian and the Philippine governments. On the Australian side, CfC was essentially expected

to extend the work of an ongoing AusAID program called BRACE – Building Resilience and Awareness of Metro Manila Communities to Natural Disaster and Climate Change – which focused on disaster risk management for urban poor communities in Taguig City, one of the 17 municipalities of Metro Manila. On the Philippine government side, CfC was expected to operate as a single component within an elaborately designed scheme involving myriad government agencies and other organizations and actors, as well as multiple steps for identification, mobilization, and in-city relocation of informal settler families requiring resettlement from flood-prone areas of Metro Manila.

While it was considered “coalitional” in the sense that it was operating with a multiplicity of partners across the government-civil society divide, this CfC engagement with DRR thus arguably represented the least autonomous, iterative, innovative, and adventurous initiative undertaken by the program, producing little in the way of achievements and impact. Only an ancillary and exploratory effort in 2013-2015 by CfC to pilot a rental assistance scheme as a supplement or alternative to the government’s relocation program involved “thinking outside the box” on the part of the program, and funding for this emerging initiative was prematurely terminated in mid-2015 before it could be fully brought to fruition.

Then, beginning in April 2015, a new CfC DRR team became involved in the fifth-year “sunset review” of Republic Act 10121, the Philippine Disaster Risk Reduction and Management Act of 2010. Through its consultations and investigations, CfC’s team learned that a mere 2% of the National Disaster Risk Reduction and Management Fund (NDRRM Fund) for 2011-2016 was allocated to local government units (LGUs) and that the outdated guidelines for usage of the NDRRM Fund prioritized post-disaster rehabilitation and reconstruction rather than preventive measures for disaster risk reduction. Through an advocacy campaign involving key government agencies, the Center for Disaster Preparedness (CDP), and the Union of Local Authorities of the Philippines (ULAP), CfC had helped to secure the revision of the rules of the NDRRM Fund in favor of proactive funding to support LGUs in preventive measures for disaster risk reduction by 2017, especially in high-risk localities across the Philippines. This CfC initiative thus used an iterative, adaptive approach to advocacy work that succeeded in achieving and institutionalizing a rule-changing, self-sustaining reform in disaster risk reduction (DRR) in the Philippines.

This chapter chronicles the diverging trajectories of these two CfC initiatives in DRR in the Philippines. It emphasizes the constraints under which CfC was operating in the in-city relocation of informal settler families living in flood-prone areas of Metro Manila, and the opportunities made available to CfC in the revision of the rules for the NDRRM Fund. Through a comparative analysis of the two initiatives, the chapter suggests how both CfC's *modus operandi* and the broader policy matrix and political context within which it has operated have combined to determine the varying trajectories and outcomes of CfC's reform advocacy in the realm of DRR in the Philippines.

CfC DRR 1.0: In-City Relocation of Informal Settler Families in Metro Manila

The origins of CfC's first initiative in DRR in the Philippines can be traced back to Tropical Storm Ondoy, known internationally as Typhoon Ketsana, which hit the main Philippine island of Luzon in September 2009. The damage wrought by Ondoy was devastating, combining with the seasonal monsoon rains to submerge areas of Metro Manila in floods of record-breaking levels. The typhoon affected nearly five million people in the Philippines, which declared a state of calamity in Metro Manila and 23 provinces, and left hundreds dead and tens of thousands displaced from their homes. The direct economic damage to the country was estimated to reach nearly US\$250 million, with economic growth also markedly reduced in the aftermath of the typhoon.⁸⁸

The devastation wrought by Ondoy served to stimulate movement on disaster risk reduction in the Philippines on multiple fronts. The following year witnessed the passage of the Philippine Disaster Risk Reduction and Management Act, as well as the unveiling of a fifty billion peso (US\$1.16 billion) government scheme for in-city relocation of informal settlers living in low-lying, flood-prone areas of Metro Manila over the course of 2011-2016. By October 2011, moreover, the Australian government had initiated work on BRACE – Building Resilience and Awareness of Metro Manila Communities to Natural Disaster and Climate Change – in Taguig City, one of the cities of Metro Manila worst hit by Ondoy in 2009, and whose local government expressed interest and enthusiasm with

⁸⁸ *The Social Impacts of Tropical Storm Ondoy and Typhoon Pepeng: The Recovery of Communities in Metro Manila and Luzon* (Washington, DC: The World Bank, 2011).

regard to new initiatives in DRR. BRACE was conceived as an integrated program with four components: disaster risk analysis, community-based disaster risk management, disaster risk-sensitive land use planning, and construction of safer settlements. But the final component of the program – building new socialized housing units – remained stalled and unrealized due to difficulties with contractors, land acquisition efforts, and the political fall-out of mayoral turnover in Taguig City.

It was against this backdrop that the CfC program in the Philippines began its work in early-mid 2012 in DRR. From the outset, the program was operating in the context of dramatically appreciating interest in DRR on the part of government policymakers, as seen in the availability of new government agencies and funding streams for new initiatives, especially in Metro Manila. The program began its work on DRR in the shadow of an AusAID program which was experiencing real difficulties in achieving its avowed goals of constructing safer homes for informal settler families (ISFs) living in disaster-prone areas of Taguig City. Finally, the program began its work on DRR even as the Philippine government was undertaking a well-funded new initiative for in-city relocation of informal settlers living in flood-prone areas across Metro Manila. This context profoundly shaped the nature and direction of CfC's first initiative in the realm of DRR in 2012-2014.

By mid-2012, CfC's approach to DRR was already explicitly oriented toward playing a supportive role within the Aquino administration's in-city relocation scheme for ISFs in flood-prone areas of Metro Manila. From early-mid 2012, CfC's DRR team engaged in its initial "scoping" of potential partners and pre-existing coalitions in government and civil society. The team commissioned a study of the "Alliance of Seven" (A7), a coalition of LGUs and a consortium of citizens' groups called Resilience which had emerged in the aftermath of Typhoon Ondoy to coordinate disaster risk reduction planning in the Marikina Watershed. The study, produced and submitted in June 2012, emphasized the limitations and weaknesses of the A7 as an effective coalition for promoting DRR, while also identifying a set of potential partners for CfC among LGUs and non-governmental organizations (NGOs) interested in it, most notably the environmentalist La Liga Policy Institute, an experienced and established policy advocate on environmental and urban poor issues.⁸⁹ At the same time, the

⁸⁹ Philip Arnold Tuaño and Joselito Sescon, *The "Alliance of 7": Climate Change Adaptation in the Greater Metro Manila Region* (Quezon City: Human Development Network Discussion Paper Series No. 13, 2012/2013).

team also engaged in preliminary discussions with the Partnership of Philippine Support Service Agencies (PHILSSA), a federation of NGOs and People's Organizations (POs) with experience in urban poor issues and close ties with a new network of urban poor groups, AKKMA (*Aksyon para sa Kahandaan sa Klima at Kalamidad* or Action for Preparedness for Climate Change and Calamities). As noted in a CfC paper in June 2012, AKKMA enjoyed close relations with the ruling Liberal Party and the Aquino administration. Thus CfC took great care in identifying potential partners for coalition-building for its work on DRR.

In terms of identifying a reform agenda, however, CfC's DRR team was very quick to align its activities with AusAID's BRACE program and with the Aquino administration's multi-billion-peso scheme for in-city relocation of ISFs living in flood-prone areas of Metro Manila. As the team's presentation of its work concluded in a meeting in May 2012, "[t]he government has allocated 10B Pesos [per annum] to build safe settlements for the next five years, and the CfC might be an opportunity to work with housing providers to effectively utilize these funds." CfC's DRR strategy was thus quickly subordinated to that of the Aquino administration, in a supportive subsidiary role.

The Aquino administration's resettlement scheme, Oplan LIKAS (*Lumikas para Iwas sa Kalamidad at Sakit* or Relocate to Avoid Calamities and Illnesses), was ambitious in its conceptualization. In concrete terms, the administration's resettlement scheme was designed to undertake in-city relocation of 100,000 ISFs living in especially flood-prone areas, with 20,000 ISFs targeted for prioritization in its first year, given the heightened risks identified with their areas of residence. The Aquino administration committed PHP50 billion (US\$1.16 billion) over 2011-2016 to this program, with the funds made available for the provision of in-city socialized housing for the relocation of the families. Access to these funds was contingent on the completion and submission of "people's plans" by community-based organizations representing ISFs, the endorsement of these people's plans by ISFs themselves, and their conformity with the technical and budgetary requirements of the local and national government agencies tasked with implementation of the social housing program. For the plans to be actualized, approval was needed from the Social Housing Finance Corporation (SHFC), the National Housing Authority (NHA), as well as myriad local government offices involved in overseeing the acquisition of land and the construction of new housing units for the resettlement of the ISFs.

In principle, the administration's resettlement program provided not only a financial and procedural basis for the relocation of tens of thousands of vulnerable families living in especially flood-prone areas of Metro Manila, but also a significant precedent and substantive template for broader urban poor resettlement/disaster risk reduction policies and programs for years to come. The program was unprecedented in its explicit commitment to in-city resettlement and its (at least implicit) acknowledgement of the inadequacies of out-of-city resettlement alternatives. In addition, the program identified and integrated the modalities and procedures for consultation with urban poor groups and community organizers, insisting on the active participation and assent of ISFs themselves in the crafting of relocation and new housing arrangements. Finally, the program crafted a strategy for urban poor resettlement on the basis of government commitment to in-city housing, on the one hand, and ISFs' agreement to accept multi-story dwellings rather than individual homes as previously demanded, on the other. Thus, beyond the specific budgetary and procedural aspects and aspirations of the program lay an historic compromise providing the potential basis for substantive movement and change in urban poor resettlement policies and programs for years to come.

Alongside and underlying this policy/programmatic compromise was a coalition linking elements in the Aquino administration to community leaders and organizations active in urban poor areas and issues, especially in Metro Manila. This coalition dated back at least as far as March 2010, when then Senators Benigno "Noy" Aquino III and Mariano "Mar" Roxas signed a "Covenant" with the Urban Poor Alliance (UP-ALL) against the backdrop of their campaign as Liberal Party candidates for the presidency and vice-presidency, respectively, in the May 2010 elections. This Covenant promised Aquino administration support not only for subsidized housing programs, post-disaster rehabilitation assistance, health care provision, and employment schemes for the urban poor, but also for a specifically in-city emphasis in resettlement programs. The Covenant also promised that representatives of civil society organizations and community groups with experience and established credibility in work for the urban poor would be appointed to key positions in the Aquino administration with responsibility for urban poor-related policy formation and implementation. Here in particular the Covenant promised close consultation with – and recruitment from – leading urban poor groups in the selection of new senior officials of the Housing and Urban Development Coordinating Council (HUDCC),

Social Housing Finance Corporation (SHFC), National Housing Authority (NHA), and Presidential Commission for the Urban Poor (PCUP).

With the election of Aquino to the presidency in May 2010, this coalition began to work to implement the terms of the Covenant. In particular, Aquino unveiled his new program for in-city resettlement of ISFs living in especially flood-prone areas, with PHP50 billion allocated to the initiative, as noted above. Responsibility for overseeing this program was eventually placed in the hands of the Department of the Interior and Local Government (DILG), so as to empower DILG Secretary Jesse Robredo, whose reformist credentials had led some urban poor groups to lobby – unsuccessfully – for his appointment to lead the Housing and Urban Development Coordinating Council (HUDCC). After Robredo died in August 2012, Aquino’s former running mate Mar Roxas assumed the post of DILG secretary and named a prominent urban poor organizer with many years of experience in Cebu City, Francisco “Bimbo” Fernandez, as the DILG undersecretary with special responsibility for urban poor issues. Meanwhile, Aquino appointed as new president of the Social Housing Finance Corporation (SHFC) Ma. Ana Oliveros, who had worked on urban poor issues for 35 years, accumulating special experience and expertise in the realm of the Community Mortgage Program (CMP) and earning special prominence as one of the founders and leaders of the Forum for the Development of the Urban Poor (FDUP). A close associate of Aquino was appointed as general manager of the National Housing Authority (NHA), and Hernani Panganiban, who served for years as an urban poor representative in Congress and co-authored the Urban Development and Housing Act of 1992, was named as chairman of the Presidential Commission for the Urban Poor (PCUP).

Thus, CfC entered the arena of DRR with a pre-identified problem, a pre-designed reform policy solution, and a pre-organized coalition spanning civil society and government as well as a pre-agreed plan and pre-budgeted program for in-city resettlement of ISFs living in flood-prone areas of Metro Manila. CfC staff also had a wealth of relevant experience in this policy arena, and was amply well-prepared for the work ahead.

Against this backdrop, CfC was assigned a pre-designed role within the Philippine government’s program for in-city relocation of ISFs living in flood-prone areas of Metro Manila. This role was designed and defined as part of a 2013 AusAID

reconfiguration of its BRACE program to include a formal agreement with the DILG for provision of “technical assistance” in connection with the ISF relocation scheme. Here, CfC’s assigned role lay in “Component 2: Civil Society Support to ISFs”:

“CfC shall assist facilitating engagement between CSOs, local governments, and housing agencies to allow all parties to reach a consensus on how to integrate the principles of inclusiveness, community participation, and local empowerment in the government’s resettlement and housing agenda. In practice, CfC shall assist [in] develop[ing] core requirements for the acceptability of people’s plans, including Resettlement Action Plans (RAP), making these community plans more consistent and acceptable with the requirements of funding conduits, namely NHA, SHFC, DSWD and local governments.”

To this end, CfC was directed by DILG toward specific flood-prone areas of Metro Manila, specific communities of ISFs, and a specific set of civil society organizations – like the urban poor NGOs and community groups – working with these communities to organize them and help draft “People’s Plans” for resettlement. CfC was then tasked with helping to operationalize these plans, by “improving the technical capacities of local communities and sharpening their political strategies for soliciting government support.” To this end, it was determined, “CfC shall support a coalition that is involved at [sic] the implementation of these activities and strengthen them to better engage at the highly politicized local government level.”

By 2013, CfC was already working hard to fulfill its pre-designed role in the AusAID-DILG program in support of the in-city relocation scheme for ISFs in flood-prone areas of Metro Manila. A handful of reputable NGOs and community organizing groups with years of experience in urban poor housing/resettlement were identified and enlisted by CfC for engagement and began working with communities of ISFs on “people’s plans” for in-city resettlement under the program, with varying degrees of progress over 2013-2014. At the same time, CfC also involved itself in facilitating and furthering coordination between these civil society organizations and community groups and the government agencies involved in resettlement.

Here, CfC worked closely with senior figures within the DILG, the key national government agency tasked with overseeing progress on the resettlement program. In mid-September 2013, for example, CfC organized a day-long

workshop at the University of the Philippines that brought urban poor community leaders and civil society organizations from across Metro Manila together with local government officials and representatives of national government agencies in a frank exchange of views on difficulties in program implementation. Over the course of 2013-2014, CfC conducted a number of workshops and training sessions with a few dozen ISF communities and NGOs. By the end of 2014, seven ISF communities comprising some 5,826 families had won funding approval from SHFC for the “people’s plans” formulated and fleshed out with assistance from CfC.

Yet even with CfC’s best efforts and all the apparent advantages it enjoyed in terms of an early identification of a problem – such as a coalition and a government-backed program for urban poor resettlement as part of DRR – this initiative stalled in the face of two major political obstacles. The first and most obvious – and oft-cited – political obstacle arose out of the conflicts and tensions within the Aquino administration, most notably those revolving around the role of Vice President Jejomar “Jojo” Binay in the resettlement program. As chairman of the HUDCC, Binay was from the outset destined to be a major player in the implementation of the program. But avowed concerns about Binay’s ability and inclination to exploit the program for pecuniary and political gain led senior figures within the Aquino administration to work hard to reduce and restrict his involvement and to re-situate the program within the orbit and operational control of DILG instead. With Jesse Robredo at the helm of DILG, and, after his death in August 2012, veteran urban poor organizer Francisco Fernandez as undersecretary of DILG with special responsibility for the resettlement program, it was hoped that effective, committed leadership could be effectively exercised outside HUDCC and Binay’s control.

Given Binay’s continuing role as HUDCC chairman, however, this strategy carried obvious built-in limitations and itself generated further resentment and resistance from the vice president, especially since his closest rival in the 2010 elections and prospective opponent in the 2016 presidential elections, Mar Roxas, was appointed as Secretary of DILG in September 2012 to replace the late Robredo. As HUDCC Chairman, Binay simultaneously served as *ex officio* Chairman of the National Housing Authority (NHA) and as *ex officio* chairman of the Social Housing Finance Corporation (SHFC). In addition, Binay commanded a considerable – indeed, by 2013, growing – stock of political capital by dint of his long years as Mayor of Makati City (1986-98, 2001-2010, with his son

succeeding him and serving 2010-2016), his two stints as chairman of the Metro Manila Development Authority (1990-92, 1998-2001), and his accumulated and expanding network of local political allies across the National Capital Region. As late as 2015, moreover, Binay remained – by a considerable margin – the frontrunner among 2016 “presidentiables” in most reputable polls and surveys, with Roxas trailing far behind.

Thus, in formal procedural – and effective political – terms, Binay was well-positioned to stall or subvert implementation of the program, as seen most obviously in the continuing delays in the signing of a key Joint Memorandum Circular by HUDCC, NHA, and SHFC. Binay’s hometown of Makati City had a long history of out-of-city schemes for relocation of informal settlers, and his commitment to in-city relocation remained in doubt. In manifold other mundane but meaningful ways, the real and perceived inaction, ambivalence, or opposition of Binay diminished confidence and momentum in the resettlement program, whether through design or self-fulfilling prophecy or both. The resettlement program involved complex and cumbersome processes and procedures, with multiple phases, myriad forms to fill out and procedural hoops to jump through, and the political conflict and tension between the heads of DILG and HUDCC further complicated and compromised efforts to cut through red tape and accelerate progress on the program. The mid-term election year 2013, moreover, saw increasing politicization of the program, with periodic interpellations in Congress and accusations in the press by urban poor activists, organizations, and other interested parties arrayed against the Aquino administration and aligned with Binay. By 2014, rising tensions between Binay and Roxas spelled increasing difficulties – if not inevitable deadlock – for the program.⁹⁰

Meanwhile, a second major political obstacle was found in the longstanding and wide-ranging conflicts and tensions between community organizers and civil society organizations working among ISFs identified for potential resettlement and the local government officials involved in the implementation of the program across the cities of Metro Manila. The structure of the resettlement program, after all, was one in which local housing boards and other local government agencies were essentially bypassed in many ways, and yet many stages of program implementation required their approval and involvement for progress towards

⁹⁰ Although these concerns were never voiced publicly, Aquino administration officials involved in the program privately acknowledged and indeed emphasized the imperative of sidelining Binay in discussions with the authors.

resettlement to unfold. The community organizers and civil society organizations involved in the drafting of “people’s plans” were viewed with derision, resentment, and suspicion by officials in these local government agencies, and accused of playing an essentially ineffectual, unnecessary, and exploitative role in a process which could – and arguably should – be left in the hands of elected city officials and accountable city administrations. As one local housing official from a city in Metro Manila concluded in a LGU/NGO roundtable discussion organized by CfC in September 2013: “We hate them, and they hate us!”

Against this backdrop, the prospects for success in the Aquino administration’s in-city resettlement program for ISFs in flood-prone areas of Metro Manila, and the broader possibilities for CfC to help engender transformative change in this realm of social sector policy, remained decidedly limited. Over the course of 2012-2104, CfC worked to help a handful of community organizers and civil society organizations push through “people’s plans” for in-city resettlement of informal settler families, with DILG encouragement and assistance, and by the end of the Aquino presidency perhaps a few thousand ISFs were successfully relocated within Metro Manila under the program. But the pace of program implementation remained woefully slow, the process exceedingly cumbersome, and the outcomes self-evidently piecemeal rather than “modular” in form.

By 2014, CfC’s DRR team had begun to wind down its activities in support of the Aquino administration’s program for in-city relocation of informal settlers living in flood-prone areas of Metro Manila and to redirect its efforts elsewhere. Drawing on its experiences working with urban poor communities and organizers on the one hand, and local and national government agencies on the other, CfC produced a 27-page “People’s Plan Primer: An Action Guide to People’s Shelter Planning,” which provided step-by-step guidance in the formulation and submission of “people’s plans” for in-city relocation of ISFs. At the same time, however, CfC began to phase out its active involvement in the relocation program over the course of 2014, in line with decisions made in Canberra by the Australian Department of Foreign Affairs and Trade (DFAT) to close down the BRACE program and conclude its provision of technical assistance to DILG on the ISF resettlement scheme. Overall, as of late 2014, there was little confidence on the part of CfC or DFAT in the prospects for serious fulfilment of the avowed aims and objectives of the Aquino administration’s scheme for in-city relocation of ISFs living in flood-prone areas of Metro Manila. Indeed, according to the Philippine government’s own figures, the vast majority of social housing units

constructed for ISFs over the course of the Aquino administration were located outside Metro Manila, with less than 5,000 informal settler families relocated to in-city sites by 2016.

CfC DRR Attempted Reboot: ISF Rental Assistance Scheme

At the same time, however, by mid-2013 CfC's DRR team had also begun to explore other avenues for in-city relocation of ISFs living in flood-prone areas of Metro Manila beyond the parameters of the Aquino administration's elaborate and largely unsuccessful scheme. CfC expanded its range of contacts, partners, and members, attracting new talent from within and outside TAF. At first, the new team focused its attention on the National Housing Authority (NHA) and its potential role as an accelerator of the resettlement program. But the team's investigations led to the conclusion that NHA was unmovable in its preference for out-of-city resettlement and unwilling to cede control of its own in-city landholdings for the purposes of the program. In other words, NHA was part of the problem rather than part of its solution.

Then, in October 2013, the team brought on board Toby Monsod, a highly respected professor of economics at the University of the Philippines who had conducted extensive research and written widely about urban housing issues. Monsod was not only highly skeptical and critical with regard to existing government approaches to urban poor housing problems,⁹¹ but also keen to propose alternatives – most notably through provision of rental vouchers or cash subsidies to indigent ISFs. Instead of a highly complex and contingent administrative process for the provision of public housing, she suggested that perhaps the private housing market could be relied on for accommodation, especially if a blanket commitment to homeownership were dropped in favor of rental housing assistance. This alternative avoided the highly complex, cumbersome, and contingent processes associated with the Aquino administration's relocation scheme and its reliance on public provision of housing. This alternative also offered greater flexibility and plurality of options for the ISFs themselves, on the assumption that their needs varied widely and

⁹¹ Toby C. Monsod, "Is Government Really Solving the Housing Problem?," *Philippine Review of Economics*, Volume 48, Number 1 (June 2011), pp. 125-146.

were not necessarily always best served by a “one size fits all” insistence on home ownership.

Against this backdrop, CfC’s DRR team began to explore the possibility of a pilot rental subsidy/voucher scheme as an alternative – or supplement – to the Aquino administration’s scheme for in-city resettlement and home ownership for ISFs living in flood-prone areas of Metro Manila. By December 2013, the team started focusing on *Pantawid Pamilya*, a conditional cash transfer (CCT) program administered by the Department of Social Welfare and Development (DSWD) which provided cash grants to indigent families on the basis of family enlistment and participation in public health care programs and children’s enrollment and attendance in public schools. Then in January 2014, the team established contact with DSWD to explore possibilities for a pilot project, finding ample interest in the initiative as well as experience of similar schemes, such as the Modified Conditional Cash Transfer (MCCT) program which had been piloted in 2012 for 400 homeless street children and their families. Preliminary research determined that nearly 2,500 *Pantawid Pamilya* beneficiary households were living in flood-prone areas along riverways and *esteros* of Metro Manila prioritized as especially dangerous for continuing habitation by ISFs.

With this promising information, CfC’s DRR team decided to move forward with an effort to pilot a rental assistance scheme for ISFs living in flood-prone areas of Metro Manila. A key member of CfC’s expanded DRR team, Fides Bagasao, one of the founders of Community Organizers Multiversity, a leading center for urban poor organizing efforts in the Philippines, was tasked to head up the effort from February 2014 onwards. Bagasao enjoyed excellent contacts with DSWD, whose secretary, Corazon “Dinky” Soliman, was a fellow co-founder of Community Organizers Multiversity. She also enjoyed excellent contacts and exceptional credibility among a wide range of urban poor groups.

Meanwhile, DSWD began to proceed with a preliminary plan very much in sync with CfC’s DRR team’s exploratory thinking. In September 2014, DSWD submitted to DILG a set of guidelines for the implementation of an Interim Shelter Fund to provide PHP18,000 (US\$400) to ISFs who voluntarily vacated their homes in danger areas and transferred to temporary housing accommodation while awaiting relocation to government-approved locations or completion of their people’s plan. The guidelines included a list of the prioritized danger areas as well as procedures for establishing eligibility for rental assistance and for its

disbursement. By November 2014, 200 ISFs living along flood-prone riverbanks in Pasay City had already availed of the Interim Shelter Fund.

In December 2014, team leader Bagasao conducted interviews among these families participating in the new rental assistance scheme. She discovered that most families had simply relocated – and rebuilt their makeshift homes – just a few meters away from the designated danger areas, using the first tranche of the funds for construction materials, with a smaller number of families moving into cheap rented accommodation nearby. These findings reinforced the team’s strong sense that a serious pilot project was needed, so as to provide empirical evidence and analytical insights on the myriad complexities, contingencies, and questions accompanying proposals for a rental assistance alternative/supplement to the Aquino administration’s in-city relocation program for ISFs.

Early 2015 saw CfC’s DRR team moving forward on its plans to pilot a more sustainable – and potentially scalable – rental assistance scheme to enable and expedite in-city relocation of ISFs living in flood-prone areas of Metro Manila. The team examined data from a University of the Philippines study to understand rental costs and met with World Bank researchers to discuss the findings of their survey of low-cost rental housing supply and low-income household demand in the metropolis.⁹² Drawing on such research and the expert analysis of team members Toby Monsod and Joseph “Dokoy” Capuno of the University of the Philippines’ Department of Economics, it was estimated that a monthly rental subsidy of P2,500 (US\$55) might suffice for purposes of covering low-cost rented accommodation in many parts of Metro Manila.

Now more firmly grounded in the details, CfC’s DRR team presented a draft set of guidelines for a rental housing subsidy pilot project to DSWD, first with mid-level officials in February 2015 and then to DSWD Secretary Soliman in April 2015. In May 2015, the team also presented the scheme to Rep. Kit Belmonte of Quezon City, an influential congressman, who offered to assist in the piloting of the scheme in his district and to support budgetary provision for the pilot project in the General Appropriations Act and budget hearings.

⁹² *Survey of Low Cost Rental Housing Supply and Rental Demand of Low Income Households: Final Report* (Manila: Ace Philippines, February 2015).

But by June 2015, the clock had run out on Cfc's DRR team. While the rental assistance scheme seemed to attract interest and support from within DSWD, and DSWD officials suggested some existing CCT programs within which it could be piloted, the department remained wary of intruding on the turf of DILG, the lead agency tasked with overseeing the PHP50 billion program for in-city relocation of ISFs from flood-prone areas of Metro Manila. With the May 2016 presidential elections drawing nearer and DILG Secretary Roxas emerging as the Liberal Party's standard-bearer and Aquino's anointed successor, DSWD was all the more inclined to defer to DILG, thus delaying progress on piloting of the rental assistance scheme. Meanwhile, and even more unfortuitously, program support and funding had begun to dry up over the course of 2014, thus foreclosing possibilities for the extension of Cfc's DRR team's work.

On June 28, 2015, team leader Bagasao briefed members of the DILG-led inter-agency National Technical Working Group for the in-city ISF relocation program on the rental assistance concept, generating some interest in and enthusiasm for the proposed pilot scheme and broader initiative. But just two days later, Cfc was forced to terminate financial support for the project, even as the Aquino administration's in-city relocation program remained stuck in a state of slow-motion, piecemeal progress, achieving very little actual in-city resettlement by the end of the Aquino administration a year later.

Cfc DRR 2.0: Reforming the Guidelines for the NDRRM Fund

But just as Cfc's first initiative in DRR was drawing to a disappointing close in mid-2015, so was a second, more surgically focused and more speedily successful Cfc initiative in this policy realm getting off the ground, focused on revision of the guidelines of the National Disaster Risk Reduction Management (NDRRM) Fund. Already in 2014, Cfc had undertaken a short "scoping study" in advance of the impending 2015 fifth-year "sunset" review of the 2010 Philippine Disaster Risk Reduction and Management Act to identify imperatives and opportunities for reform. Cfc had also already established linkages with the Center for Disaster Preparedness (CDP), a respected civil society organization that held a seat as a permanent member of the government's inter-agency National Disaster Risk Reduction Management Council (NDRRMC).

Through consultations with CDP, examination of academic research, and discussions with other experts and insiders, CfC had developed a strong command of the policy space surrounding the review of the 2010 DRRM law. By the end of 2014, CfC's DRR team had drawn up matrices of major issues and problems with the 2010 DRRM law, its implementing rules and regulations, and related Memorandum Circulars and Administrative Orders issued by NDRRMC member agencies, as well as the array of bills related to the DRRM law and its amendment filed in both Houses of Congress. By this time, team leader Krish Enriquez had begun to rely heavily on Ena Fernandez, a long-time legislative staff officer in the powerful House Ways and Means Committee who had been deeply involved in the passage of the DRRM law in 2010 and then recruited by CfC to examine reform opportunities in connection with the review of the law. Fernandez also brought on board her husband Marc, an experienced attorney, whose legal expertise was coupled with excellent political connections to complement those of his wife. With their input, this newly reconstituted DRR team thus quickly developed a strong sense of the political dynamics within this policy arena, in terms of inter-agency relations within the orbit of the NDRRMC as well as the key congressional committees and personalities interested in the DRRM law in the House of Representatives and the Senate.

Against this backdrop, early 2015 saw CfC's new DRR team carefully considering its options for entry into this arena in support of policy reform. Based on its consultations with CDP and its broader scoping, CfC concluded that the fifth-year "sunset" review of the 2010 DRRM law was unlikely to offer enough of a window of opportunity for substantive reform. The May 2016 elections were rapidly approaching, the Aquino administration bogged down on multiple fronts, and within Congress there were more than 60 different bills filed in relation to the 2010 DRRM law but not a single Technical Working Group formed at the committee level. In this context, and in the light of CfC's disappointing experience with the in-city ISF relocation scheme, the program's DRR team was understandably cautious about investing time, energy, and funding in a reform initiative with seemingly very limited prospects for success. Thus, as of April 2015, CfC's new DRR team had decided to hedge its bets, considering not only possible opportunities to amend the DRR law in Congress, but also the potentially more promising alternative option of working with CDP to amend the law's implementing rules and regulations (IRRs) instead.

It was against this seemingly unpromising backdrop that CfC's DRR team experienced an important breakthrough. In July 2015, as team members were examining the existing IRRs for the 2010 DRRM law, they identified a critical set of rules and regulations regarding the accessibility and use of the NDRRM Fund which merited close, careful, and critical examination – and possible amendment. According to the 2010 law, the NDRRM Fund was to be used for “disaster risk reduction or mitigation, prevention and preparedness activities,” but as much as 30% could “also be utilized for relief, reconstruction and other work or services in connection with human-induced calamities.” From its inception in 2011 to 2015, the team discovered, the NDRRM Fund had increased from PHP5 billion (US\$114 million) to PHP 14 billion (US\$299 million), but in practice virtually the entire Fund was allocated to post-disaster reconstruction and rehabilitation, leaving no more than 3% for disaster prevention, mitigation, and preparedness.

In addition, CfC's DRR team further determined that local government units (LGUs) received a mere 2% of the projects allocated by the NDRRM Fund. This outcome, CfC's DRR team concluded, resulted in considerable measure from the complex and cumbersome multi-agency process of applying and obtaining approvals for funding of LGU projects. Virtually all of the NDRRM Fund was allocated to national government agencies like the Department of Public Works and Highways (DPWH) for road rehabilitation and reconstruction, and the National Housing Authority (NHA) for housing and shelter construction and resettlement. Project applications and use of the NDRRM Fund by such agencies were undoubtedly compromised by corruption and colored by political considerations, even as LGUs remained woefully underfunded.

The consequences of these constraints on LGU access to the NDRRM Fund for disaster risk reduction, mitigation, prevention, and preparedness were plain to see in the wake of Super Typhoon Yolanda in November 2013 in the Central and Eastern Visayas. Local governments were not only extremely ill-prepared for the disaster but also essentially immobilized in its aftermath. National government agencies were woefully slow to respond, and both Aquino and DILG Secretary Roxas attracted considerable public criticism for their alleged indifference, inaction, and insensitivity in dealing with local government officials in Tacloban City and other localities hit by the typhoon. Reform was clearly needed to remove or reduce the constraints on access to the NDRRM Fund by LGUs for disaster risk reduction, mitigation, prevention, and preparedness.

With this in mind, Cfc's DRR team quietly began to focus its attention on the goal of revising the guidelines governing access and utilization of the NDRRM Fund by local governments, which were still based on a 1999 inter-agency memorandum. By the end of July 2015, the team had recruited Susan Jose, former director of the Regional Development Coordination Staff (RDSCS) of the National Economic and Development Authority (NEDA) to provide expert technical assistance. At the same time, through a partnership with the CDP, Cfc continued to provide broader advice and support for the ongoing review of the IRRs for the 2010 DRRM law. Cfc's role was formalized in February 2016 in an agreement with Department of National Defense (DND) Undersecretary Alexander Pama, administrator of the Office of Civil Defense (OCD) and executive director of the inter-agency NDRRMC. Cfc's formal role in the revision of the IRRs thus helped to guarantee a measure of access – and potential influence – for purposes of advancing its specific reform agenda, namely revision of the guidelines of the NDRRM Fund to increase access by LGUs and enable pre-disaster use by local governments in particular.

Over the latter half of 2015, the team deepened its knowledge and understanding of the constraints on the access and utilization of the NDRRM Fund by LGUs. The team learned that the allotment of 5% of LGU revenues to a Local Disaster Risk Reduction and Management Fund (LDRRMF) as per the 2010 DRRM law left the poorest (i.e. 6th class) municipalities with an average of PHP750,000 (US\$18,700) per annum, unable to address the 30-odd DRRM-related tasks assigned to LGUs in the 2010 DRRM law. They further discovered that few LGUs had submitted requests for funding to the NDRRM Fund, due to limited knowledge as well as cumbersome and complex procedures, including submission of a "Status of Disaster Preparedness Program," a local Sanggunian (Council) resolution declaring a "State of Calamity", and evidence that all available resources in their Local DRRM Fund were already depleted. For all requests exceeding PHP10 million (US\$250,000), implementation hinged on a favorable recommendation from the Department of Public Works and Highways (DPWH). In addition, approval by the NDRRM Council, the DND secretary as *ex officio* chair of the council, as well as the Office of the President, was required. Against this backdrop, the share of the NDRRM Fund allocated to LGUs declined over 2011-2015, with 2015 seeing no allocation of funds to LGUs whatsoever.

Meanwhile, the team also used its involvement in the revision of the 2010 DRRM law IRRs and its access to the NDRRM Council and its implementing arm, OCD, to identify possible objections and obstacles to revising the NDRRM Fund guidelines to enable LGU access and utilization for pre-disaster preventive measures and preparedness. Through other contacts, the team began to identify possible sources of opposition and support for the reform among the various national government agencies represented on the NDRRM Council. The established pattern of allocating virtually all of the NDRRM Fund was clearly not simply an oversight, with national government agencies – and politicians enjoying access and influence within them – having a vested interest in maintaining the status quo.

By November 2015, the team had produced a draft Joint Memorandum Circular titled “Allocation and Utilization of the National Disaster Risk Reduction and Management Fund for Disaster Preparedness.” The draft memorandum affirmed the provision of the 2010 DRRM law that reserved 70% of the NDRRM Fund for “proactive prevention, mitigation, preparedness, response, rehabilitation, and recovery activities, particularly in poor and vulnerable communities,” while identifying a set of LGU “preparedness initiatives” for funding, ranging from evacuation centers to community-based early warning systems, and purchase of equipment for disaster preparedness. In addition, the draft memorandum stipulated the prioritization of poor (i.e. 4th to 6th class) municipalities exposed to multiple hazards and strategic projects which could not be covered by their Local Disaster Risk Reduction and Management Fund (LRRMF). Finally, the draft memorandum outlined a set of simple procedures for submission of proposals for proactive DRRM projects and activities to be funded by the NDRRM Fund and instructed regional directors of NDRRMC member agencies to disseminate the memorandum to all LGUs within their jurisdictions. The proposed new guidelines for use of the NDRRM Fund thus significantly strengthened provisions for proactive utilization of the Fund for disaster prevention, mitigation, and preparedness, and streamlined procedures for submission, evaluation, and approval of DRRM project proposals by LGUs.

But if by late 2015 CfC was confident that it had identified a technically correct solution to the problem of inadequate funding for local disaster prevention, mitigation, and preparedness in the Philippines, it was not yet confident that political conditions were propitious for open advocacy of the reform. In

December 2015, the team broadened its contacts and extended its coalition-building efforts, finding allies in the Department of Budget and Management (DBM) who favored more devolution of funding to LGUs and also in the Union of Local Authorities of the Philippines (ULAP), which was also advocating for further movement on this front. By early 2016, the team began to prepare itself to present its policy reform concept to OCD and the NDRRM Council, while finalizing its work on the revision of the IRRs for the 2010 DRRM law. Meetings in February 2016 provided new opportunities to establish linkages with reform-minded and sympathetic OCD staff members, who offered additional information about the workings of the NDRRM Fund and expressed interest in revising the guidelines for its use, thus further emboldening CfC.

In March and April 2016, CfC made its move. After submitting the revised IRRs to OCD in March, the Center for Disaster Preparedness (CDP) arranged a meeting with OCD Administrator and DND Undersecretary Pama and presented the case for revising the guidelines for utilization of the NDRRM Fund. Pama's response conveyed ambivalence and ambiguity: He acknowledged the need to improve access to the fund by LGUs, while expressing concern about "opening the floodgates" to a surge of applications – and expectations – far beyond what NDRRMC and OCD could realistically take on board. Instead of a full-blown revision of the 1999 memorandum providing guidelines for use of the NDRRM Fund, he agreed for it to be "updated" to "rationalize" the criteria for LGU project proposals.

Against this backdrop, April and May 2016 saw CfC's DRR team meeting with various members of OCD staff to share the Joint Memorandum Circular providing revised guidelines for use of the NDRRM Fund drafted several months earlier. With Pama's half-hearted blessings, CfC was thus able to introduce its reform agenda to key staff within OCD, the implementing arm of the NDRRMC, in the final weeks of the Aquino presidency, which came to an end on June 30, 2016.

CfC's DRR team was thus very well-placed to advance its reform agenda as the newly inaugurated administration of President Rodrigo Duterte assumed office at the beginning of July 2016. Compared with the Aquino years, the Duterte administration adopted a less tight-fisted approach to fiscal policy and an avowed commitment to ease and expedite the disbursement of national government funds to LGUs. Against this backdrop, newly appointed DND Undersecretary and OCD Administrator Ricardo Jalad was much more receptive

than his predecessor to the proposed revision of the guidelines for utilization of the NDRRM Fund which CfC's DRR team had begun to discuss with key members of staff within OCD over April, May, and June 2016. As the team learned, Jalad's extensive experience as an Army officer in Mindanao had given him ample exposure to the DRR-related needs of LGUs, which had been demonstrated to him most vividly in the aftermath of Typhoon Sendong in December 2011, which badly damaged areas of northern Mindanao like Cagayan de Oro and Iligan cities. Thus, when a well-placed OCD staff member closely allied with CfC briefed Jalad on the NDRRM Fund in his very first week in office, the new OCD administrator responded positively and expeditiously. A few short weeks later, Jalad raised the issue of updating and revising the guidelines to enable easier and more proactive LGU use of the Fund in the very first meeting of the NDRRMC in mid-July 2016.

This official NDRRMC endorsement of CfC's reform agenda enabled rapid forward movement by the team. By August 2016, CfC's DRR team had begun to hold meetings with OCD service directors to discuss the proposed revisions of the guidelines for use of the NDRRM Fund, soliciting input and ideas for refinement of the draft Joint Memorandum Circular. By the time of the team's first meeting with Jalad in mid-September 2016, he had already been briefed and updated by OCD staff on the latest version of the draft Joint Memorandum Circular. Not only was Jalad amply supportive of the agenda, he also enlisted CfC's DRR team's help in drafting new language for a Special Provision for the NDRRM Fund for the 2017 General Appropriations Act under consideration by Congress. Subsequent weeks saw Congress rejecting the proposed Special Provision and reducing the allocation for the NDRRM Fund, but this development only served to strengthen the resolve within OCD to push ahead with the reform.

After further consultations with OCD regional directors, a revised draft of the Joint Memorandum Circular was presented to Jalad in late November 2016, which he immediately approved for formal consideration by the NDRRMC. By December 2016, the draft memorandum was circulating among NDRRMC members, with feedback from various quarters incorporated into a new version by CfC's DRR team and key OCD staff, and submitted to Jalad at the end of January 2017. Subsequent weeks saw CfC's DRR team working closely with key OCD staff to provide materials for Jalad to brief the Office of the Cabinet Secretary on the reform and for the Technical Management Group of the NDRRMC to consider

in advance of the full Council meeting in March 2017. On March 14, 2017, the NDRRMC held a full formal meeting and formally endorsed the revised NDRRM Fund guidelines in a Joint Memorandum Circular.

In less than two years, the reform agenda first developed by CfC's DRR team had been adopted and formally endorsed by policymakers, with implementation beginning in 2018. As of mid-2019, the application process had considerably improved, with approval of projects granted within an average of six months rather than the previous pattern of year-long delays. Preliminary data has shown that the majority of projects now being funded by the NDRRM Fund have been proposed by LGUs, rather than national government agencies: 87% in 2017 and 89% in 2018, as compared with 30% in 2016. Implementation still rests with national government agencies, but now most of the NDRRM Fund is being spent in response to requests by LGUs, reflecting greater responsiveness to local needs for support in disaster mitigation, prevention, and preparedness. After CfC's difficulties in making much headway on the in-city ISF relocation scheme in 2012-2014, and its aborted experiment with a rental assistance scheme for ISFs in 2014-2015, the program's work in DRR has thus finally borne fruit in the enactment of a major rule-changing reform in government policies on disaster risk reduction and management across the Philippines.

Conclusions

Since its inception in early-mid 2012, CfC developed a small portfolio of initiatives in the realm of DRR in the Philippines. These initiatives emerged against the backdrop of recurring natural disasters, most notably Typhoon Ondoy in 2009 and Typhoon Yolanda in 2013, and growing awareness and interest in disaster risk reduction and management (DRRM) on the part of the Philippine government and civil society, as seen in the passage of the DRRM law of 2010. These initiatives also emerged in the context of the Australian government's commitment to provide advice and assistance to the Philippines in the realm of DRRM. Unlike CfC's initiatives in excise tax reform, land governance reform, and electoral reform, the program's work in DRR reflected a pre-designed commitment of the program to this specific area of policy reform.

In contrast with CfC's similarly pre-designed but loosely interpreted commitment to explore opportunities in the area of education reform, moreover, the point

of departure for the program's work in DRR was a pre-assigned ancillary role in a package of Australian development assistance to the DILG in support of the Philippine government's PHP50 billion program for in-city relocation of ISFs living in flood-prone areas of Metro Manila. Instead of CfC working autonomously to identify problems and solutions through an iterative, adaptive process of engagement with academic research and empirical evidence, policy experts and insiders, and a wide range of alternative policy reform options, the program was effectively subcontracted and slotted into a small, subsidiary, supportive role within the narrow parameters of a complex Philippine government resettlement program. CfC's room for maneuver – and the room for independent, iterative, adaptive policy reform work – was thus considerably more restricted than in any other stream of the program. From its inception, CfC's first initiative in DRR was simply not carried out along CfC lines.

It is against this backdrop that the downward trajectory and disappointing outcome of CfC's first initiative in DRR should be understood. In this first initiative, CfC's work was confined within the parameters of a Philippine government program whose internal procedural complexities and political dynamics doomed it to failure. When, in 2014-2015 CfC's DRR team began to "think outside the box" of both its own pre-assigned role and the entire design of the Aquino administration's in-city ISF relocation scheme, program support was terminated, effectively preventing CfC from pursuing its efforts to introduce a more independent, iterative, and adaptive approach to policy reform in DRR.

In contrast, when CfC explored avenues for policy reform in the realm of DRR along more independent, iterative, and adaptive lines from mid-2015 onwards, much more innovative – and effective – policy advocacy work emerged, evolved, and advanced to full fruition. CfC's DRR team availed of the opportunities afforded by the fifth-year "sunset" review of the 2010 DRRM law in 2015-2016, proceeding without prejudging the nature and extent of specific problems with the 2010 DRRM law and its IRRs. Instead, the team undertook an in-depth investigation of the law and its IRRs, as well as an exploration of the structure of political opportunities for effective intervention in the legislative process or within the inter-agency NDRRMC and its implementing arm, the OCD. Thanks to this preliminary investigative work, the team identified the NDRRM Fund, and the outdated and overly restrictive guidelines for its use, as meriting serious overhaul, in order to allow LGUs to access and avail of the Fund for purposes of disaster risk reduction, mitigation, prevention, and preparedness. The team was

able to then conclude that the route to reform lay in cautious advocacy within the OCD and the NDRRMC in support of a revised set of NDRRM Fund guidelines through a Joint Memorandum Circular.

Over the course of 2015-2017, Cfc's DRR team pursued its reform agenda in the face of multiple political obstacles and impediments. The leadership of OCD and NDRRMC under the Aquino administration was less than enthusiastic in its reception of the proposed reform, and given both this ambivalence and the broader context of the 2016 presidential election and political transition, it was unsurprising if not inevitable that the proposed reform would remain stalled for the final months of Aquino's presidency. But thanks to the accumulated expertise, access, and influence of Cfc's DRR team within the OCD, it was able to capitalize on the opportunities afforded by the inauguration of the Duterte administration at the end of June 2016, and to catalyze forward movement on its reform agenda.

Thanks to Cfc's advocacy work, its allies within the OCD helped to expedite consideration of the proposed reform by the NDRRMC, to incorporate input from service and regional directors within the OCD and from other national government agencies, and to advance the proposal until its formal endorsement by the NDRRMC in March 2017. In sharp contrast with Cfc's first DRR initiative in 2012-2014/15, this second effort in 2015-2017 bore all the hallmarks of the program's intended *modus operandi*. It was precisely for this reason that it bore fruit in yet another success for Cfc: transformative, institutionalized, sustainable change in key rules and procedures, unlocking billions of pesos of funds for more effective disaster risk reduction, mitigation, prevention, and preparedness across the full breadth of the Philippines.

Overall, Cfc's experience in DRR suggests a set of lessons for understanding the program mixed record of successes and failures, achievements and disappointments since its inception in early-mid 2012. When and where Cfc has assumed ancillary roles in support of existing and ongoing – Philippine and/or Australian – government programs and policy goals, its effectiveness has been confined within these external parameters and its ability and/or inclination to operate along genuinely Cfc lines has been constrained. But when and where Cfc has operated more autonomously and explored possibilities for policy reform advocacy on the basis of a politically contextualized, problem-driven,

iterative, and adaptive approach, the program has time and again demonstrated its capacity for innovation, effectiveness, and achievement. To understand more fully how these critical operating premises have shaped the trajectories and outcomes of CfC's work in different policy arenas, we should turn to two other major streams of the program, subnational governance and Mindanao, which are examined in the following chapter.



CHAPTER SEVEN

GOING LOCAL: MINDANAO AND SUBNATIONAL GOVERNANCE

Alongside Education and Disaster Risk Reduction, the design of the Coalitions for Change (CfC) program in the Philippines included two other main pillars or streams of work: Mindanao and Subnational Governance. As with Disaster Risk Reduction, these two streams of work were, from the outset, organized and undertaken in support of reform activities and agendas operating outside CfC, albeit in very different ways. As with Disaster Risk Reduction, moreover, the relegation of CfC to an ancillary, supportive role in relation to reform activities and agendas outside the program discouraged the kind of iterative, adaptive *modus operandi* that CfC was designed to follow and diminished its effectiveness and impact.

As detailed in the pages below, the outcomes of these two initiatives reflect different kinds of problems inherent in the way in which CfC organized its work in Mindanao and Subnational Governance, in contrast with the more un-programmed, iterative, adaptive, innovative, and effective work that was undertaken in other streams of the program. On the one hand, CfC organized a diverse set of activities related to Mindanao in support of the formal peace process engaged in by the Philippine government and the Moro Islamic Liberation Front (MILF) in Muslim areas of the southern Philippines, which unfolded – without resolution – over the full length of the President Aquino’s term in office (2010-2016) and has extended into the first years of the Duterte administration. These disparate activities were designed to “backstop” the peace process in different ways, but the lack of concentration and coherence in CfC’s work limited its effectiveness and impact, both in terms of the peace process itself and in terms of other subsidiary but still significant aims and aspirations to promote positive – and even transformative – change in the southern Philippines.

On the other hand, CfC organized a very clear and coherent reform initiative in the realm of Subnational Governance, which was closely aligned with AusAID's Provincial Roads Management Facility (PRMF) program. Designed in close coordination with AusAID already in early-mid 2012, CfC's Coordinating Roads and Infrastructure Investments for Development (CR+ID) was rolled out over five years as an integrated program for improving technical knowledge, transparency, and both inter-governmental and public-private coordination in decision-making about funding priorities for local roads in a range of provinces across the Visayas and Mindanao.

In sharp contrast with CfC's work on Mindanao CR+ID emerged and expanded as a coherently organized program that achieved tangible short-term results in terms of upgraded technical capacity and enhanced inter-governmental and public-private sector consultations and communications with regard to road investments. CR+ID's work initially focused at the provincial level but extended "downwards" to the establishment of a Coordinating Road Investments Planning System (CRIPS) at the municipal level and "upwards" to include the Regional Development Councils (RDCs) across the Central and Western Visayas as well as the CARAGA region of northeastern Mindanao.

But even as CR+ID expanded over the years to include more provinces, questions and concerns remained unaddressed with regard to the lack of mechanisms to institutionalize its operating procedures and processes beyond the life of the program. So even after five years of operation, at the time of its closure in mid-2017, CfC had not yet succeeded in institutionalizing a set of self-sustaining new rules governing investments in local roads and other forms of infrastructure in the Philippines. Meanwhile, however, the Australian Department of Foreign Affairs and Trade (DFAT)'s successor programs to PRMF – KALSADA (*Konkreto at Ayos na Lansangan at Daan Tungo sa Pangkalahatang Kaunlaran* or Concrete and Good Streets and Roads Towards Holistic Progress) and CMGP (Conditional Matching Grant to Provinces for Road Repair, Rehabilitation, and Improvement) – focused their energies on securing the implementation of important new government procedures for local infrastructure projects which eventually included some of those developed under CR+ID.

Thus in contrast with CfC's work in Mindanao, CR+ID appears to have played an ancillary role in assisting KALSADA and CMGP in effecting transformational change in the governance of local infrastructure projects in the Philippines. It is

alongside the mixed record of strengths and weaknesses, achievements, and disappointments, in other areas of the CfC program in the Philippines, that its work in Mindanao and Subnational Governance merits close, careful, critical, and comparative analysis in the pages below.

Mindanao: Supporting the Peace Process 2012-2017

As noted above, CfC's portfolio of activities related to Mindanao were, from the outset of the program, designed to support the formal peace process in the southern Philippines as it unfolded – without resolution – over the full length of the Aquino presidency (2010-2016), and that is why CfC's work in Mindanao, in large measure, must be understood in relation to this overarching agenda and timeline. Here, the background was the resumption in late 2011 of formal negotiations between the Philippine government and the Moro Islamic Liberation Front (MILF), an armed separatist movement active in Muslim areas of the southern Philippines which had split off from the Moro National Liberation Front (MNLF) in the mid-late 1970s and retained strongholds in Muslim areas of central Mindanao in particular. The MILF had strongly opposed the MNLF's cooperation with the Philippine government from the Tripoli Accord of 1976 to the establishment of the Autonomous Region of Muslim Mindanao (ARMM) in the 1990s. The early-mid 2000s saw MILF forces in protracted armed conflict with the Armed Forces of the Philippines (AFP) against the backdrop of the so-called global war on terrorism. But by the late 2000s, the MILF had begun to cooperate with the Philippine and US governments in providing intelligence and assistance vis-à-vis terrorist groups like the Abu Sayyaf and remnants of the Indonesian network Jemaah Islamiyah who had taken refuge in the southern Philippines. The end of the decade saw recurring ceasefire agreements and negotiations between the Philippine government and the MILF, but no successfully sustained peace process.⁹³

From its inauguration in mid-2010, the Aquino administration signaled its strong interest in reaching a formal peace settlement with the MILF, resuming formal negotiations with the group in 2011. In October 2012, a ceasefire between the Philippine government and the MILF was formalized and a “framework agreement” was signed, with the details of a new Bangsamoro regional entity

⁹³ For an overview, see: *The Philippines: A New Strategy for Peace in Mindanao?* (Jakarta/Brussels: International Crisis Group, August 2011).

to replace the much discredited ARMM worked out over 2013 and early 2014, and ratification first by Congress and then by popular plebiscite in the southern Philippines anticipated to unfold in 2015-2016, thus achieving closure by the end of the Aquino presidency. Such was the external context when the CfC program in the Philippines began its work in 2012.⁹⁴

The program, it must also be noted, viewed prospects for its work in Mindanao not only against the external backdrop of the ongoing peace process between the Philippine government and the MILF, but also within the internal context of extensive experience and expertise – and intensive involvement – of CfC staff in the southern Philippines. The Asia Foundation (TAF), after all, had been active in the southern Philippines for decades, with TAF offices and staff in Cotabato City, Zamboanga City, and elsewhere in Mindanao and the Sulu Archipelago, overseeing a diverse set of programs and projects across the region. The long-time TAF Country Representative for the Philippines, Dr. Steven Rood, had developed a special interest and expertise in the conflict in Muslim areas of Mindanao and the Sulu Archipelago, and since 2009, he had served as a member of the International Contact Group for the negotiations between the Philippine government and the MILF. Throughout the Aquino years, Rood spent much of his time observing and advising the negotiating teams and providing inside expert analysis of the peace process and its problems and prospects. TAF was thus heavily invested in the peace process in the southern Philippines and very keen for it to succeed.

In terms of a strategy for supporting the peace process, however, CfC itself remained somewhat undecided at the outset of the program in early-mid 2012. Over the course of the preceding decade, TAF had undertaken extensive research on local clan feuding (*rido*) in the southern Philippines, and with funding from the United States Agency for International Development (USAID), it had also engaged in “rapid response” local conflict mitigation and resolution efforts over the years with local NGO partners in various areas of Muslim Mindanao and the Sulu Archipelago. Thus, CfC initially entertained the possibility of simply continuing this kind of work under the rubric of the program. After all, because of the longstanding conflict between armed separatist groups like the MILF and

⁹⁴ For background on the peace process, see: Miriam Coronel Ferrer, “Forging a Peace Settlement for the Bangsamoro: Compromises and Challenges,” in Paul D. Hutchcroft (ed.), *Mindanao: The Long Journey to Peace and Prosperity* (Mandaluyong City: Anvil Publishing, 2016), pp. 99-131.

the government, and the abiding tensions between Muslims and Christians in the southern Philippines, localized clan feuds, also known as *rido*, were a major source of conflict, violence, and displacement. The mitigation or peaceful resolution of *rido* could help to enhance security and build confidence in the region during the uneasy interregnum before the conclusion of the formal peace process and the implementation of a formal peace accord between the government and the MILF. Thus, it was reasoned that CfC could build on its accumulated expertise and array of local partners across the southern Philippines and continue to promote peaceful resolution of local *rido* as a way to strengthen the larger peace process as a whole.⁹⁵

But critics and skeptics within CfC argued against this kind of focus on localized conflict mitigation and resolution as a basis for the program's work in Mindanao. However ubiquitous *rido* might be in the southern Philippines and however effective the "rapid response" conflict mitigation and resolution efforts of TAF and its partners might actually prove at the local level in the short term, such work did not seem to have much promise in terms of scalability or sustainability. The forms of localized conflict mitigation and resolution which TAF had engaged in over the preceding decade in the southern Philippines remained informal and uninstitutionalized, and even if one accepted the inevitability – if not the desirability – of "hybrid forms of local governance" in Muslim Mindanao and the Sulu Archipelago, there was little evidence that TAF's work had produced lasting settlements to localized conflicts, much less a reduction of *rido* in the region overall. Alongside these doubts as to the transformational nature of "rapid response" mitigation and resolution of *rido* at the local level, there also remained unanswered questions as to how exactly the mitigation or peaceful resolution of local clan feuds would translate into meaningful impact on the resolution of the formal peace process between the Philippine government and the MILF and the prospective implementation of a formal peace accord between the two parties in the southern Philippines. Against this backdrop, and following the formal signing of the "Framework Agreement" between the Philippine government and the MILF in October 2012, by early 2013 CfC had begun to move to broaden its approach to the program's work in Mindanao, while continuing to conceive of its work in terms of support for the formal peace process.

⁹⁵ Wilfredo M. Torres (ed.), *Rido: Clan Feuding and Conflict Management in Mindanao* (Makati City: The Asia Foundation, 2007).

Over the course of 2013, CfC wound down its *rido*-related local conflict resolution activities and began to shift its efforts and attention in other directions in the southern Philippines. By early 2014, CfC was providing assistance to the Bangsamoro Leadership and Management Institute (BLMI), which had been established in the course of the negotiations between the Philippine government and the MILF as a vehicle for training and capacity-building for MILF cadres in anticipation of their service in the running of a new regional entity to replace the Autonomous Region of Muslim Mindanao (ARMM). CfC noted the lack of administrative skills and training of MILF cadres as a potential obstacle to effective implementation of a peace accord and, in particular, to actual improvement in the running of an autonomous regional government in the southern Philippines. At the same time, CfC also began to provide support to the Bangsamoro Development Agency (BDA), a new MILF-linked body formed – with strong support from a wide range of overseas development agencies – to draft a Bangsamoro Development Plan in the context of abiding concern about the persistent problems of poverty and underdevelopment in Muslim areas of Mindanao and the Sulu Archipelago. As with the BLMI, it was hoped that the BDA would provide the basis for a more successfully “developmentalist” approach to regional government in the southern Philippines than had been observed under the notoriously corruption-ridden ARMM since its establishment in the 1990s.

Alongside these forms of embryonic, anticipatory regional “state-building” investments, CfC also began to provide parallel forms of “capacity-building” support for civil society organizations (CSOs) whose operations were seen to be supportive of the peace process in the southern Philippines. For example, CfC began to provide support to the Bangsamoro Business Club (BBC), a group of Cotabato City-based business owners with ties to the MILF which was established in early 2013 with an explicit aim of promoting activities in support of the peace process. At the same time, CfC also provided support to a women’s group associated with the Moro National Liberation Front (MNLF), which engaged in preliminary explorations of the possibility of forming a women’s party to contest regional elections in the southern Philippines. CfC reasoned that such support would provide an opportunity to help overcome MNLF resistance to the MILF-focused peace process, while also promoting more equitable gender representation in the region. Likewise, the program backed efforts by local CSOs to work with the Commission on Elections (Comelec), the Philippine National Police (PNP), and the AFP to help prevent violence in the lead-up to the May 2013 mid-term elections.

Over 2014-2016, CfC supported a diverse set of other local civil society organizations in the southern Philippines in the hopes of helping to promote a political environment favorable to the peace process. In 2014, for example, CfC provided support for a series of public discussions about the peace process, both in Manila and in different venues in Mindanao. It also funded a December 2014 trip by MILF and MNLF representatives to Indonesia to expose them to the success of the political party formed by the demobilized Free Aceh Movement (*Gerakan Aceh Merdeka* or GAM) under the 2005 agreement for special autonomy in the northern Sumatra province of Aceh. In 2015, CfC helped to organize meetings of Islamic and Christian religious leaders in Mindanao, and it similarly sponsored an art contest in Sulu organized by local youth organizations. In the period leading up to the May 2016 elections, CfC also provided funding for local CSOs to engage in conflict mitigation and election watch activities in collaboration with the Comelec, the PNP, and the AFP across various provinces of Muslim Mindanao and the Sulu Archipelago.

Finally, through these local partners, by 2016 CfC also began to work to prevent “fragmentation” within the ranks of the MILF and the MNLF, which it feared would enable radicalization and recruitment by the Abu Sayyaf and other armed militant Islamist groups implacably opposed to the peace process and avowedly allied with the so-called “Islamic State” in Iraq and Syria (ISIS). “Through their wide networks and their links to the academe, the religious sector, the MILF decision-making body, and local communities,” a mid-2016 CfC work plan argued, these local partners “have the capacity to mobilize and influence at the local level.”

Meanwhile, over the same years, CfC provided a steady stream of financial support for holistic “Security Sector Reform” through a CSO known as Bantay Bayanihan. Founded in 2011, Bantay Bayanihan was formed in response to the publication in late 2010 of the Internal Peace and Security Plan (ISP). It was, as the Filipino term suggested, designed to be avowedly more inclusive, participatory, and “people-centered” than previous such AFP strategies and explicitly identified a role for CSOs and NGOs in a multifaceted and multi-stakeholder approach to internal security in the Philippines. The AFP’s ISP “Bayanihan” specifically called for AFP commanders at all levels to establish “coordinative and cooperative relationships, whether formal or informal,” with NGOs and CSOs “through the process of continued dialogue, information sharing, and consultation.” It also committed the AFP to “security sector reform”, peacebuilding, and a broadly construed notion of “human security”.

Against this backdrop, Bantay Bayanihan was established in 2011 and began to operate as the AFP's primary source of CSO input into security policy formulation and implementation. With support from CfC and other overseas development agencies, Bantay Bayanihan engaged in periodic consultations with senior AFP officers at the national and local levels, raising issues and making recommendations with regard to AFP policies and contributing input into the drafting of key national security documents. CfC hoped that this kind of support to security sector reform in the Philippines would translate into improvements not only in the image of the AFP but in its (civil-)military operations, especially in the southern Philippines, thus strengthening confidence in the peace process among the population and preparedness for its implementation within the AFP. Alongside this support for holistic security sector reform through Bantay Bayanihan, CfC also focused attention on Mindanao-specific activities, such as a series of training sessions for military personnel serving in the region under the AFP's Western Mindanao Command based in Zamboanga City.

At the same time as CfC was engaged in supporting this diverse set of initiatives and activities within and beyond the southern Philippines, the peace process continued to unfold over 2013-2014 but then began to unravel over 2015-2016. By March 2014, the Philippine government and the MILF had signed a Comprehensive Agreement on the Bangsamoro (CAB) that outlined a set of provisions for the creation of a new Bangsamoro regional entity to replace the discredited ARMM in the southern Philippines, and for the decommissioning of armed fighters and the disposal of arms and ammunition by the MILF. Six months later, in September 2014, Aquino submitted to the Philippine Congress a draft Bangsamoro Basic Law (BBL), which was formulated in line with the preceding agreement with the MILF.

It was at this stage that forward movement on the peace process began to run aground. Late 2014 saw the emergence and articulation of vocal opposition to the BBL in Congress, especially within the Senate, as well as related assertions of doubt as to the constitutionality of the proposed new Bangsamoro regional entity outlined in its provisions. Opposition senators began to propose alternative schemes for a new form of regional autonomy in the southern Philippines, thus upending the carefully negotiated deal between the Aquino administration and the MILF, undermining prospects for ratification of the BBL before the end of the president's term in mid-2016. Even supporters of the bill hoping that Aquino could force it through Congress feared that allegations of its

unconstitutionality could lead to legal challenges in the court that would delay if not doom its enactment and implementation.

Such difficulties and doubts with regard to the fate of the BBL in Congress and the courts were dramatically enhanced – and overshadowed – by the recrudescence of violence in Mindanao in early 2015. On January 25, 2015, three platoons of the elite Special Action Force (SAF) of the PNP launched an operation in Maguindanao Province to capture or kill a group of Islamist terrorists from Malaysia who were seeking refuge and working with breakaway elements of the MILF known as the Bangsamoro Islamic Freedom Fighters (BIFF). Although the SAF troops succeeded in killing the key target, a Malaysian explosives expert affiliated with the Indonesia-based terrorist network *Jemaah Islamiyah*, they faced a violent response not only from BIFF forces but also from MILF troops who had not been forewarned of the operation in their vicinity. In the event, some 44 SAF troops were killed, one of the highest tallies of government casualties in a military operation in the Philippines in recent decades.

The incident, quickly dubbed the “Mamasapano Massacre” after the *barangay* in Maguindanao in which it unfolded, attracted considerable critical if not alarmist coverage in the national and international media, fatally undermining confidence in the Philippine government, the MILF, and the peace process in the southern Philippines. Questions were raised with regard to the planning of the operation, the reported exclusion of Department of the Interior and Local Government (DILG) Secretary Mar Roxas from the chain of command, and the alleged participation of US Special Forces personnel.⁹⁶ Opposition senators articulated critical commentary in the media and insisted on a Senate investigation of the incident. Meanwhile, the deaths of 44 SAF personnel at the hands of BIFF and MILF were seized on by critics of the peace process to undermine confidence that the Philippine government had found a credible negotiating partner capable of – and committed to – undertaking decommissioning of its fighting force and disarmament in the southern Philippines.⁹⁷ Against this backdrop, the remaining months of 2015 saw little movement on the BBL in Congress, and the bill remained unratified by the end of Aquino’s term of office in late June 2016.

⁹⁶ “Senate Report Confirms US Involvement in Mamasapano Operation,” *Philippine Star*, 17 March 2015, at: <https://www.philstar.com/headlines/2015/03/17/1434648/senate-report-confirms-us-involvement-mamasapano-operation>.

⁹⁷ For an overview of the Mamasapano incident and its aftermath, see: Edilberto C. de Jesus and Melinda Quintos de Jesus, “The Mamasapano Detour,” in Paul D. Hutchcroft (ed.), *Mindanao: The Long Journey to Peace and Prosperity* (Mandaluyong City: Anvil Publishing, 2016), pp. 159-195.

Since that time, prospects for successful conflict resolution in the southern Philippines have remained uncertain since Aquino's successor, Rodrigo Duterte, assumed office in mid-2016. At the outset of his term, Duterte encouraged aggressive military operations against Islamist terrorists associated with the shadowy Abu Sayyaf group in Basilan and Sulu. By early-mid 2017, the government's counterterrorism campaign had expanded to Lanao del Sur in central Mindanao, leading up to the ill-fated siege of Marawi City, in which armed Muslim fighters pledging allegiance to the so-called Islamic State in Iraq and Syria seized the city and held out for five months until their eventual elimination amidst the destruction of much of Marawi's infrastructure and the forced displacement of most of its residents.⁹⁸

At the same time, Duterte gradually resumed the peace process with the MILF in the southern Philippines, resurrected the BBL, and submitted a revised version of the law to Congress in late 2017. By July 2018, the bill had been passed by both houses of Congress and signed into law by Duterte, with a plebiscite confirming popular support in the southern Philippines for the new Bangsamoro Autonomous Region of Muslim Mindanao (BARRM) in early 2019. But given the mixed history of special autonomy under the ARMM and continuing opposition to the peace deal by "spoilers", the longer-term prospects for resolution of the longstanding conflict in the southern Philippines remain unclear as of mid-2019.

Against this backdrop of disappointments and delays, eventual enactment of the peace deal and ambiguous prospects for its implementation, CfC's approach to its work in Mindanao over 2012-2017 can be seen to have suffered from at least three fundamental and arguably fatal flaws of design. First, all of CfC's work in Mindanao was organized to support a peace process whose outcome was never a foregone conclusion, and which faced innumerable if not insurmountable obstacles to achievement. Instead of identifying and pursuing its own aims and aspirations for transformative change in Mindanao over the years since the inception of the program, CfC continued to relegate itself to an ancillary, supportive role in an agenda not of its own making and beyond its effective influence. This approach limited CfC's sense of "ownership", initiative, and inclination for independent innovative work for transformative change of its own making.

⁹⁸ For background, see: *Marawi, "The East Asia Wilayah," and Indonesia* (Jakarta: Institute for Policy Analysis of Conflict, July 2017).

Secondly, CfC's work in Mindanao was not effectively oriented, adapted, or implemented in line with analysis and anticipation of the potential obstacles to the continuation and formal conclusion of the peace process in the southern Philippines. As of 2014 when the Bangsamoro Basic Law was submitted to Congress, CfC was still focusing its attention on various activities in Mindanao, without sufficient awareness or interest with regard to the political and legal impediments in Manila to the BBL's passage and enactment into law. As of early 2015 when the Mamasapano Massacre occurred, moreover, CfC-backed work by Bantay Bayanihan in "security sector reform" had yet to bear fruit in concrete improvements in AFP operations on the ground, and the PNP remained essentially impervious to engagement. Thus, CfC and its partners remained unable – or unwilling – to make effective interventions in the public realm to deflect or diminish the alarmism, anti-Muslim rhetoric, opportunistic scaremongering, and escalating opposition to the peace process provoked by the incident, much as had unfolded in the wake of the MNLF attack and protracted siege in Zamboanga City in September 2013. For all the experience, expertise, and insider access enjoyed by CfC and its partners with regard to issues of internal security in the southern Philippines, the program remained essentially unresponsive and immobilized.

Meanwhile, even if the Aquino administration had overcome resistance to the BBL in Congress and the courts, support for the peace process remained notably weak in the three provinces of the Sulu Archipelago, thus raising real doubts as to the prospects for successful ratification of the BBL in the plebiscite in the southern Philippines scheduled to be held following congressional approval of the bill. The MILF's strongholds, after all, remained largely limited to areas of central Mindanao, in contrast with the MNLF's continuing presence in the Sulu Archipelago. In this context, even elected politicians nominally allied with the Aquino administration across Basilan, Sulu, and Tawi-Tawi were hardly reliable local champions of a peace process seemingly designed to deliver control over a new autonomous regional government to a group with weak roots in their home provinces. (Indeed, when the eventual peace deal was subjected to a popular plebiscite in the southern Philippines in February 2019, it was defeated in the most populous island province of Sulu.)

Yet CfC's activities in Mindanao remained largely focused on areas of central Mindanao where the MILF remained strong. There was little serious, sustained, systematic effort on the part of the program to focus on the difficult task of strengthening support for the peace process in the provinces of the Sulu Archipelago. Thus, even if Congress had ratified the BBL before the end of Aquino's term in office, CfC had not positioned itself to anticipate and address subsequent impediments in the path of the unfolding of the peace process. Its activities and initiatives were not really focused on the immediate challenges within the peace process itself.

Thirdly and finally, in organizing its work in and on Mindanao to support the peace process in the southern Philippines, CfC supported an exceedingly diverse set of activities and initiatives that did not really carry the promise of scalability, sustainability, or significant impact in and of themselves. Support for the BDA and the BLMI, for example, was offered – alongside the support of other overseas development agencies – in the avowed hope of enhancing prospects for economic development and good governance in the new Bangsamoro regional entity, with a long-term horizon of institutional capacity building in mind. CfC sponsorship of activities and initiatives with local CSOs as partners, moreover, was so dispersed across different provinces of the southern Philippines, issue areas, and kinds of organizations as to have little prospect for meaningful impact, whether individually or as a whole. Thus, when the Bangsamoro Organic Law was eventually passed by Congress and enacted by Duterte in July 2018, it owed very little to the work of CfC over the preceding years.

Meanwhile, CfC's continuing support for Bantay Bayanihan over the years does not appear to have delivered tangible results in terms of security sector reform. As of mid-2019, it must be noted, Bantay Bayanihan had yet to publish its promised assessment of the AFP's implementation of its 2011-2016 Internal Peace and Security Plan "Bayanihan," and the large-scale violence, destruction, and forced displacement caused by the government's botched military operations in Marawi City in May-October 2017 gave little cause for confidence in serious improvement over the years in the AFP's approach to "human security" on the ground. Thus, leaving aside their seemingly limited effectiveness in strengthening the peace process in the southern Philippines, CfC's activities in Mindanao do not appear to have imparted other kinds of legacies of their own.

Overall, CfC's activities in Mindanao in 2012-2017 proved to be disappointing, both with regard to the peace process they were designed to support and in terms of promoting other forms of transformational change on their own terms. For reasons beyond the control of CfC, the peace process which began to unfold with such promise over 2012-2014 in the southern Philippines ran aground in 2015-2016, thus demonstrating the dangers of organizing the program's activities in Mindanao entirely around an externally conceived agenda with uncertain prospects for success. By dispersing its energies, attention, and resources so widely across a diverse range of activities in the southern Philippines, moreover, CfC's work in Mindanao may have missed opportunities to pursue a more focused agenda with greater prospects for achieving lasting impact of some kind. At best, CfC's sponsorship and support of diverse local activities in the southern Philippines over these years may have strengthened the attractive pull of civil society and development work in the face of increasingly fraying confidence in the peace process and ongoing fragmentation of authority within the MILF and the MNLF, thus helping to sustain the uneasy ceasefire and condominium between government and insurgent forces in the southern Philippines until a peace deal was eventually enacted into law in mid-2018 and ratified by a plebiscite in early 2019. But given the accumulated experience, expertise, and access enjoyed by CfC in Mindanao, the program's achievements in this stream of its work have clearly been disappointing, especially in comparison with the trajectories of other streams of the program.

Coordinating Roads and Infrastructure Investments for Development (CR+ID)

As with CfC's various activities in Mindanao in support of the peace process in the southern Philippines, so was the program's stream of work on Subnational Governance – from the outset of the program in early-mid 2012 – explicitly designed to provide support to another reform agenda external to CfC. Here, instead of a Philippine government initiative, however, CfC's work on Subnational Governance was organized to support – and supplement – an ongoing Australian development program in partnership with the Philippine government, the Provincial Road Management Facility (PRMF). This program was established against the backdrop of persistent problems of corruption and patronage politics, as well as insufficient funding, inadequate oversight, and

underdeveloped capacity, compromising the rehabilitation, maintenance, and improvement of local roads across the archipelago. With some 85% of the road network of the Philippines falling outside the direct responsibility of the national government, the obstacles to connectivity within and across the archipelago cried out for a new, improved approach to local road management.

To this end, PRMF was inaugurated in 2009 to improve road infrastructure and local governance in 10 provinces in the Visayas and Mindanao, with the Australian Department of Foreign Affairs and Trade (DFAT) and the Philippine Department of the Interior and Local Government (DILG) as the implementing partners. Across the provinces of Agusan del Sur, Aklan, Bohol, Bukidnon, Davao del Norte, Guimaras, Lanao del Norte, Misamis Occidental, Misamis Oriental, and Surigao del Norte, PRMF financed the rehabilitation and maintenance of local roads as well as a capacity building program to “assist provincial governments to better plan, manage and maintain their local road networks.” By the end of the program in mid-2016, PRMF partner provinces had significantly increased their combined budgets for road rehabilitation and maintenance, expanded the combined length of core roads in maintainable condition, and enhanced the technical skills and knowledge of Provincial Engineer’s Offices across the ten provinces, enabling them to design and supervise an unprecedented number of “road packages” over the years of the program.

Yet as of mid-2012, an independent progress report had determined that PRMF was “being implemented as a technical skills and development program” but was “not well-suited to governance issues.” In addition, the report noted, “there seems to be no focus on the areas of strategic thinking, coherence in collective action and innovation.” The report suggested that by limiting engagement with civil society to information and consultation, PRMF was “missing opportunities for more collaboration leading to local recognition of responsibility and ownership.” As the report concluded: “there has been a clear gap in close involvement of citizens in the detailed design of roads... Furthermore, their local knowledge of road use, local needs and available access to needed services remain essentially untapped.” More “participatory, inclusive engagement” with civil society was clearly needed for PRMF to achieve its intended goals.

Against this backdrop, CfC decided at the inception of the program to focus its activities relating to Subnational Governance on “general support to

PRMF implementation.” By May 2012, CfC had already undertaken a set of consultations in five provinces where PRMF was under way, and it had decided to focus on “the need for greater coordination on local road investments (at the province, municipal, and barangay levels),” and the need for “greater citizen participation or engagement in processes such as planning and prioritization, budgeting, procurement, and implementation related to road investments at the local level.” For PRMF, it concluded that “CfC offers an opportunity to improve transparency and accountability of local governments in road investments and to strengthen citizen participation and voice in planning, budgeting and implementation processes.” In short, CfC’s work in Subnational Governance was, from the outset, intended to supplement PRMF, by adding new elements of civic engagement to the pre-existing PRMF program for “strengthening provincial institutional capacity and governance systems related to the provision and maintenance of provincial roads.”

With these goals in mind, over the course of 2012, CfC’s Subnational Governance team formulated a program initially titled CRID – Coordinating Road Investments for Development – which by late 2014 had evolved into CR+ID, or Coordinating Road and Infrastructure Investments for Development, signaling a broader understanding of its potential applicability and impact. Over the latter half of 2012 and early 2013, CRID began to initiate work in three PRMF provinces (Bohol, Surigao del Norte, and Guimaras), subsequently expanding – under CR+ID – over 2014-2016 to encompass 15 provinces across the full breadth of the central and western Visayas and northeastern Mindanao. Thanks to PRMF, CRID enjoyed easy access to provincial government offices, but it also established new linkages with local private-sector partners, such as the Bohol Chamber of Commerce and Industry (BCCI), Surigao Chamber of Commerce and Industry (SCCI), and the University of San Agustin in Iloilo and later, under CR+ID, their counterparts elsewhere, like the Cebu Chamber of Commerce and Industry, the Negros Occidental Chamber of Commerce, and the Iloilo Business Club.

By the end of 2013, CRID had developed a coherent *modus operandi* across the three pilot provinces of Bohol, Guimaras, and Surigao del Norte, which it began to extend to other provinces across the Visayas and in northeastern Mindanao under CR+ID. First, CRID (and later CR+ID) undertook unprecedented GPS-based mapping exercises, painstakingly creating roads data bases in unified GIS (geographic information system) format that made the road systems in these

provinces visible and legible in their entirety for the very first time. By mid-2017, 13 of the 15 CR+ID provinces had established complete road network maps and databases, as well as integrated key infrastructure maps. This represented a sea change in terms of the “legibility” of local road networks previously invisible and thus unavailable for sustained scrutiny and systematic analysis.

Secondly, through its private-sector partners at the provincial level, CR+ID worked to identify “strategic road links” based on a “value chain analysis” of local economies and connections within and beyond them that would provide a developmental rather than political basis for decisions about the prioritization of investments in local roads. CR+ID thus established a process through which provincial governments, with private-sector input, identified “strategic roads and infrastructure investments.” By grounding this process on the foundations of road network maps and databases, on the one hand, and value chain analysis by local private sector groups, on the other, CR+ID identified and introduced new criteria for the identification of priority roads and other infrastructure projects. CR+ID thus promoted greater transparency, participation, strategic thinking, and focus on developmental goals – rather than personal pecuniary and political interests – in decision-making about local roads and other forms of local infrastructure.

Thirdly, CR+ID encouraged and enabled the introduction of new mechanisms for the coordination of local government decision-making and consultation with local private sector bodies with regard to funding for the construction, maintenance, and upgrading of local roads. In Bohol, for example, the provincial government created the Bohol Road Investments Board (BRIB), while in Surigao del Norte, the provincial government created a Provincial Road Investments Coordinating Committee, with similar bodies established elsewhere as CR+ID expanded into new provinces. Meanwhile, a Coordinated Road Investments Planning System (CRIPS) was also established in municipalities across CR+ID provinces, with local associations and civil society organizations assuming the roles played by chambers of commerce at the provincial level.

Finally, as CR+ID established itself at the provincial level and expanded “downwards” into municipalities through CRIPS and horizontally through extension into new provinces, the program also shifted its attention, energies, and efforts “upwards” to the regional level. Here, CR+ID focused on Regional

Development Councils (RDCs), planning and policymaking bodies bringing together provincial governors, city mayors, and representatives of regional line agencies of the national government. While limited in their effective powers, RDCs serve in an intermediary position between provincial governments and national government agencies, and their role in reviewing and endorsing local government requests for funding rendered them crucial for the success of CR+ID.

With assistance from RDC chairs from among the provincial governors participating in CR+ID, the new evidence-based, participatory processes and procedures introduced by the CfC initiative for decisions as to the prioritization of road and other infrastructure investments were brought to the attention of the RDCs. The “strategic roads and infrastructure investments” identified through CR+ID were spotlighted before the RDCs and presented for incorporation into Regional Development Plans. In the CARAGA region of northeastern Mindanao, moreover, the newly created province-wide maps and databases of road networks were combined and integrated at the regional level.

Thus in sharp contrast with CfC’s disparate activities across the southern Philippines under the rubric of the Mindanao stream of its work, the program’s efforts in the realm of Subnational Governance were effectively concentrated in a coherent, holistic initiative: CR+ID. Beginning with three provinces in 2012 and expanding to encompass 15 provinces by 2016, CR+ID developed an eminently replicable *modus operandi* and model, combining technical assistance and investment, private-sector participation, and a set of mechanisms and processes for more rationalized, transparent, participatory, and developmental decision-making with regard to the prioritization of local road and other infrastructure investments. With CRIPS at the municipal level, business chambers and new public-private coordinating bodies at the provincial level, and access and input to the deliberations of the Regional Development Councils (RDCs), CR+ID crystallized in an integrated, systemic approach to “upgrading” local road and infrastructure policy formulation and implementation in the Philippines.

In sharp contrast with CfC’s disparate activities in Mindanao, moreover, the program’s CR+ID initiative delivered tangible results in terms of improving Subnational Governance across the 15 provinces of the Visayas and northeastern Mindanao where it was rolled out. By the end of the CR+ID initiative in mid-2017, more than 35,000 kilometers of local roads had been mapped using Global

Positioning System (GPS) and Geographic Information System (GIS) technology, which was now made available, intelligible, and usable for Provincial Planning and Development Offices (PPDOs) across these provinces, not only for purposes relating to road and other infrastructure, but also for other potential applications (e.g. disaster risk reduction and management) as well. Thanks to the vastly enhanced legibility of local road networks and through new participatory processes involving economic analysis and private-sector input, hundreds of “strategic road links” were identified across these provinces, via CRIPS at the municipal level, newly established multi-sectoral road investment coordinating bodies and Provincial Development Councils at the provincial level, and incorporated into the deliberations and decisions of RDCs with regard to the prioritization of roads and other infrastructure projects for national government funding.

Instead of fragmentation, inadequate and unreliable information, and limited checks on politicization and predation, CR+ID thus introduced across 15 provinces a model for decision-making on local road and other infrastructure investments that was evidence-based, integrated, participatory, and transparent. Both through capacity building in the realm of GPS/GIS technology and enlistment of private-sector participation, CR+ID arguably enhanced the integrity, rationality, and transparency of a critical realm of subnational governance in the fifteen provinces in which it operated.

At the same time, however, the CR+ID initiative suffered from two limitations and weaknesses that diminished its potential for long-term impact. First and most obviously, the new mechanisms and processes introduced by CR+ID to enhance local decision-making on road and other infrastructure investments were less than fully guaranteed to promote genuinely developmental goals at the local level. “Value Chain Analysis”, it must be acknowledged, was not based on serious quantitative data analysis or comparative analysis of a qualitative nature, and there does not appear to have been any systematic measurement or uniform procedure applied under the rubric of the term.

At the same time, the enhancement of private-sector participation in local decision-making regarding road and other infrastructure investments enabled the continuing promotion of particularistic interests under CR+ID. The various provincial chambers of commerce and other local business associations that served as crucial partners for CR+ID, after all, varied considerably in their

capacities to articulate and advance a broad range of local economic interests and to maintain autonomy and integrity vis-à-vis local elected politicians. In some CR+ID provinces, for example, local business groups counted among their most prominent and powerful members representatives of companies whose ownership of tourist resorts and agro-business ventures made for particularistic interests in terms of local road maintenance and improvement, with some beaches and farms undoubtedly held more fully and favorably in mind than others.

Meanwhile, local politicians clearly continued to advance their particularistic interests under the new rubric of CR+ID. One town mayor in a CR+ID province, for example, admitted to one of the authors in late 2014 that the road to his own poultry farm had been among the local roads prioritized for funding under CRIPS in his municipality. With proper paving of this local road, the mayor anticipated, delivery trucks would win higher classification, payments, and profits from San Miguel Foods for the – hopefully less frequently bruised – chickens from *his* farm, a logic which seemed to loom larger in his mind than any broader interest in other farms in the municipality. Meanwhile, elected politicians at the municipal and provincial level were deeply and in some cases directly involved and invested in the construction industry across the provinces where CR+ID was established and appear to have embraced and adapted to the program in anticipation of continued manipulation of public works contracts for roads and other infrastructure to their own personal, political, and pecuniary advantage. Thus, it is important not to exaggerate the actual nature and extent of the transformative impact of CR+ID on the local level.

Secondly and perhaps more importantly, the establishment of CR+ID across 15 provinces of the Visayas and northeastern Mindanao left unanswered – and in large measure unaddressed – difficult questions concerning the scalability and sustainability of the new mechanisms and processes for coordinating local road and infrastructure investments beyond the life of the initiative itself. Here, it is important to situate the success of CfC in winning support for CR+ID from provincial governors and provincial business groups against the backdrop of past experience and palpable expectations with regard to involvement in projects funded by international development agencies such as those represented in CfC. A number of the provincial governors and local business associations participating in CR+ID, after all, had previous experience working with DFAT and/or TAF, with PRMF not only laying the groundwork in terms of initial access

for Cfc, but also undoubtedly raising hopes with regard to the broader, longer-term potential benefits of participating in the CR+ID initiative.

But alongside and perhaps beyond the perceived potential benefits of cooperating with Cfc on CR+ID (as with PRMF and its successors), provincial governments and business groups, and their counterparts on the municipal level, clearly participated in CR+ID with some anticipation of possible advantages in obtaining privileged access to various sources of funding from the Philippine national government. Requests for funding for local roads submitted under the rubric of the CR+ID initiative, it was clearly hoped, would be viewed not only by RDCs, but, more importantly, by national government agencies in Manila as more credible and thus safer and more worthy of funding than other requests, especially in a climate of heightened critical scrutiny of “pork barrel” projects. Yet in practice, it appears, the effectiveness of CR+ID in helping to secure funding for prioritized local road and other infrastructure investments has been uneven at best: As of 2017, 59% of the “strategic road and infrastructure investments” proposed under CR+ID in the CARAGA region of northeastern Mindanao were funded, while only 26% in the Central Visayas, 21% in Negros island, and a mere 8% in the Western Visayas received the same treatment. Meanwhile, countless other local road and infrastructure projects proposed outside CR+ID received funding, demonstrating that adherence to CR+ID procedures was neither necessary nor sufficient for winning national government approval.

Against this backdrop, as of CR+ID’s termination in mid-2017, it remained unclear whether CR+ID’s new procedures for decision-making about local road and other infrastructure projects would prove to be sustainable long beyond the short lifetime of the initiative and the sponsorship of DFAT and TAF through Cfc. If, over the five years of the initiative, funding requests for roads submitted under the rubric of CR+ID were perceived to enjoy greater success in winning approval in Manila than had previously or would otherwise be the case, then the incentives for extending CR+ID – or at least the new procedures introduced by CR+ID – would be likely to stay strong and self-sustaining. But insofar as requests for funding for road construction, maintenance, and improvement remained contingent on politically determined access and influence, CR+ID did not demonstrate its value for securing funds from Manila. Insofar as it remained difficult to disentangle CR+ID’s “success rate” in helping provinces and municipalities to win funding approvals for local roads from other – e.g. political

– considerations, then the incentives for keeping CR+ID in place and continuing to take its procedures seriously could diminish over time – if not disappear altogether. As one key CR+ID staff member noted:

“The most critical transactions in CR+ID are those related to securing funding for SII (Strategic Infrastructure Investments). These can be between the Provincial governments, business associations and RDCs, on the one hand, and provincial, regional and national offices of National Government Agencies, congress men, and Cabinet-level political allies, on the other. If these transactions bear fruit, everyone has an incentive to sustain the CR+ID system. If these transactions do not bear fruit, proposed projects are not funded, nobody benefits, and there is no motivation to continue with CR+ID.”

Overall, an abiding problem for CR+ID over the five years of the initiative was the continuing absence of new government procedures at the national level for allocating funding for local roads and other infrastructure investments. However effectively CR+ID might have enhanced the decision-making process for prioritizing road and other infrastructure investments at the local level, the absence of formalized recognition of – and reward for – such local-level reform by of the national government inevitably limited both its short- and medium-term impact in participating provinces and, ultimately, its chances of survival. While CR+ID was impressively replicable as a coherently integrated model for extension across new provinces and regions, on its own it remained inadequately scalable to the national level and was thus arguably unsustainable without continuing external support or additional reforms.

Concerns about the scalability and sustainability of CR+ID were repeatedly raised within CfC from the early stages of the evolution of the initiative, but they remained essentially unaddressed over the five years of the initiative. Beginning in 2015 CR+ID focused some attention on Budget Preparation Form C, which provides a summary of RDC input and endorsements with regard to proposed projects for funding, as a potential vehicle for achieving formal incorporation of the reforms CR+ID introduced at the provincial level within national-level government decision-making procedures. But initial interest in the idea among officials at the Department of Budget and Management (DBM) did not lead to any movement on this front.

Meanwhile, CR+ID's inability to "lock in" its procedural innovations at the local level through the introduction and institutionalization of new rules at the national government level was eventually overshadowed – and in some measure overcame – by the progress made on this front by PRMF and its successor programs, KALSADA and CMGP. Here, in particular it is worth noting PRMF's sponsorship of a Local Road Asset Accounting Policy Review, which resulted in the unprecedented promulgation in December 2015 of a Commission on Audit (COA) Memorandum Circular instructing all LGUs across the country to book road assets on local balance sheets. This road asset valuation reform ensured that all future capital expenditures on local roads would be recorded on LGU balance sheets and thus rendered available for audit, and that all national government funding allocations would be based on balance sheet asset depreciation figures than criteria susceptible to political influence and manipulation. By 2019, it was subsequently determined, the entire road network across the full breadth of the Philippine archipelago was to be inventoried and mapped under the Roads and Bridges Information System (RBIS).

In the end, other reforms initiated by KALSADA and CMGP made it possible for CR+ID's work to become both more scalable up to the national level and more sustainable through the institutionalization of new procedures and rules by the DILG. By mid-2017, for example, DILG had secured agreement for LGUs across the Philippines to be provided with geospatial data and maps from the National Mapping and Resource Information Agency (NAMRIA) through its Unified Mapping Project (UMP) for purposes of the implementation of CMGP, along lines familiar from – and familiarized by – CR+ID.

At the same time, CMGP also insisted on DILG's introduction and institutionalization of Local Roads Network Development Plans (LRNDPs), based not only on RBIS data but also on forms of "multi-stakeholder participation" modeled on CR+ID's work. Over the course of late 2016 and 2017, CR+ID staff assisted CMGP and DILG in the drafting of guidelines for the LRNDPs, which promised to institutionalize some of the procedures developed over the preceding years by CR+ID across the 15 provinces of its operations in the Visayas and Mindanao. In November 2017, this work achieved fruition with the issuance of a DILG Memorandum Circular institutionalizing LRNDPs across the Philippines. These LRNDPs officially incorporated GIS-based road inventories and maps, private business sector participation, and "value chain analysis" into

local road investment decision-making processes throughout the country. By the end of 2018, 80 of 81 provinces in the country had submitted LRNDPs. Overall, in the end, it appears, it was thus – perhaps ironically – through PRMF and its successor programs and DILG that an integrated new local roads management system is now being built in the Philippines, top-down, rather than bottom-up through CR+ID.

Looking back at CR+ID's work over the five years since its inception as CRID in 2012, it is thus clear that the initiative remained interwoven with and overshadowed by the large-scale, well-funded, main-frame Australian development program to improve local road management in the Philippines which it was essentially designed to support in the first place. From the outset, CR+ID served as a supplement or extension to PRMF and its successors, and for all its achievements in creating a coherently integrated model for private-sector input and involvement in local road and other infrastructure investment decision-making and rolling it out across 15 provinces, it never outgrew this kind of role. Arguably it was this inherited structural flaw in the initiative which inhibited CR+ID from focusing on the abiding imperatives of scaling up its reform agenda to the national level and “locking in” institutionalized new rules that would sustain the reforms it had introduced beyond the lifetime of the program. In the end, it was only thanks to PRMF, KALSADA, and CMGP – and through their work, DILG – that scalability and sustainability of the reforms introduced by CR+ID became possible.

Conclusions

From the inception of the CfC program in the Philippines in early-mid 2012, two main streams of work have been undertaken under the rubrics of Mindanao and Subnational Governance. In different ways and to varying extents, these experiences in Mindanao and Subnational Governance reflected the inherent structural design flaws accompanying their subordination to reform agendas external to CfC from the very inception of the program in early-mid 2012. In both Mindanao and Subnational Governance, CfC committed the program to an ancillary role that provided a *raison d'être* but restricted independent initiative, innovation, and the kind of problem-driven, adaptive, iterative *modus operandi* that focused analysis and energies on the “end game” of locking in

self-sustaining, institutionalized reforms producing transformational change. Indeed, in both Mindanao and Subnational Governance, it is worth noting that CfC engaged in a somewhat traditional combination of institutional capacity building and participation-inducing partnerships with CSOs, rather than forming its own teams for “insurgent” advocacy work as in other areas of the program. In both Mindanao and Subnational Governance, the reform agendas external to CfC represented worthy causes and major investments on the part of the sponsors of the program, and the willingness – indeed, the eagerness – of CfC to provide assistance was amply understandable and justifiable. But the nature of CfC’s commitment to these agendas came at a cost.

Alongside these structural similarities in their adjunct, ancillary relationships with external reform agendas and activities, the Mindanao and Subnational Governance streams of CfC also experienced divergences in the trajectories through which they unfolded and in the nature and extent of the impact which they achieved and imparted through their work. A highly fragmented and unfocused set of activities were undertaken under the rubric of the Mindanao stream of CfC without real coherence or close coordination with the ongoing peace process between the Philippine government and the MILF as it unfolded over 2012-2014 and unravelled over 2015-2016. There was also a carefully constructed, coherent model for more evidence-based, participatory, and transparent local decision-making about local road and infrastructure investment, which was systematically rolled out across 15 provinces even as PRMF and its successor programs pushed ahead with the promotion of more self-sustaining institutional reforms of local road management at the national level.

Thus, in the end CR+ID proved to be far more innovative, achieved far more tangible results, and left far more substantial legacies to be incorporated into subsequent local road management reforms than anything produced under the rubric of CfC’s work in Mindanao. In large measure, these diverging trajectories and outcomes mirrored those of the external reform initiatives to which they were attached. But these divergences also reflected differing kinds of linkages with these external initiatives as well as their own varying levels of internal organizational (in)coherence.

Taken together and compared and contrasted with the other streams of CfC treated in the preceding chapters, the program’s work in Mindanao and

Subnational Governance is instructive in terms of its limited results. As suggested in the pages above, the subordination of these streams of the program to reform agendas external to CfC inhibited adaptation, innovation, ambition, and ultimately effectiveness and impact on the part of the program, much as in the case of CfC's early commitment of its DRR work to ancillary support for the Aquino administration's ill-conceived and ineffectually implemented scheme for in-city relocation of informal settlers living in flood-prone areas of Metro Manila, as treated in Chapter Six. These outcomes stand in stark contrast with those of the more autonomous and un-programmed initiatives undertaken in disaster risk reduction, education, electoral reform, excise tax reform, and land governance treated in Chapters Two through Six above, which demonstrate CfC's capacity for successful work when and where it followed the program's original design. It is thus to be hoped that the experiences of CfC in Mindanao and Subnational Governance can help to provide the basis for legacies and lessons which will inform future work by the program in the Philippines and similar programs elsewhere.



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CONCLUSIONS

Looking back over the activities and initiatives undertaken by the Coalitions for Change (CfC) in the Philippines over the past five years since its inception in early 2012, the most striking feature of the program that stands out is its diversity. Here, it is perhaps worth noting the extent of gender diversity across these disparate activities and initiatives, in which women have served not only as staff members and coalition partners, but also as team leaders and reform champions. They have made impressive and important contributions in terms of executive decision-making, effectiveness, and impact. It is also perhaps worth noting in passing the strong representation across the lesbian, gay, bisexual, transgender, and queer (LGBTQ) spectrum within the teams working for CfC. In this sense, the CfC program in the Philippines has operated as something of a “rainbow coalition”, without any fanfare, formalization, or forced effort to promote diversity in terms of gender and/or sexual preference, but with ample openness to – and appetite for – the great talent pool that extends across the gender divide and the LGBTQ spectrum in the Philippines.

More obviously, as detailed in the preceding chapters, the CfC program has operated in diverse policy arenas, with diverse kinds of coalition partners, and through diverse approaches to the promotion of transformational change in the Philippines. CfC’s initiatives have extended across the realms of conflict resolution, disaster risk reduction and management, education, electoral reform, local infrastructure governance, and tax reform, very different kinds of policy arenas with very different kinds of technical and political complexities and challenges. A “cookie-cutter”, “one size fits all” approach to CfC’s work has thus been impracticable from the start, and by necessity the program’s management

has operated with expectations that its efforts would bear fruit in – inherently incommensurable – “apples and oranges” rather than in monochrome or monocrop fashion.

Indeed, as detailed in the preceding chapters, the diverse activities and initiatives of CfC have proceeded along very different lines in terms of coalition building and strategies for effecting policy change. These differences are amply evident in the variegated patterns of recruitment of CfC staff and enlistment of CfC partners observable across the various streams of the program. On the one hand, on some initiatives CfC has proceeded by recruiting staff with expertise in relevant policy arenas and forging formal partnerships with established non-governmental and civil society organizations (NGOs/CSOs) and private sector bodies, as well as interested government agencies. CfC’s work on conflict resolution in Mindanao, CR+ID, DENR-LGU partnerships, the in-city ISF relocation scheme, PWD participation in elections, senior high schools, and voter registration and electoral violence in ARMM exemplify this *modus operandi* on the part of CfC. On the other hand, on other initiatives CfC has proceeded by forming teams whose members have diverse and complementary skills and roles – as “policy wonks”, technical experts, government insiders, political analysts, and networkers – and/or operating often under the leadership of policy advocacy groups, but otherwise without formal institutional partnerships. The school congestion initiative and the NDRRM Fund guidelines reform discussed in great detail in Chapter Four and Chapter Six, respectively, exemplify this second kind of *modus operandi*, as do the excise tax reform campaign under Action for Economic Reforms (AER), the Election Service Reform Act (ESRA) under LENTE, and the diverse strands of multi-stranded land governance reform work under the Foundation for Economic Freedom (FEF).

At the same time, CfC activities and initiatives have unfolded in very different ways in terms of their underlying premises and overarching points of departure. On the one hand, the initial design of CfC prefigured – or even predetermined – the launching of activities and initiatives in the realms of disaster risk reduction, education, Mindanao, and subnational governance; these “streams” or “pillars” of the program corresponded to the Australian government’s priorities in its provision of development assistance to the Philippines. On the other hand, from mid-2012 onwards, CfC also undertook some entirely “un-programmed”

activities and initiatives, ranging from excise tax reform to electoral reform and land governance reform.

As discussed in the preceding chapters, moreover, CfC's diverse activities and initiatives have also emerged and evolved with varying kinds of linkages to activities and agendas external to the program. Both within the four original streams of CfC and beyond them, some activities and initiatives have unfolded in an essentially autonomous fashion – without linkage to other ongoing programs and projects of the Australian Embassy or the Philippine government. These examples include the initiatives focused on alleviating school congestion, ESRA, and reform of the NDRRM Fund guidelines exemplify such purely independent CfC initiatives, which emerged and evolved within the four pre-designed streams of the program.

Meanwhile, there are also the remaining activities and initiatives sponsored by CfC that have unfolded with diverse kinds of linkages to other Australian and Philippine government programs and projects. Some initiatives served to “backstop” the Aquino administration as it undertook to enact and/or implement one or another major policy reform in the face of various impediments and obstacles in its path. In advocating for excise tax reform legislation in Congress, assisting the in-city ISF relocation scheme, encouraging city mayors and governments to help prepare for the transition to senior high schools, and aiding voter re-registration in ARMM and the formal peace process in the southern Philippines, CfC lent its support to pre-existing and ongoing reform efforts on the part of the Philippine government.

Yet some of these and other initiatives have also served pre-existing and/or ongoing Australian development programs in the Philippines in an ancillary function. CR+ID, for example, was clearly designed from the outset to supplement and complement AusAID's PRMF in the Visayas and northeastern Mindanao, and CfC's pre-designed role in the Aquino administration's in-city ISF relocation scheme across Metro Manila was enfolded within the reinvention and redirection of AusAID's BRACE program in Taguig City. Another example is seen in its land governance reform work, in which CfC had not only built on the legacies and lessons of earlier Australian development programs in the Philippines but had also worked on its own initiative and with full independence.

As suggested in the preceding chapters, these multiple dimensions of diversity within CfC in the Philippines have prefigured commensurate diversity in the trajectories, outcomes, and impacts of the various activities and initiatives launched by the program over the first five years since its inception in 2012. As of mid-2019, CfC can boast of a set of important achievements in locking in rule-altering, self-sustaining, government policy reforms which exemplify the program's aspiration to promote transformative change in the Philippines:

- Assisting in the passage of excise tax reform legislation which has already begun to produce significant new streams of revenue earmarked for public health care and some evidence of reduced cigarette consumption;
- Identifying and analyzing the complex sources of school congestion, exploring and experimenting with potential procedural and budgetary solutions, and introducing and institutionalizing them within the Department of Education (DepEd);
- Introducing and institutionalizing new practices and procedures facilitating participation of people with disabilities (PWDs) in elections;
- Engineering the passage of the Election Service Reform Act (ESRA), which releases public schoolteachers from compulsory polling day duties, improves compensation and legal protection for members of Electoral Boards, strengthens procedures for recruitment to Electoral Boards, and excludes local government employees from Electoral Boards, thus improving the conduct of elections;
- Effecting the extension of the Residential Free Patent Act of 2010 to cover public schools and other government building sites, thus enabling titling of these lands and enhancing their security and eligibility for improvement and/or extension;
- Securing passage of the Agricultural Free Patent Reform Law to extend the benefits of the Residential Free Patent Act of 2010 to cover agricultural lands.
- Introducing and instantiating new guidelines for use of the National Disaster Risk Reduction and Management Fund (NDRRM Fund) to

enable local government units (LGUs) to secure funding for disaster risk reduction, mitigation, prevention, and preparedness in disaster-prone localities across the Philippines.

- Convincing the Duterte administration to commit strengthen the government's commitment to Clark International Airport through funding for a new terminal and new rail links, thus helping to relieve increasing air traffic congestion at Ninoy Aquino International Airport (NAIA).⁹⁹

Secondly, CfC has also achieved other, more provisional and partial reform gains in various areas of the program:

- Encouraging local land-titling campaigns through DENR-LGU partnerships and the inclusion of a National Land Titling Program on the ten-point agenda of the Duterte administration;
- Easing the transition to senior high schools in a number of cities across the Philippines by encouraging city mayors and other city government officials to invest money, time, and effort in the lead-up to June 2016;
- Encouraging private-sector interest in the curriculum, assessment, and qualification standards of senior high schools in selected provinces;
- Assisting in the cleansing of ARMM electoral rolls of fictitious and/or underage voters in 2012, and in deterring electoral violence in 2013;
- Introducing across the central and western Visayas and northeastern Mindanao of an integrated framework for improving accountability, transparency, information, participation, and coordination in decision-making about investments in local roads and local infrastructure; and
- Assisting the Department of the Interior and Local Government (DILG) in ensuring local government units access to geospatial data and maps of local road networks and in the drafting of guidelines

⁹⁹ On this initiative, see: John T. Sidel, *Cleared For Takeoff: Coalitions for Change and Clark International Airport* (Pasig City: The Asia Foundation, 2019).

for Local Road Network Development Plans (LRNDPs) to include procedures for decision-making about investments in local roads and local infrastructure modelled on those piloted in the Visayas and Mindanao by CfC.

Thirdly and finally, CfC has experienced disappointments in the limited outcomes and impacts of other activities and initiatives in which it has been involved:

- Delays and dead-ends on legislative reform initiatives supported by the program, such as the Freedom of Information (FOI) Act and efforts to amend the Build Operate Transfer (BOT) Law during the Aquino administration;
- A dead-end in exploratory efforts to promote the expansion of “Bottom Up Budgeting”;
- Limited success in promoting improvements in the workings of PhilHealth, the government’s universal health care program;
- Little progress achieved in the implementation of the Aquino administration’s in-city relocation program for informal settler families (ISFs) living in low-lying, flood-prone areas of Metro Manila; and
- Little impact on the belated passage, enactment, and ratification of the Bangsamoro Organic Law (BOL), little evidence of progress in “security sector reform”, and a resurgence of episodes of large-scale violence, conflict, and displacement in the southern Philippines since 2015.

As discussed and detailed in the preceding chapters, a sustained and systematic comparative analysis of the trajectories and outcomes of these different CfC activities and initiatives over the past five years since 2012 suggests an explanation for the variegated pattern of trajectories, outcomes, and impacts achieved and observable as of mid-2019.

On the one hand, when and where CfC has relegated itself to a subsidiary, supportive role within one or another reform agenda or initiative external to the program, its room for maneuver – and its ability and/or inclination to engage in independent, iterative, adaptive policy reform work – has been rather more restricted, and its efforts have proved to be somewhat less innovative, effective, and impactful. This pattern was perhaps most clearly evident in CfC's work in connection with the Aquino administration's in-city ISF relocation scheme in Metro Manila, in its extension of assistance to PPCRV in the voter re-registration and election watch efforts of 2012-2013 in ARMM, and in its disparate activities in support of the peace process in the southern Philippines. Even CR+ID, for all its internal coherence and its extension across 15 provinces in the Visayas and Mindanao, failed to identify and undertake an independent strategy for institutionalization within national government procedures to guarantee sustainability, even as PRMF, KALSADA, and CMGP succeeded in outstripping CR+ID in locking in such rule-changing reforms with the Department of the Interior and Local Government (DILG). To its credit, DILG appreciated the benefits of the processes piloted by CR+ID and incorporated them into CMGP.

On the other hand, when and where CfC has worked autonomously to identify problems and solutions through an iterative, adaptive process of engagement with academic research and empirical evidence, policy experts and insiders, and a wide range of alternative policy reform options, the program has often – if not always – managed to achieve one or another form of rule-altering, self-sustaining transformative change. Here, CfC has tended to be less successful when it has immersed itself in campaigns which focused on immediate impact (e.g. PPCRV) and which required continuing or recurring external mobilization, monitoring, and monetary support to protect their achievements and prevent backsliding. By contrast, CfC has tended to be more successful when it has focused energies on the highly complex, compromising, and contingent process of passing new laws, and drafting new implementing rules and regulations (IRRs) and other official guidelines that institutionalize and instantiate policy reforms in government practices and procedures.

The importance of this focus on the “end game” of “locking in” policy reform has been evident in the decidedly mixed record of various CfC-sponsored local pilot projects, which have only delivered scalable and sustainable results if undertaken and exploited in the service of the abiding agenda of targeting national-level government policies and procedures for institutionalized reform.

In terms of its forms of organization and recruitment, moreover, CfC has tended to be most successful when and where its approach to building “coalitions for change” has relied not on formalized partnerships with civil society organizations and government agencies, but on small, tightly organized, personally committed teams and advocacy groups working in a very iterative and adaptive fashion.

Given the complexity and contingency of policy reform processes, it has been absolutely crucial for these teams and advocacy groups to be extremely well-versed in both the technical aspects and the political dynamics at play in the policy arenas in which they are working. Hence, the importance of drawing on seasoned veterans of earlier reform advocacy campaigns and development projects, as discussed in great detail in Chapter Three with reference to land governance reforms. As a rule, it is also worth noting, these “coalitions for change” have not centered around the promotion of participation by civil society organizations and capacity-building for government agencies, but rather the activation of advocacy groups and/or ad hoc teams enlisted by CfC itself – combining savvy, sophisticated political operators as well as policy wonks, technical experts, and government insiders in small-scale, almost conspiratorial, insurgent activity.

Finally, in terms of its *modus operandi* in promoting and pushing through policy reforms, CfC has proven to be most successful when and where it has undertaken politically contextualized, problem-driven, iterative, and adaptive policy advocacy work. After all, as detailed in successive chapters, effective policy reform in both the legislative arena and within government agencies unfolds in fits and starts, with interminable delays and inevitable disappointments, exasperating retrenchments and reversals, and abiding uncertainty and anxiety as to the eventual outcome of reform advocacy campaigns.

Under these circumstances, CfC’s most successful initiatives have proceeded by encouraging and enabling its teams to devote considerable time and energy to

identifying and understanding problems in various policy arenas without pre-given theories, approaches, road maps, or sets of marching orders. As discussed in greatest detail in Chapter Four, CfC's most successful teams have typically proceeded by asking many different people many different questions, exploring a variety of options, experiencing manifold difficulties, delays, and dead-ends, and experimenting with a range of possible solutions. Instead of following a pre-scripted, linear progression, these teams have pursued a multiplicity of – circuitous – paths, which eventually converged and produced transformative reforms.

How have some of CfC's teams been able to operate in this fashion over the past five years since the inception of the program? In part, the answer lies in a program design that has systematically built into CfC an openness to constructively critical external analysis and input. The biannual meetings of the Joint Steering Committee (JSC), representing both AusAID/DFAT and the Asia Foundation (TAF), have offered regular opportunities for CfC initiatives and activities to be revisited, reassessed, recalibrated, and redirected. In addition, since the inception of the program, biannual visits by a recognized academic specialist on Philippine politics, Professor John Sidel of the London School of Economics (LSE), have provided additional opportunities for in-depth reviews of specific initiatives and activities as well as more broadly focused "reality checks" for the program. The Independent Progress Review was conducted in late 2013 and concluded in early 2014, providing important insights into the strengths and weaknesses of the program and inspiring a set of internal changes to its operations. Finally, in line with the recommendations of the review, a Partnership Strategy Panel was introduced whose membership extends to DFAT and TAF headquarters in Canberra and San Francisco and includes Professor Paul Hutchcroft of the Australian National University as well as Professor Sidel of the LSE. Since January 2015, the Panel has contributed extensive questions, comments, and constructive criticisms to the JSC meetings, thus strengthening the independence and integrity of major decision-making processes in the program.

But alongside program design, it is also worth noting the importance of a broader set of management practices on the part of TAF and the Australian Department of Foreign Affairs and Trade (DFAT), which has made it possible for CfC to operate so effectively. CfC was created, after all, to enable and encourage precisely this kind of nimble, inventive development work. Ample room has been provided by TAF and DFAT for a number of CfC teams to make a range of "small

bets” on various ideas, initiatives, and activities, not all of which were expected to succeed, as seen in the eventual abandonment of a number of initiatives that were not bearing fruit. These CfC teams have been given “long leashes” for wide-ranging exploration and development of their ideas, without the burdens of measurable “milestones” or “key performance indicators” imposed from above. Unlike in most contract-oriented donor projects, this kind of work environment has enabled and encouraged CfC teams to listen, acknowledge the limitations of their knowledge, to challenge one another’s thinking, and to admit mistakes. As they have proceeded, some of these teams have scrupulously maintained timelines of their work, documented their findings, progress, and activities, and transmitted regular updates to the CfC Program Management Team. But they have largely been left to solve their own problems, rather than being closely monitored or micromanaged. Thus, CfC stands as an excellent example of what David Booth of the Overseas Development Institute (ODI) terms “an arm’s length approach to aid”.¹⁰⁰

But this approach by DFAT has also been characterized by abiding interest, active encouragement, and informed advice rather than benign neglect. CfC’s work in land governance reform, for example, emerged and evolved in no small measure thanks to the helpful nudging and nurturing of DFAT staff who had previously been deeply involved in the LAMP programs founded and funded by AusAID in the 2000s. CfC’s support for electoral reform was similarly strengthened by the expert advice imparted by the Australian Embassy’s governance specialist to LENTE as its work on ESRA unfolded. Each and every CfC initiative and activity was not only supported but also subjected by DFAT to recurring reviews in which constructive criticism and suggestions for alternative tactics and strategies were offered.

All in all, the strengths and successes of CfC in the Philippines over the past five years have thus reflected a combination of adaptable working arrangements embedded in program design and the abilities and efforts of the men and women mobilized under the rubric of the program since its inception in 2012. As participants in and observers of CfC over the past five years, the authors have – in very different ways – enjoyed the pleasure and privilege of seeing how some of

¹⁰⁰ See: David Booth, *Facilitating Development: An Arm’s Length Approach to Aid* (London: Overseas Development Institute, 2013), available at: <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8330.pdf>.

the diverse initiatives launched under the rubric of the program have borne fruit in a range of policy reforms promising transformative change in the Philippines. It is thus to be hoped that this book has provided an accurate, illuminating, and instructive account of CfC's work over this period, and that it will help to inform the future trajectory of the program as well as similarly conceived programs under way or on the horizon elsewhere across the developing world.



CHAPTER NINE

AFTERWORD BY GRAHAM TESKEY

“WHY THE COALITIONS FOR CHANGE
PROGRAM WAS SUCCESSFUL,
AND WHY THERE MAY NOT BE MANY
OTHERS LIKE IT.”

The first chapter of this volume made the case, persuasively, that the Coalitions for Change (CfC) program in the Philippines was an early example of a rather different way of “doing development” – at least, different from the established practices of most major bilateral donors. Subsequent chapters detailed the innovative nature of the work undertaken by The Asia Foundation (TAF) in the Philippines. Many lessons have emerged, and these have been summarized in the previous chapter.

This afterword has three purposes: First, to situate the CfC program in the wider international context of development thinking; second, to identify a set of features or virtues inextricably linked with such “thinking and working politically” (TWP) initiatives; and third, to consider the extent to which development agencies – in the shape of the formal bilateral development arms of governments – are both willing and able to replicate CfC’s success.

The chapter reaches a somewhat dispiriting conclusion – that at least for the immediate future, initiatives such as CfC are likely to remain the exception rather than the rule. Indeed, we may never see one quite like it again. This is principally because of the contemporary aid and development *zeitgeist*, as well as the fact that, as this chapter hopes to demonstrate, a number of demanding elements must all happen together: If one fails, they all fail.

Notwithstanding this pessimism, it is encouraging that within their own constraints, a number of organizations are now experimenting with TWP approaches, notably bilateral agencies [Department for International

Development (DFID), US Agency for International Development (USAID), Australian Department of Foreign Affairs and Trade (DFAT)] and INGOs (CARE, Oxfam, Mercy Corps). Furthermore, communities of practice have sprung up investigating these issues and sharing experiences. This may provide cause for a degree of optimism, but each reader will reach his or her own conclusion regarding the future direction of this approach.

The International Context

It is now commonplace to acknowledge that capacity and technical knowledge alone are unlikely to change entrenched political interests and bureaucratic norms. Over the last two decades, many eminent researchers, writers, and thinkers have looked at the difference between success and failure in development, and all have pointed to the primacy of domestic politics¹⁰¹. Development agencies are very well-aware of this, but it has yet to pass into the mainstream of development practice. Donors seem attached to doing development traditionally. Much – but certainly not all – aid remains inflexible and averse to the types of operating approaches that this volume has described.

In the experience of this author, aid staff in the country can be wary of taking advantage of the flexibility that their corporate procedures actually do permit. Often, frontline staff may self-censor on issues of flexibility and adaptive management. Part of their calculation may be that it is likely to be preferable to say with certainty, “This is how it is going to happen.” Who gets promoted by saying, “This is our best guess and we can’t say for sure what will happen?” Donor risk aversion and the slavish addiction to the tyranny of the project framework does not help. These factors reinforce a set of incentives that militate against attempts to “do development differently”. And the CfC program undoubtedly is about development, and not about aid. It is about privileging local institutions and local processes to reach decisions and reforms that emerge through negotiation, mediation, and compromise. It is not about an externally

¹⁰¹ See, for example, Daron Acemoglu and James Robinson *Why Nations Fail* (New York: Crown Books, 2012); Matt Andrews, *The Limits of Institutional Reform in Development* (Cambridge: Cambridge University Press, 2013); Thomas Carothers and Diane de Gramont, *Development Aid Confronts Politics: The Almost Revolution* (Washington, DC: Carnegie Endowment for Peace, 2013); Francis Fukuyama, *The Origins of Political Order* (New York: Farrar, Straus and Giroux, 2012); Francis Fukuyama, *Political Order and Political Decay* (New York: Farrar, Straus and Giroux, 2014); Douglass C. North, John Wallis, and Barry Weingast (eds.), *Violence and Social Orders* (Cambridge: Cambridge University Press 2009); and Dani Rodrik, *One Economics, Many Recipes* (Princeton, NJ: Princeton University Press, 2007).

determined – even if it is locally sanctioned – set of activities leading to some pre-determined outcome.

All this is now widely recognized. In 2015, the Governance Network in OECD’s Development Assistance Committee in late 2015 published a *Governance Practitioner’s Notebook*¹⁰² where practitioners discuss how development agencies can deal differently with the “holy trinity” of institutions, interests, and incentives. The Notebook, written with humor and pathos, approaches the challenges of “doing development differently” from the point of view of Lucy, a newly appointed governance advisor going on her first mission. The volume sums up many of the dilemmas faced by development agencies today.

Around the time of the Harvard Manifesto (*Doing Development Differently*) in 2012 and the establishment of the International Community of Practice on “Thinking and Working Politically” in 2013, a significant effort was being made by relatively few development practitioners¹⁰³ to articulate a coherent approach to “program planning and project design” that avoided the negative features of the project framework. In addition to the CfC program, DFID was funding at least three TWP-type projects: Pyoe Pin in Myanmar; and the Facility for Oil Sector Transparency, and the State Accountability and Voice Initiative in Nigeria. All three were focused on influencing, or “nudging” in current behavioral economics parlance, the critical institutions in these countries – the institutions that create and set the incentives that influence, if not determine, individual and collective behavior; i.e. to change the rules of the game. To what extent does such an approach have a coherent conceptual basis?

The high level “theory of change” in these initiatives is illustrated in the figure on the right. One of the basic principles of economics is that incentives influence individual and collective decisions. The interplay of the maelstrom of incentives will influence the goods and services people buy, how entrepreneurs invest their money, how people behave to one another, whether or not they obey the law, how they choose to marry, and whether or not they use cutlery.

¹⁰² *A Governance Practitioner’s Notebook: Alternative Ideas and Approaches* (Paris: OECD, November 2015).

¹⁰³ Probably no more than 100 at most spread across a number of organizations in the public, private and ‘third’ sectors.

In short, the aggregation of peoples' interests influence outcomes. But incentives do not exist in a vacuum. They are themselves influenced by the wider array of formal and informal institutions that exist in any society. Institutions shape the structure and patterning of incentives, which in turn, over the long run, are shaped by ideas. The figure below shows the relationship among ideas, institutions, and incentives that generate social and political outcomes. Institutions are both the product of – and in turn, shape – ideas and what is socially and politically “the conventional wisdom” changes as these ideas shift and reshape what is considered accepted and acceptable.¹⁰⁴ It is the climate of ideas – what is socially and politically accepted – that, over the long run, sets the context for the formal and informal institutions, which create the incentives influencing behavior, and thereby determining outcomes.



The CfC program set out deliberately to influence ideas, institutions, and thus the incentives acting upon individuals, in order to effect developmental outcomes in the Philippines. The preceding chapters have demonstrated how successful such an approach can be. The critical question now is how replicable are these approaches and on what does its success depend on? What is there to learn from CfC?

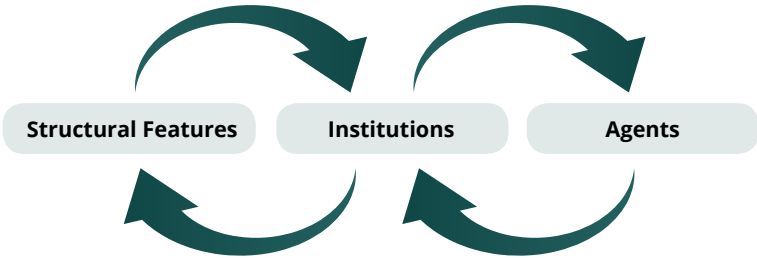
¹⁰⁴ Adapted from Edward J. Lopez and Wayne A. Leighton, *Madmen, Intellectuals, and Academic Scribblers: The Economic Engine of Political Change* (Stanford, CA: Stanford University Press, 2012).

The Seven Deadly Virtues: Critical Success Factors for Doing Development Differently

In the discussion that follows, it should not be inferred that these seven factors are less important in more traditional, mainstream development initiatives. Of course, they are. But it does seem that in TWP initiatives, all must be in place at all times; getting any one wrong could be of great consequence. The seven are not presented in priority order, and there is certainly no sequencing. Indeed, with the possible exception of the first, all of these virtues, in practice, have to be practiced simultaneously.

1. Context and Structure: Today, it is commonplace to observe that understanding the context is non-negotiable. In most cases, “context” refers to country context: that mix of history, economics, political, and social structure – all the attributes listed at point 2 of the introductory chapter in this volume:

“Structural features include the history of state formation; natural and human resources; economic and social structures; demographic change; regional influences and integration; globalization, trade and investment; and urbanization. These are deeply embedded and often slow to change.”



This demand applies to all development interventions. Appreciating structure is as important as appreciating institutions (the rules of the game) and agency. This was brought home forcefully by Sue Unsworth, DFID’s chief governance advisor in the celebrated diagram in her work on *Drivers of Change*¹⁰⁵ (see the diagram above). If we do not know our history and the country structure, we cannot know from where we are coming, and to where we may go.

¹⁰⁵ *Drivers of Change* (London: DFID, 2003).

But the preceding chapters of this volume have emphasized another, less often commented upon, feature of “context”: that of the particular initiative. Most interpretations of context and structure in development documents and program planning focus on country and sector context. Chapter Three of this volume (“Sowing Seeds, Reaping Harvests: Land Governance Reform”) makes it clear just how important it is to have a clear-eyed understanding of the history of “the project” itself, the specific issue to hand, and the individuals who have played a role to date:

“...CfC has drawn on the accumulated lessons and legacies of earlier land governance reform initiatives, and on the combined experiences and expertise of individuals involved in such initiatives...”

In all the case studies in this volume, the CfC team drew repeatedly and consistently on their historical and contextual project-specific knowledge. The fact that all the teams were nationals should not conveniently be brushed aside.

Furthermore, and importantly, while the CfC program started formally only in 2012, many – if not most – of the main players had been “fiddling around”, holding various roles and responsibilities in both the public and private sectors in Manila for a decade or more. Many of the chapters in this volume tell how teams were put together (see below) from a cast of characters that were deeply embedded in the “public policymaking fabric” of the Philippines. All were insiders with history, knowledge, and contacts. To their great credit, in 2012, AusAID did not seek to appoint an “international” team leader of the fledgling CfC program. The importance of agency should not be underestimated as can be witnessed from the impact that individuals, acting deliberately and purposively, have on development outcomes.

In some ways, the whole story of CfC is just this – the power of agency. But while issues of structure and institutions are committed to paper, assessing “agency” tends to remain unwritten. There was undoubtedly huge amounts of tacit knowledge of certain powerful actors working with TAF staff within all the programs, but it is not immediately obvious that this knowledge was translated into policy or program design.

2. Problem Identification, Selection, and Entry Points: Striking too in this volume is just how much deep thinking and consideration went into the identification of problems and the selection of policy reform areas on which CfC teams would work. The point was made in the first “critical success factor” above that the first team in 2012 invested a huge amount of time in thinking and reflecting, trying to reach a judgement on where the greatest potential for reform lay. The team admitted that many of their “bets” were just that; there were no sure things. A good example of this is in Chapter Four considering education reform. There are many telling sentences in this chapter emphasizing the extent to which selection and entry points were tested, re-tested, and tested again.

In the education sector, for example, the team began “noodling around” with education reforms in “early-mid 2012.” Some staff were recruited in 2012 (Toix Cerna, Professor Grace Gorospe-Jamon and Dr Francisco “Frankie” Villanueva):

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

But nothing much happened in 2012 or in 2013. The reform of secondary education was a priority for then-President Aquino, but not much progress was made; schools were over-crowded, notably in urban areas. But suddenly, there was a breakthrough when it came to identifying the problem. The authors note:

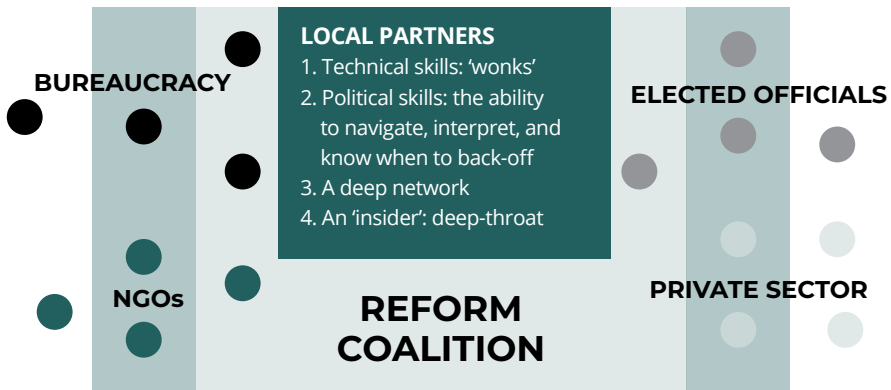
“... a major obstacle to the alleviation of school congestion was not lack of government resources for the construction of classrooms but rather the absence of funding streams and bureaucratic procedures for the purchase of land.”

It took the CfC team – and the government of the Philippines – more than a year to reach this point. The lesson is clear: Problem identification (and hence choosing what to do) is not necessarily straightforward, and it deserves serious thought, investigation, and enquiry.

The rhetoric underpinning “Doing Development Differently” is to work with initiatives that are “technically desirable and politically feasible”. It is clear that

these were the twin strands of CfC's DNA. There was a constant toggling back and forth between what was technically desirable and politically feasible. While the "technical solution" was always kept in mind, it was the assessment of political feasibility that drove the program and determined its pace.

3. Collaborating Institutions: Putting Teams Together: The "institutional pathology" of each policy team in the CfC program is fascinating. Each chapter in this volume tells the story of teams coming together for a common purpose. Can generic lessons be drawn about the teams CfC assembled? And if so, was this assembling deliberate? Faustino speaks eloquently and passionately about "development entrepreneurship" – the idea that some individuals, be they within the bureaucracy or not, are willing to act as "positive deviants" and take risks in project selection, design, and implementation.



In the early days of CfC, around 2012, it seems fair to say that the program was not sure about what should be the appropriate skill mix that one should seek for its policy reform teams. Only years later was Faustino able to conclude that certain requirements were needed: a set of technical policy skills (people who understand intimately the nature of the problem that has emerged); and a set of equivalent political skills (people who understand the incentives and institutions that swirl around "the problem", and someone on the inside to act as informant, go-between and policy broker). Also required to link them together is a political

network. This is shown in the figure on the left (with some minor amendments by the present author).¹⁰⁶

This raises the question of whether policy reform teams be created *ex ante*, or is it inevitable that they come into being over time organically, as the reform effort is pursued and the balance of power becomes clearer – and continually shifts. From the essays in this volume, it would appear fair to conclude that they come together organically. CfC teams clearly do not just happen; they need building.

There is a long but illuminating quote from Chapter Four education, discussing the yet-to-be-appointed team leader of education's (Toix Cerna) working relationship with TAF. Cerna's technical skills – and a fair chunk of her political savvy – are writ large. It is no wonder that TAF recruited her:

"...in 2011 she attended a series of workshops which TAF was running on development entrepreneurship. She found this non-traditional approach simultaneously innovative, intriguing, eye-opening, and unnerving in terms of her own work. During and after the lectures, Cerna responded with questions, matching the unconventional approach with an impassioned defense of established modes of NGO work and a vehement insistence on evidence in support of the new approach TAF was advocating. These heated exchanges extended into debates over email and coffee, with Cerna eventually turning to a TAF program officer for input and assistance as she crafted a grant proposal for the funding of a new anti-corruption initiative which incorporated concepts of development entrepreneurship into its project design. It was thus based solely on TAF's awareness of Cerna's capacity for tough-minded, self-critical intellectual creativity and adaptation – rather than specific technical expertise in education – that she was recruited by CfC as team leader in 2012."

4. Design: A Framework for Implementation, Monitoring, and Learning:

Development agencies put a huge emphasis on design. Most – if not all – public servants will recognize the much greater effort and acclaim accorded to successful design work rather than monitoring and evaluation exercises. Getting one's project approved by the board or by the minister is a cause for celebration. Monitoring and evaluation reports frequently land onto desks where they elicit a groan rather than a sense of excitement.

¹⁰⁶ Taken from Jaime Faustino, "Development Entrepreneurship" (unpublished presentation, July 2015).

But design in CfC was different and it remains different today. Conceptually, “design” holds a particularly important place in how to “do development differently” or to “think and work politically”. The theology is that design, implementation, monitoring, and learning proceed *simultaneously*, not *sequentially*, as is the case in more mainstream projects. TWP requires many “small bets” from which we can learn. We proceed with promising initiatives and let the chaff wither on the vine. We constantly seek to be shamelessly opportunistic; to pick up opportunities that were not thought of or recognized at inception. The land governance project described in Chapter Three is a good example of this. The authors note:

“...land governance reform was not really identified at the inception of CfC as a core concern of the program, and thus CfC’s involvement emerged through the identification of opportunities for reform advocacy work not fully visible or very prominent on the program’s radar screen as of early-mid 2012.”

We learn as we go. We see what is happening and respond accordingly – more resources and effort here, a slow-down there. We collect the evidence and reach real-time judgements. This sounds straightforward, but this is far from the case. Two demands are made here upon managers: firstly, designing, implementing, monitoring, learning; and second, understanding and responding.

- Designing/implementing/monitoring/learning: These skills are rarely held in one person. The tyranny of Adam Smith’s pin factory affects us all: Development people tend to be either design staff, implementors (operational frontline staff who of course are the only ones who really know anything about anything), M and E specialists, contracts or procurement officers. Is it reasonable and realistic to expect that one or two people at most will have the skills and ability to multitask like this? Even if it was achieved in the CfC program, is it possible for it to be relied upon when and if these sorts of programs are replicated, rolled out, and scaled up?
- Understanding and responding: Monitoring may be the easy bit. Even the learning may be relatively straightforward. But understanding and responding are of a different order of magnitude. Understanding and responding creates three challenges. First, it requires knowing and a degree of surety. How appropriate are our theories of action and our theories of change? Maybe we can

provide a plausible explanation for “how things have played out” – but do we know enough to respond appropriately? Here, the emphasis is on “responding appropriately”. We do not want just “to react”. We need to respond in a way that makes it more likely that we are moving toward our goal. Second, do we have permission and the authorization to respond in real-time? Third, it requires a high degree of humility and resilience to acknowledge when project assumptions turn out to be wrong, to admit failure and to actively take on board new information and advice to evolve the project. No small feat when many project managers (understandably) perceive that their careers to be tied to a project’s success.

But the CfC teams appeared to navigate these challenges successfully. The knowledge that each team possessed, and the networks in which they were embedded allowed the initiatives to be sped up or slowed down according to the political machinations of the day. Because of the trust and close cooperation with AusAID/DFAT, CfC had the space to respond appropriately in real time. Equally importantly, the program’s governance structure and the trust between AusAID/DFAT and TAF allowed the Foundation to recommend ending initiatives that were struggling without having to worry about any wider negative consequences.

In short, the skills required to put in place effective “design” in these sorts of initiatives is daunting. It would appear that, to a great extent, the CfC team managed it.

5. Modality Matters: In Chapter Three, when discussing land reform, the authors note:

“... (the Land Administration and Governance project is) a highly formalized development project funded by the World Bank and AusAID and forged as a partnership with the Philippine government. However, LAMP was poorly equipped and ill-suited to manage these political challenges and constraints and to maneuver within the highly politicized environment of land governance in the Philippines. Forced to operate under management steering committees in which a range of departments and agencies, operational flexibility (especially in the legislative arena) was reduced and the opportunities increased for blockage, delay, and subversion of the project from within.”

This demonstrates the problem of trying to drive policy reforms solely by administrative means, pursuing development by committee, divorced from the day-to-day world of interests, incentives, and institutions. This is how mainstream development practice works – and sometimes, it may work well. But it raises the question of whether traditional project-based approaches will work in middle-income countries pursuing contested policy reforms. Another example from Chapter Six, which covered disaster risk reduction, would suggest that they may not. The following paragraphs in italics summarize the story:

- *“CfC entered the arena of Disaster Risk Reduction with a **pre-identified problem**, a **pre-designed reform policy solution**, and a **pre-organized coalition** spanning civil society and government as well as a **pre-agreed plan** and **pre-budgeted program** for in-city resettlement of informal settler families (ISF) living in flood-prone areas of Metro Manila...*
- *... CfC staff also had a wealth of relevant experience in this policy arena...*
- *CfC was assigned a **pre-designed** role within the Philippine government’s program for in-city relocation of ISF...*
- *To this end, CfC was directed by DILG toward specific flood-prone areas of Metro Manila, specific communities of ISF, and a specific set of civil society organizations – like the urban poor NGOs and community groups – working with these communities to organized them and help draft “People’s Plans” for resettlement.*
- *... by **2013**, CfC was already working hard to fulfil its **pre-designed role** in the AusAID-DILG program in support of the (Aquino Administration’s) in-city relocation scheme for ISFs in flood-prone areas of Metro Manila...*
- ***CfC worked closely with senior figures within DILG**, the key national government agency tasked with overseeing progress on the resettlement program...*
- ***Yet even with CfC’s best efforts and all the apparent advantages it enjoyed in terms of an early identification of a problem – such***

as a coalition and a government-backed program for urban poor resettlement as part of disaster risk reduction – this initiative stalled in the face of two major political obstacles.”

This is a fabulous description of a political problem being tackled by an administrative and bureaucratic modality. The weaknesses of such a bureaucratic modality were also found in the Mindanao and subnational governance initiatives discussed in Chapter Seven. The authors note:

*In both Mindanao and Subnational Governance, CfC committed the program to an ancillary role that provided a raison d'être **but restricted independent initiative, innovation, and the kind of problem-driven, adaptive, iterative modus operandi that focused on the “end game”** of locking in self-sustaining, institutionalized reforms producing transformational change. (Emphasis added).*

They conclude:

*“... compared and contrasted with the other streams of CfC treated in the preceding chapters, the program’s work in Mindanao and Subnational Governance is instructive in terms of its limited results... The **subordination of these streams of the program to reform agendas external to CfC inhibited adaptation, innovation, ambition, and ultimately effectiveness and impact.**”*

It should be emphasized that to conclude that mainstream approaches are always wrong is to miss the point. As with CfC’s teams, development practitioners and development agency staff have a responsibility to think long and hard about the appropriate modality for the circumstances at hand.

6. Flexibility and Iteration: Probably the one feature of Doing Development Differently/Thinking and Working Politically/Adaptive Management that would be referenced by many working today in development would be the emphasis on flexibility, adaptation, and iteration. It has almost become their leitmotif. This is slightly problematic, as many claims are now being made for initiatives to be “thinking and working politically”, which in reality merely have slightly flexible

budget schedules. This does not constitute as “doing development differently”; it is doing development pretty much the same, based on project frameworks, with pre-determined objectives, modalities, and activities, but which are given slightly greater leeway in terms of implementation schedules.

Budgetary flexibility is of course important. Early chapters of this book are replete with examples of flexibility and adaptation – and not only in budgeting. There are examples of flexibility and iteration in programing, in implementation, in “project” or problem selection, in networks and coalitions, and in actual objectives. Chapter Three notes that:

“...the TAF/LSIG team was able to work through a more iterative process and, through more informal channels, to promote a more narrowly construed Residential Free Patent Act...”

There are two simple points to be made here. First, flexibility and adaptation refer to fundamentally a similar set of characteristics. Both are concerned with the ability of the “design” of the initiative to respond to changing circumstances and adapt to the changing needs of the day. In what dimensions is the design appropriately pliable or flexible? This should encompass modalities, problem identification, scheduling, working partners, objectives as well as mere budgets. Second, iteration refers to the regular and/or frequent “conscious revisiting” and reconsidering of the full landscape of the initiative. It means deep thinking and reflection – are we doing the right things in the right way with the right partners?

There is one final and important implication of this issue if development partners truly desire flexibility, adaptability, responsiveness, and meaningful iteration. And it comes in a binary choice: Either they are fully, directly, and immediately involved in all the contractor’s decision-making processes, or they place their full confidence in the rigor and robustness of the contractor’s internal decision-making processes (this being demonstrated by means of an independent audit). The corollary for the contractor is absolutely to ensure the rigor and robustness of those internal decision-making processes. It is a two-way street. In this program TAF/CfC were able to demonstrate the rigor of their internal decision-making processes at the regular six-monthly program governance meeting.

7. Complexity, Contingency, and Compromise: The final point to emerge from these case studies is that most, indeed probably all, policy reform operations are complex, contested, and contingent. In fact, Chapter Two, describing the now-famous “sin tax” reforms, uses a number of “c-” words adequately to describe and explain the success of those reforms: where *contestation* (a euphemism for outright opposition) is intense, and where success of the reform may well be *contingent* upon success in other hard-fought policy areas. In this case, the willingness of the sin tax coalition to compromise led the government agreeing to significant sums (15% of the revenue raised by the sin tax) to be allocated to the governors of tobacco-producing regions, to be used as they wished. As well as *compromise*, this required a carefully thought-out *communications* plan. Developmental arguments need communicating; hearts and minds need winning.

The lesson here is that simple ends (in this case reforming tobacco taxes) may necessitate complex, parallel, and possibly overlapping reforms. To achieve objective A, we need to achieve X, Y, and Z along the way. Much of this may only become apparent once the initiative is under way. Hence, the need for flexibility and iteration.

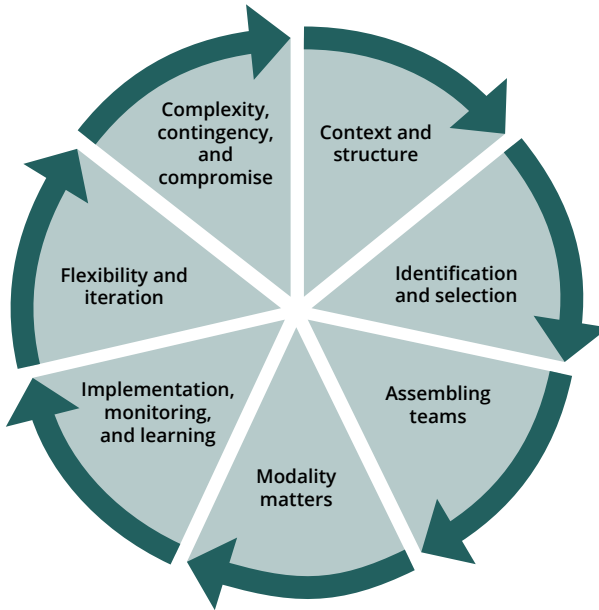
The Sum of the Parts

It is not only that each of these seven “deadly virtues” of TWP-type initiatives are challenging in and of themselves. It is that they stand or fall together – remove one slice of the pie from Figure 3 and the whole edifice may come tumbling down. It is difficult to imagine which of the seven slices could be removed and leave a successful TWP initiative intact.

This may go some way to explain why there are so few of these sorts of externally funded development initiatives today. But that is not the end of the story. There is one further reason that militates against the further adoption of these sorts of initiatives – what Andrew Natsios has called the “results frenzy”.¹⁰⁷

¹⁰⁷ Andrew Natsios, *The Clash of the Counter-Bureaucracy and Development* (Washington, DC: Center for Global Development, July 2010).

Figure 3. The Seven Deadly Virtues



Results, Accountability, and Attribution

The chapters of this book have described some of the major policy changes pursued by the CfC team, and the developmental logic underpinning each of them. As the reader will have seen, many were remarkably successful. Great results were achieved. The problem here is that it brings us back to that hoary old question in development: For which of these results can donors claim success? How far down the results chain can we legitimately go?

The more critical and current challenge for donors wishing to invest in this area is what “results” can be promised *ex ante*? It is natural for senior officials and ministers to ask of any initiative, “What will we get for the money?” It is hard for public servants to fully answer this question for projects like CfC. Just what constitutes a result? To what extent can AusAID claim ownership of, and attribution for, the 1,400% rise in taxes and the consequent increase in primary health care spending in the Philippines? This was not promised in the initial documents.

There are no definitive answers yet to these questions, but there are some ways forward. One persuasive approach was outlined by a thoughtful and highly competent senior governance advisor in DFID, Richard Butterworth. Butterworth was working in Bangladesh in 2016 at the time of DFID's regular "Bilateral Aid Review". He drafted a paper that proved influential in mapping out a way forward¹⁰⁸. He made a simple distinction between the transactional "results" that aid delivers, year by year, and which can be measured and costed, and the longer-term transformational "Big Changes" that the UK was supporting in Bangladesh – but which of course could not be promised in project memoranda. He noted:

"Describing everything we do in terms of results and delivery is misleading, because the UK doesn't 'deliver' the Big Changes. So we need to tell two parallel stories. One is about the results that are attributable to our programs. The other story – which becomes increasingly important as Bangladesh approaches middle income status – is about how our aid (and the rest of what HMG does in Bangladesh) contribute to these Big Changes."

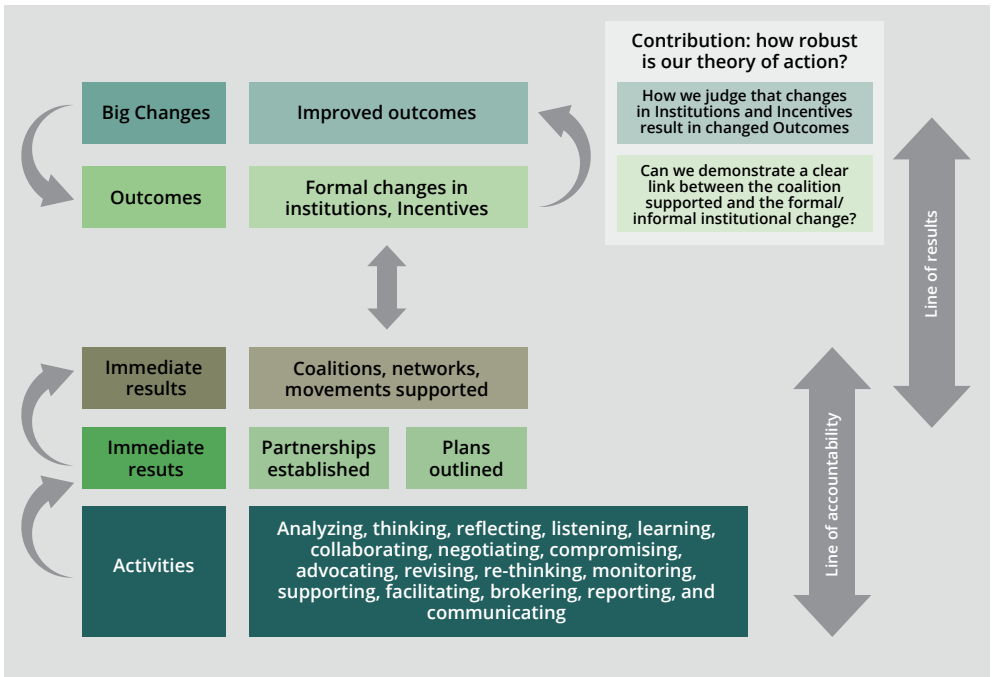
This is sensible and easily appreciated. Indeed, it seems obvious. But putting it into practice is tricky. How can we be sure that the results we deliver are indeed likely to lead to the Big Changes we seek? Well, we cannot. Simple as that. But there are methods and tools available that we can use to "square the results circle". Three elements are involved:

- distinguish clearly between "results" and "Big Changes";
- rigorously identify and test theories of change (how change happens in the policy area under consideration) and theories of action (why what we are proposing to do is likely to have the impact we wish); and,
- separate the line of accountability from the line of results.

These three building blocks are brought together in Figure 4 (next page). The figure builds on the "vertical logic" of the project framework and is instantly recognizable: activities, outputs, outcomes, and impacts (although it uses Butterworth's language of "results" and "Big Changes"). Central to the interpretation of the diagram is the blue horizontal line across the page – this is where accountabilities become detached from results.

¹⁰⁸ Richard Butterworth. 'Big Changes that matter for Bangladesh: A paper for the Bilateral Aid Review' (internal DFID paper, June 2016).

Figure 4. Results and Accountabilities in TWP Initiatives



For the donor or the contactor, the line of accountability (the first vertical arrow on the right hand side) runs from “activities”, through immediate to intermediate results. These elements all lie within the donor/contractor’s control. They are accountable for them. They are also accountable for the rigor and robustness of the theories of action. Why do we think that these coalitions or networks supported will indeed lead to the outcomes being sought?

This stands in distinction to the line of results (the second arrow on the right hand side). This represents why this activity or set of activities is being pursued. The external actor cannot be held accountable for achieving the Big Changes; we know these are domestic and endogenous – but it explains why these Big Changes are being sought.

If TWP-type initiatives are framed in this way, with clear and shared understandings of results, accountabilities, and risks, then these sorts of initiatives may have a promising future. But is the current environment conducive?

Some Conclusions

The CfC program has met with considerable success. Can we expect it to be replicated? In principle, of course, there is no reason why not. There is nothing magical or transcendental about it. But with hindsight, it could be suggested that the program sparked into life at a moment when the stars were aligned: key AusAID staff (“development entrepreneurs” themselves¹⁰⁹) in Manila were supportive, AusAID budgets were growing, TAF had collected together a remarkable bunch of individuals, with leadership from a visionary who possessed the collaborative practices, intellectual curiosity, political networks, determination, and patience to make it happen. CfC was also born in 2012 – a high point in Australia’s development optimism.

Since then, the contextual landscape has changed; budgets have shrunk and the promotion of national interests have come to the fore. AusAID’s abolition in September 2013 made it that much more difficult to privilege long-term transformational objectives over short-term transactional ones.

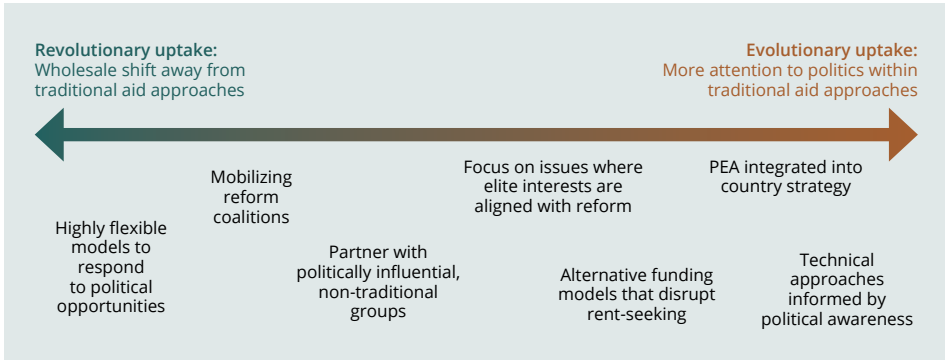
That said, proponents of these types of initiatives should not be overly despondent. As Tom Parks wrote in 2014,¹¹⁰ it never was the intention of those early practitioners to demand that all development projects reflect all aspects of TWP principles.


It was recognized that fully-fledged TWP initiatives would account for only a small part of the agency portfolio (see Figure 5). The CfC program sits at the left-hand end of this spectrum and has been remarkably successful. There is no reason why the approach adopted by CfC cannot be replicated in other country contexts, but as this afterword has tried to demonstrate, not only is “full deployment” of TWP in and of itself very demanding, it may also require a fortuitous constellation of “positive deviants” or “developmental mavericks” in funding agencies to make them happen. As such, TWP-based initiatives will sit alongside a more traditional portfolio of investments – and hopefully inform aspects of their design and operation.

¹⁰⁹ A phrase coined by Jaime Faustino.

¹¹⁰ Tom Parks, DFAT internal presentation, 2014.

Figure 5. TWP Uptake Spectrum



A group of people in a meeting, with a man in a white shirt pointing at a screen. The image is dark and blurry, showing several people in a room, likely a conference or meeting. One man in a white shirt is pointing towards a screen or document. The overall scene is dimly lit, with some people's faces and hands visible in the foreground and background.

Over the past decade, a community of practice committed to 'Thinking and Working Politically' (TWP) has emerged among practitioners and policy-makers in government agencies, multilateral institutions, and think tanks focused on promoting development across Asia, Africa, Latin America, and the Middle East. The Coalitions for Change (CfC) program in the Philippines is one of the few programs inspired by TWP, and thus its implementation and impact merit serious consideration in terms of implications for putting TWP ideas into practice. This book provides a rigorous treatment of the first phase of CfC over 2012-2018, combining close process-tracing with careful comparative and counterfactual analysis. Successive chapters treat CfC initiatives in tax reform, education reform, land governance reform, electoral reform, infrastructure reform, disaster risk reduction and management, and conflict resolution.

Overall, the book concludes, CfC has proven most innovative and effective and achieved the most significant and sustainable impact when and where it has operated in a genuinely problem-driven, iterative, adaptive, and entrepreneurial mode through reform advocacy work focused on policy-making arenas. The book suggests valuable lessons for policymakers exploring new modalities for development programs to help promote more equitable, inclusive, and sustainable development, good governance, and conflict resolution across the developing world.