



CHAPTER 17

CIVIL SOCIETY AND DEMOCRATIZATION IN THE PHILIPPINES

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Introduction

The Philippines has the largest number of non-governmental organizations (NGOs) per capita in Asia, and is thus an appropriate case study for this topic. If civil society has contributed to democratization anywhere, it should be in the Philippines. Yet, as we shall see, that contribution has not been institutionalization and is thus sometimes transitory.

But before developing this topic further, we need to define terms. “Civil society” is here meant to include all social, cultural, religious, and non-profit economic organizations outside government but operating within the framework of law. NGOs, organized for social action, community development, livelihood improvement and other purposes, are only a segment of that wider term. The Securities and Exchange Commission in Manila estimates that there are nearly 60,000 non-stock, non-profit organizations in the Philippines—even though many such groups have never registered with any government agency. But this number includes private schools and hospitals, professional associations, and other private, non-profit institutions, none of which are usually regarded as NGOs.

This definition of NGO is further subdivided by scholars (Constantino-David) between traditional NGOs (TANGOs) which provide charitable and relief services, e.g. the Red Cross; Development, Justice and Advocacy NGOs (DJANGOs), usually groups of middle-class volunteers finding funding for their social projects, and mass-based membership organizations, or people’s organizations (POs). Very often DJANGO projects serve the purposes of POs, and thus they cooperate, but the relationship is not always harmonious. It is DJANGOs, still numbering in the tens of thousands, registered and unregistered, which are popularly perceived as and referred to as “NGOs,” a usage we will follow.

NGOs gained national importance in the latter part of the martial law regime, fulfilling functions that government did not. Increasingly they were the beneficiaries of foreign funding. Their struggle to maintain their independence was both helped, by negative stimulus, and hindered, by oppression, as a result of the stance of the Marcos administration. After the assumption of power by Corazon Aquino, all government restraints on NGO formation were removed and the numbers skyrocketed. This

proliferation argued for the logic of coalitions and federations, but as in other spheres of Philippine life, these coalitions were not particularly stable, waxing and waning with the vagaries of leadership changes. Still the grassroots activities of the NGOs continued to expand.

Given the manner in which Aquino came to power and the growing number of NGOs during her term, NGOs had a remarkably small impact on policy and politics in the Aquino administration. It was a time for restoring traditional electoral politics based on patron-client networks and reviving the power of politicians so chosen. It was sometimes called “elite democracy,” or even “incomplete democracy.” When General Fidel Ramos became president, even though not dependent upon them for his electoral success, NGOs began to come into their own—their advice and cooperation was increasingly sought on both policy formulation and implementation. Joseph Estrada had close ties with some NGOs before his election, and appointed the head of one of the largest to be his secretary of agrarian reform. But as president he had no time for NGO voices, listening instead to his cronies and drinking buddies. Not surprisingly, NGOs played an important role in his overthrow. NGOs that supported Gloria Macapagal-Arroyo’s rise to the presidency are already becoming disillusioned.

For most casual observers of the Philippine scene the impressive “people power” demonstrations in 1986 and 2001 that led to the overthrow of two presidents are the best evidence of the impact of civil society on politics. But since in both instances military intervention was essential for a change in leadership, the true weight of civil society influence is hard to measure. In any case, such influence was unstructured and temporary, without much carryover into the subsequent administrations. Neither Aquino nor Macapagal-Arroyo saw fit to try to institutionalize an NGO role. What may be more significant, therefore, is a careful look at how NGOs have impacted two policy areas.

Because of the importance of these fields to Philippine economic, social and political development, and because of the level of NGO work in them, we will focus on the role of NGOs in agrarian reform and environmental protection, noting the changes from the Aquino administration to the present.

Agrarian Reform

There is a vast literature establishing the crucial importance of the equitable distribution of land ownership for both economic growth and democratic development. In the Philippines the very inequitable distribution of land and high levels of tenancy have had negative effects on both the economy and politics. Concentration of wealth in land has deprived industry of capital, while tenants have been more reluctant to make investments in the land they till than are owner-cultivators. The perpetuation of land-derived wealth in local communities has helped sustain the patron-client system that is such an important obstacle to genuine democratization.

Though there was significant progress toward reform on rice and corn land in the first few years of martial law, the Marcos approach certainly did not encourage the involvement of genuine NGOs. While the reform was in part a response to armed

creatures of that Department: government-organized NGOs, or GONGOs. Some farmers' organizations, however, were external critics of the DAR.

After the overthrow of Marcos expectations of reform under Aquino were high. She had made commitments during the election campaign, and had appointed some NGO leaders to positions of responsibility in her government. But she was a member of the top level of the landed elite, a status with a profound impact on her actions. She appointed five different people as secretary of Agrarian Reform, but most she did not support in the Commission on Appointments, so their terms were brief. The briefest, Florencio Abad, was the only one to invite cooperation with NGOs. The others either worked with GONGOs or faced hostile criticism from farmers' organizations, both from social democrats and from those who were part of the Communist "united front." In fact, an armed police/military response called the "Mendiola Massacre," in which 13 people were killed, was triggered by the National Democratic Front (NDF)-connected Kilusang Magbubukid ng Pilipinas (KMP), which organized a demonstration in front of Malacanang in January 1987. This moved the Aquino administration from inaction to minimal activity toward reform.¹

Farmers of all political stripes united for a while in the CPAR, the Congress for a People's Agrarian Reform, to try to push the legislature into enacting a peasant-friendly reform law. Though this was the widest coalition of farmers' organizations and related NGOs ever assembled, it failed. CPAR then rejected as entirely inadequate the Comprehensive Agrarian Reform Law (CARL) that Congress produced and went into opposition to the DAR. But it could not sustain unity across the wide ideological divide found within its own structures, and soon fragmented. In the rest of the Aquino administration the DAR worked only with a few cooperative NGOs, some of its own creation.

In 1992 Ramos appointed as secretary of the DAR, Ernesto Garilao, a man with extensive experience with Philippine Business for Social Progress (PBSP), a business-supported NGO that had done some good work in community development. He was also an honest and effective administrator. Garilao quickly invited the cooperation of those NGOs and farmers organizations willing to work with DAR to improve implementation of agrarian reform, which excluded those with NDF connections, and became especially close to the social democratic—meaning Church-supported—NGOs. As these NGOs became more involved in delivering services, funded by the DAR, to agrarian reform beneficiaries, and at the same time trying to critically monitor the DAR's policy implementation, they sometimes found these two roles inconsistent. But on the whole Garilao's strategy to mobilize NGO support, at the same time he welcomed their criticism, proved beneficial for the progress of reform.²

Joseph Estrada had gathered a very mixed bag of supporters during his presidential campaign, one of whom was Horacio "Boy" Morales, head of the largest rural development NGO, PRRM. (He had also been first head of the NDF in the

¹ David Wurfel, "Philippine Agrarian Reform: from Marcos to Aquino," *Pilipinas* (Summer 1989); Jeffrey Riedinger, *Agrarian Reform in the Philippines: Democratic Transitions and Redistributive Reform*. Stanford: Stanford University Press, 1995.

² Saturnino M. Borras, Jr., "The Philippine Agrarian Reform..." in Horacio R. Morales, et al, eds., *Power in the Village: Agrarian Reform, Rural Politics, Institutional Change and Globalization*. Quezon City: University of the Philippines Press, 2001.

1980s.) After Estrada's victory, Morales' appointment as secretary of Agrarian Reform was widely hailed. But Estrada gave Morales almost no support. In fact, he soon restricted DAR's options by declaring his close friend, "Danding" Cojuangco—who had also been Marcos' most powerful crony—as the "godfather of land reform." Cojuangco, a large landlord in Negros Occidental, and elsewhere, actually resisted DAR acquisition and distribution of his properties and thereby toughened the resistance of other landowners to the DAR's legally mandated "compulsory acquisition." Estrada had effectively "blessed" that resistance. Morales, whose hands had been tied by the President—to whom he nevertheless remained entirely loyal—sought the cooperation of some NGOs, but most of those that had worked with Garilao felt alienated. So Morales' accomplishments in only two and a half years in office were modest.

Gloria Macapagal-Arroyo, who had courted NGOs in the last two months before she succeeded to the presidency, rewarded two champions of agrarian reform with appointments as secretary of agriculture and secretary of social welfare respectively. But she appointed a former congressman, with a taint of corruption in his past, as secretary of agrarian reform. By the style, as well as substance, of his actions he quickly succeeded in alienating farmers' organizations and NGOs of all stripes. Neither he nor the President defended his budget in Congress, so funds for implementation of agrarian reform were entirely inadequate. Even agrarian NGOs failed to make a significant intervention in the budgetary process. So the level of NGO influence on agrarian reform today is as low as it has been in nearly two decades. Meanwhile conditions for tenants, small farmers, and agricultural workers have hardly improved, giving organizers of revolutionary causes fertile ground in which to work; and they are again having some success.

The Environment

The role of NGOs in shaping and facilitating environmental policy has sometimes been as great as in the case of agrarian reform, but only in certain cases or on certain issues. Illegal logging—which caused a flood in Leyte in 1991 that killed at least 4,000 people³—and environmental damage by irresponsible mining companies were the two main problems. Again, Aquino did not make an impressive start. She first appointed Ernesto Maceda as secretary of the Department of Environment and Natural Resources (DENR), but he himself turned out to be an illegal logger. Fortunately, he resigned to run for the Senate.

Already in the 1980s environmental NGOs were multiplying, both at the national and local levels. Haribon emerged as the leading organization, critiquing national policy and coordinating local actions. But the DENR was as often an enemy as an ally. Evidence against an illegal logger would be gathered and presented to the DENR, but often it would take no legal action, perhaps because one of its own staff was involved. And even if the underpaid DENR lawyers did file cases, they might find that the local judge had been bought by the loggers. Sometimes local NGOs, perhaps

³ Marites Dangulan Vitug, *The Politics of Logging: Power from the Forest*. Makati: Philippine Center for Investigative Journalism, 1993.

with the support of a mayor, would become so frustrated with inaction from Manila that they would set up roadblocks to prevent illegal loggers from bringing their trucks to the sawmill. There were a few cases of remarkable persistence by citizens in non-violent action. But the logger often had his own armed guards or goons to scare away the protesters. In extreme cases, citizens who were hurt by illegal logging and threatened by logging goons, would call in the communist revolutionaries of the New People's Army for protection. (Sometimes, however, the NPA would find illegal loggers useful, forcing them to pay "revolutionary taxes.") Enforcing legal restrictions on logging in remote areas was not an easy task even with an aroused citizenry.

Environmental NGOs were pleased to learn that Pres. Ramos would appoint an environmental scientist as head of DENR. But as an administrator he was quite disappointing. When brought information about wrongdoing in his department he might order an investigation, but would then cover up the critical findings, and even protect the violator. Already by 1981, when Marcos cronies were still cutting logs as fast as they could, timber production was half what it had been a decade earlier. By the mid-1990s the Philippines had become a net importer of forest products. So corruption spread from illegal logging to reforestation projects, though it was reduced when local POs were brought into the implementation process.⁴

Not until the appointment of Secretary Ramos (no relation to the president) in 1995 did the DENR more consistently enforce the law. But, events conspired to make mining, rather than logging, the most urgent problem. The Mining Act of 1995 facilitated explorations that seriously encroached on indigenous land rights, and even triggered violent clashes. Both national and international NGOs came to the assistance of indigenous peoples, who were usually poorly prepared to deal with difficult legal and technical problems. The Catholic Bishop's Conference of the Philippines, advised by environmental NGOs, even passed a resolution calling for the repeal of the Mining Act.

But the mining issue that demanded the most attention from Secretary Ramos was waste disposal, especially on the island of Marinduque. Marcopper Mining Company was one of those many properties in which Marcos had had an interest. So it is not surprising that Marcopper was engaged in illegal dumping of tailings in Calancan Bay for years during the 1970s. Fishing was severely impaired and the health of residents put at risk by the presence of heavy metals. In 1981 the newly created Diocese of Boac began to organize Basic Christian Communities around the island, many of which began to protest environmental damage from the mine. A small environmental NGO in Manila, led by Sister Aida Velasquez, began to assist such protests at the national level.

Within a few months after Aquino took power, as a result of local, national and international NGO protests, an order was issued in Manila to halt dumping of tailings in Calancan Bay. But the dumping actually continued. In 1988, the Canadian-managed mining company appealed to Aquino to lift the ban, which she did. It was not until

⁴ Yoshiki Seki, "The Political Ecology of the Philippines Reforestation Program..." *Philippine Political Science Journal*, 22:45 (2001), 79-96.

1991 that the dumping actually stopped. Tailings then began to be transferred to the Tapan Pit.⁵

In 1996 the Tapan Pit itself ruptured, flooding the Boac River valley with tailings. Thousands were left homeless. Heavy metals contaminated water sources. Fortunately, the event got extensive press coverage. NGO and Church pressure on the president and the DENR led to the cancellation of Marcopper's mining permit and criminal charges against management for violation of various laws and administrative orders. Marcopper promised rehabilitation of the Boac valley and compensation for damages, but such action moved at a snail's pace. Meanwhile the company tried, largely unsuccessfully, to court NGOs and to buy off village officials in order to get approval to reopen the mine. But the DENR, monitored by NGOs, applied strict standards for environmental approval. The mine was still closed when Estrada took office in 1998.

Estrada's appointment of a former congressman and an illegal miner from Mindanao to head the DENR was a new test of NGO influence. Secretary Antonio Cerilles was subject to one of the most extensive hearings ever by the Commission on Appointments, with many opposing the appointment. The chair of the commission was favorably impressed with the objections raised. But ultimately Cerilles was backed by the president and by the Mindanao bloc in Congress and his appointment was confirmed. He proceeded to behave in office much as the NGOs had feared. In fact, on his last day, just before Estrada was forced out in January 2001, Cerilles issued numerous "environmental compliance certificates" to mines that could not have passed a proper screening.

President Macapagal-Arroyo appointed another ex-congressman as secretary, but one with some acquaintance with the environmental movement. Heherson Alvarez has actually courted NGO cooperation, hoping to avoid opposition in the Commission on Appointments. But he is not personally popular in the Congress, and had not secured confirmation as of this writing. In the meantime he has made some environmentally sound decisions, and others that are questionable. Marcopper Mining has not resumed operation; the Church and its NGOs in Marinduque are still vigilant. But it is hard to assess the present state of environmental activism nationally. If world mineral prices should rise, mining companies are likely to regroup and expand their influence.

NGO Representation in Electoral Politics

Even though DJANGOs and their cooperating POs constitute a remarkable mass movement in the Philippines, which has been recognized ever since the Aquino administration by a few top level presidential appointments, this movement has had, until recently, no mechanism for direct representation in the electoral process. In fact, it has been a cardinal principle of the NGOs to adhere to a non-partisan stance. It was feared that electoral involvement would endanger their freedom of activity or at

⁵ David Wurfel, "Environmental Policy in the Philippines: The Marcopper/Placer Dome Case," paper delivered at Canadian Asian Studies Association meeting, Ottawa, Canada, June 1999.

least jeopardize the minimal cooperation with government at all levels that is essential for carrying out their projects.

When NGOs strayed from this policy and “backed the wrong horse,” as they frequently did, the negative consequences were indeed evident. It was also discouraging to note that when a particular NGO did back a (usually local) candidate, either openly or quietly, the choice of candidate was sometimes based on kinship, friendship, or accumulation of *utang na loob*—elements of the traditional patron-client system—rather than on the candidate’s public record. Nevertheless, there were a number of committed reformers, with personal integrity, who achieved municipal, or even provincial, office in the late 1980s and 1990s with NGO backing. Some of these served with distinction in their respective positions. Others, however, were tempted to plan for a political career and began to make alliances with traditional parties and politicians, abandoning much of their reformist platform in the process.

There was elation in NGO circles in 1991 when the enactment of the Local Government Code included provisions for NGO membership in local “development councils.”⁶ Even though the councils’ role was mainly advisory, they did, in the more progressive communities, give NGOs a voice in policy making. More often than not, however, NGOs learned that to be members of such councils was to be under the thumb of the mayor or governor.

Gradually the best minds in the NGO movement began to recognize that they must have their own political parties, dedicated to human rights, social justice and human development, in order to have an adequate voice at the national level. Fortunately, a little-known provision in the 1987 Constitution could give them some prospect of success. It mandated the election of 20 percent of the House of Representatives by proportional representation and required implementing legislation before the 1998 election. (Until that point the president had been authorized to appoint members representing “marginalized sectors,” perpetuating the fascist corporatism of the Marcos era.) The Party List Act was passed in 1995.⁷

There were a few parties formed with the support of NGO activists—usually not acting under their organizational names—to take advantage of this new process, most notably AKBAYAN!, led by moderate socialists. Still, other NGOs remained aloof from the electoral process. But despite a very sophisticated national organization with high-caliber leadership at the local as well as national level, AKBAYAN! elected only one member to the House—more, to be sure, than would have been possible in a single-member district election. The woman elected has since been recognized nationally as one of the most principled and effective representatives, and was re-elected in 2001. But the 1998 party-list election generally was a near disaster. Only 14 of the 52 seats were actually filled because of endless disputes over interpretation of law, exacerbated by a Commission on Elections which, for the most part, did not understand its meaning and, in any case, was riven by other disputes. That factional struggle is today worse than ever, sustained by the audacious and often illegal actions of an Estrada appointee. Only five seats have been filled so far from the 2001

⁶ Jorge V. Tigno, “People Empowerment: Looking into NGOs, POs, and Selected Sectoral Organizations,” in Felipe Miranda, ed., *Democratization: Philippine Perspectives*. Quezon City: University of the Philippines Press, 1997.

⁷ David Wurfel, “The Party List Election: Sectoral or National? Success or Failure?” *Kasarinlan*, 13:4 (1997), 19-30.

election, even though those voting for party-list candidates increased by more than 50 percent over 1998.⁸ The method of screening party-list parties and the procedure for allocating seats has been changed again by the Supreme Court, but is still, quite rightly, under dispute. This denouement is the result, in part, of some old politicians trying to muddy the waters, to prevent the new mechanism from succeeding. The law is internally contradictory and quite confusing; even the Supreme Court has not adequately understood it. The COMELEC, despite the presence of a few excellent members, is more immersed in corruption and infighting than at any time in its history. So the future of all elections, not just party-list, is in jeopardy. There are recommendations for revision of the law before Congress, but there is not even consensus among NGOs about what changes should be made, let alone among members of Congress.

Divisions within the NGO community are exacerbated by the law's provision of a three-member cap for all parties, no matter how many votes are garnered. Thus incentives for wide, stable coalitions among NGOs and their political party manifestations are nil. Yet progressive groups are so afraid of traditional politicians swamping the party-list elections that they defend this cap. What does not seem to be understood is that over time—though not in the next election—the party-list system will probably change the character of all parties participating in that system. To elect 52 members in nationwide constituencies is not easily susceptible to manipulation by traditional political patrons, but encourages parties with distinct policies or interests. If disputes among members of Congress, Supreme Court justices and the commissioners of COMELEC can be resolved in light of the experience of other countries, there is still hope that NGOs and POs will be better represented in the legislature. But the outcome is in doubt.

Conclusion

For a nation that made the “transition to democracy” in 1986 and completed two undisputed presidential elections after that, democratic “consolidation” should have been accomplished. (In fact, “consolidation” is sometimes defined as the ability to hold two free, contested elections after the transition, in one of which the government candidate does not win. The election of Estrada would fit that qualification.) But consolidation does not now feel complete, despite the contributions of a very large and active NGO community. For those contributions have not been enshrined in stable institutions, e.g. political parties. In fact, sometimes NGO activities themselves are infected by the pervasive patron-client system, which they are ostensibly dedicated to subvert. Even when a new institutional process that would benefit NGOs (such as the party-list elections) appears on the horizon, it is distorted by a Congress dominated by traditional politicians. Democratization, still incomplete, is not an irreversible process.

Furthermore, the rumors of coups during the Macapagal-Arroyo administration feel more like 1989 than the 1990s. The crucial, even if ultimately responsible, role of

⁸ Ronaldo Llamas, “The 2001 Party-List Elections: Lessons, Questions and Contradictions,” *Dyaryo Akbayan!*, (November 2001), 4-7.

the military in the toppling of president Estrada in January 2002 has contributed to the concern that the military might intervene again—and not so quietly. We now know that the appearance of armed forces unity in 2002 projected by then Chief of Staff General Reyes was a very thin façade. The Air Force Commander, General Defensor, wanted to set up a junta, but was outmaneuvered by Reyes. This recent revelation by the respected journalist, Amando Doronila, adds to the level of concern about political stability.

In the aftermath of September 11th and subsequent American policy interventions in the Philippines there are further threats to peace and stability. President Macapagal-Arroyo began her administration with some dramatic moves toward settlement of the two ongoing rebellions, one by the NPA and the other by the Muslim separatist MILF, resuming talks with both groups, that had been broken off by Estrada. In fact, by traveling to Malaysia to meet MILF emissaries she dramatized her personal commitment to peace in Mindanao, even though she was well aware of the trouble being caused by Abu Sayyaf.

Now the U.S. “war on terrorism” has had a profound impact on the national political scene. A return to a primarily military approach to the problems of Mindanao, welcomed by some leaders in the Philippine military, now helps justify increased levels of military assistance to the Philippines. Armed incidents with the MILF have increased and at one point ongoing peace talks seemed in jeopardy. Whereas the MILF and Abu Sayyaf were clearly distinguished several months ago, the danger of their mutual entanglement, or the image thereof, is now on the rise. Negotiations with the NPA have effectively broken down, while NPA gunners have apparently engaged U.S. military planes.

Not only political stability at the center but peace in the countryside seems increasingly at risk. Even a vigorous NGO movement, already facing other limitations, cannot provide much counterweight to such developments. Democratization cannot prosper in the midst of increasing militarization. And the United States has some responsibility in these matters.

