
HURIGHTS OSAKA
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**Development and Democracy:
Philippines' Quest for the Next Century**

A Study of Social Development, Human Rights and CALABARZON

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*Development and Democracy:
Philippines' Quest for the Next Century- A Study of Social Development, Human
Rights and CALABARZON*

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Development and Democracy: Philippines' Quest for the Next Century

- A Study of Social Development, Human Rights and CALABARZON

by Jefferson R. Plantilla and Masaki Yokoyama***

Introduction

Human beings are forgetting what they used to be. They need to stop for a moment and recall what they truly are.

Human beings belong to a society-forming species in the ecological chain. The societies they formed were originally sustainable societies. Change happened slowly from time to time, but sustainability is nevertheless maintained.

Most human societies have long lost such original sustainability. It is now almost impossible to return to this previous state as everyone knows quite well.

Various groups of people around the world have been working to preserve whatever remains of the resources needed for sustainability. Those who fight against environmental destruction and support ecological movements are among them.

In the third world during the past 5 centuries, people were violently deprived of their sustainability by the colonial powers. Naturally, many of them tried hard to reestablish their sustainable societies in the present context, recover from the destruction, and remove the distortions caused. Their independence is meant for these.

However, the direction was eventually diverted to the efforts of imitating the societies of the colonizers as their models. It was called "development." This is another form of colonialism in disguise. A boom for development was created to diminish people's efforts of undoing colonial systems, overcoming violence, getting fundamental recovery from victimization, and building self-reliance.

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Development is believed as everybody's goal that benefits all. Any problem that may occur is due to the wrong method in realizing development, not development itself. It can be corrected with a better method. This is the powerful development paradigm.

On the other hand, there is little mention on the cost of development on people, societies and their environment.

The word development has in most cases been made synonymous with economic development. Increased production of goods and services needed for the market is the main goal. Subsequent human benefit comes in material form - better roads, better housing facilities, wide array of consumer goods to choose from, and increased income. But these benefits are availed of only at a high price and therefore would serve the needs of those who have the means.

Cases of human and environmental disasters attributed directly to unregulated economic activities have been reported through the years. They portray the usual lack of control over economic activities that ultimately put human lives at risk. Damage to the environment leads to long-term deprivation of the very resource on which people derive their livelihood. ¹

At the international level, the previous call was for sustainable development which addresses all aspects of human existence. In recent years the call has been changed to sustained development - a different concept that mainly promotes economic development. It has even become sustained growth - indicating that the previously hailed noble idea of sustainable development has actually been forgotten.

The Philippines is one of the countries in Southeast Asia exerting effort to be at par with its economically better-off neighbors. Its political and economic leaders are now rushing to imitate the economic growth model pursued relentlessly by Singapore, Thailand, Malaysia, and Indonesia (in the hope of imitating the so-called East Asian miracle that is now seriously weakened by fundamental financial problems). While the Philippines certainly needs development in the economic sense, it is equally in need of development that addresses the needs of people to better health, education, social welfare and other services.

The Philippines, on the otherhand, has some experience in popular political empowerment due mainly to decades of repressive political and social environments. There is a certain degree of yearning for the realization of social justice as a key component for the development of the Philippines.

In this context, it would be interesting to study how people employ or fail to employ the principle of empowerment in the over-all framework of social

development and human rights realization.

Focus of study

This study focuses on the recently started development program on an area near Metro Manila, Philippines. This is the so-called CALABARZON region - an area that covers five provinces south of the capital city of the country. Infrastructural projects have started to be implemented ranging from roads and ports to industrial sites. A number of foreign-owned companies (medium/light industries) have started operating in the area. Workers are brought in from other provinces especially by companies which have relocated there. A big area of agricultural lands have been converted into industrial and commercial uses in line with the CALABARZON program. Many more agricultural lands are in danger of being converted into industrial zones.

Government-issued brochures claim that CALABARZON is combining industrialization, agricultural productivity and environmental protection. The displacement of farmers and other people caused by the conversion of agricultural lands and construction of infrastructures is an issue that fails to uphold this claim.

Limitation of the research

The research is not an attempt at providing an extensive study of the CALABARZON. Time and logistical limitations delineated the extent of research work that was done. The research endeavored to examine some aspects of CALABARZON as well as scrutinize specific cases.

Basic assumption

Since one of the objectives of this study is to find out how human rights can be used or realized within the framework of social development, there is one basic assumption that needs to be clarified at this point.

It is assumed that human rights are internationally recognized norms applied in a general sense through the existing mechanisms in a specific national context. While some rights are capable of being exercised directly by people such as freedom of expression or movement, or asserted such as right to life, rights that relate to such issues as development require to a large extent the intervention of national mechanisms (mainly administrative and judicial mechanisms) for them to be effectively realized or protected. This is more so when the government itself and private institutions such as business entities are involved in activities affecting human rights. There must be preventive

systems, not just remedial systems, to avoid violations of human rights caused by these institutions from occurring.

This study therefore looks at the mechanisms afforded by both Philippine laws and administrative structures that give people the means to realize their human rights within the context of the on-going drive for development.

It follows then that the examination of the specific case of CALABARZON must be done in relation to Philippine legal and administrative systems which are supposed to be embodying human rights norms. The following discussions thus explain the main features of the legal and administrative systems that relate to the issue of human rights and social development in the context of CALABARZON.

I

Philippine Context

The Philippine government starting in 1992 drew up a plan to make the country recover from a long-standing condition of massive poverty, inefficient and corrupt government systems, stagnant economy, and fast depleting natural resources. The plan is mainly patterned after the high-growth rate scheme of its East Asian neighbors. Its focus therefore is on economic development.

The basic philosophy is that unrestricted investment in various economic enterprises will bring down benefit to the majority who are poor. Following this idea, the Philippines has been enacting laws that give investors easier and more profitable venture in the country; reorganizing government systems to provide more effective support to investors as in obtaining business licenses and government contracts; constructing transportation, communication and other infrastructures to ease movements of goods and people; designating specific areas as growth centers to provide facilities and spaces for business enterprises; producing energy and other resources needed in industrial, commercial, residential and tourist projects; projecting a positive image of the country and people to would-be investors; and providing less administrative regulations to business enterprises.

All these are basic elements of a plan toward higher economic output from financial, industrial, commercial, and tourism fields.

But the Philippines still suffers from entrenched economic systems that inhibit initiative of people especially those in the rural areas toward more economically productive activities. Much of the land (private and public owned)

are still not subject to control by the poor farmers. Fishery areas are still dominated by better-financed and equipped fishing groups or companies. Forest resources are still not protected nor managed by people who have the most stake in their sustainable use - the people living within and around them. Neither are there enough funds to support local economic development efforts or technical support for such endeavors. In many rural areas, armed opposition groups still exist justified by the prevailing social injustices. Economic growth therefore has to contend with this reality.

The Philippines has no lack of experience or ideas in pursuing a more equitable and socially acceptable development framework. With the change of government in 1986, a new Constitution and laws came into existence that support a development framework which generally answers the needs of the majority of the people who are poor.

Reflecting the country's recent nationally significant experiences, the Philippine government adopted the concept of development and democracy. It promotes the idea of using "People Power" in pursuing development. It is explained in the following terms: "Economic development and democracy actually mix rather than contradict each other. And development can best thrive in a democracy".²

The concept of development and democracy provides a peculiar character to the present government's drive for economic "tigerhood". It contravenes the formula being used by Singapore or China which demands that economic development should be the only priority that governments and people must pursue. All other ideas (such as democratic system or respect for human rights) have to be given secondary or less significance.³

People Power Framework

The Philippine case shows an articulation of the concept of democracy and development in several areas. Notable among these are the provisions of the 1987 Constitution, the pronouncement of people empowerment in economic programs, and the promotion of social reform. The government has been using the language of people empowerment to emphasize the need for people to work for economic development. Empowerment in this sense is equivalent to acquiring knowledge and skills needed in industrial, commercial and other economic activities. But there are other meanings of the word empowerment. The principle of people taking part in the conceptualization and implementation of programs for sociocultural and political change provides a complementary component in the idea of empowerment.

Development also does not only mean economic development. It refers to a wholistic view with economic, social, cultural and political implications.

For democracy and development to simultaneously and syncretically take place, the social, economic, cultural and political notions of people empowerment need to be considered. These notions comprise the more complete definition of the democracy and development concept. An attempt at emphasizing one notion to the exclusion of others will destroy the essence of the definition.

This definition brings to mind the idea of a famous nationalist figure in the Philippines (the late Jose W. Diokno) who proposed to address four basic needs of most of the people in the country - job, justice, food and freedom. Each need is as important as the others. All should be addressed as a set.

To be able to understand how people empowerment is formally accepted by the government, a review of three major issues - the legal sanction, the economic plan, and the social reform program - is important. This will show both the conceptual and the practical aspects of people empowerment. It provides a framework in analyzing the present situation in the Philippines in relation to CALABARZON.

1. Constitutional support

The 1987 Philippine Constitution contains numerous provisions about the role of ordinary citizens in the affairs of society. It certainly reflects the recent experience of peacefully changing government through the sheer number of people out in the streets. It contains the desire of people to be given a proper place in the system of governance in the country. This constitution thus provides principles and mechanisms to make this idea a reality.

This constitution likewise has made the improvement of the situation of majority of Filipinos, who are poor, a major focus. Explicit provisions are made to protect and promote the upliftment of the situation of subsistence farmers, subsistence fisherfolk, indigenous people, urban poor, and workers (in public and private sectors). Social justice is thus more prominent in the 1987 constitution than in all the previous constitutions. This subscribes to the primary aspiration of the Filipinos who ratified this constitution overwhelmingly in a plebiscite in 1987.

It should be pointed out also that the 1987 Constitution, like the previous ones, is geared toward the so-called nation-building. In the context of social development, this means providing the means by which people identify themselves as one nation without rich-poor segmentation.

Principles

In the tradition of the so-called People Power, the 1987 Constitution provides various principles and mechanisms on people's participation.

At the very outset, the principle of promoting "common good" as a constitutional goal is provided to emphasize the betterment of all.⁴ This relates to the current problem of exclusivistic development programs that ordinarily leave out the poorest sectors of society (which constitute a significant portion of the general populace).

In terms of system of government, the principle of democracy is prominently mentioned as complementary principle to republicanism.⁵ This is an additional element not found in the previous constitutions. The combination of republicanism and democracy can be interpreted as broadening the concept of participation of people in governance by providing that people not only elect their representatives in government but also take part in government policy-making and program implementation. One author terms this as people's right of governance.⁶

Policies

State policies provide that:

- a. The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all;
- b. The State shall promote social justice in all phases of national development;
- c. The State values the dignity of every human person and guarantees full respect of human rights.⁷

These provisions respectively deal with the perennial issues in the Philippines - poverty, lack of social justice, and human rights violations - the major obstacles toward national development as well as nation-building.

Five State policies have direct bearing on people's participation. They are as follows:

- a. The State shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation;
- b. The State recognizes the vital role of communication and information in nation-building;

- c. The State shall ensure the autonomy of local governments;
- d. The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption;
- e. Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.”⁸

These policies comprise the elements that make people’s participation a realizable idea. These elements can be categorized as:

a. recognition of non-governmental and people’s organizations

This element is an appropriate, and highly due, recognition of the role of non-governmental, community-based, or sectoral organizations. This is a recognition of existing organizations which have shown perseverance, commitment and capability to implement programs at community level and advocate issues that are central to the attainment of a just and humane society - a constitutional goal.

This is the first time in the Philippine constitutional history that the concept of people’s organizations is formally recognized. In support of this recognition, there are constitutional provisions that define the objective, nature, role and rights of people’s organizations.

People’s organizations are defined as “...bona fide associations of citizens with demonstrated capacity to promote public interest and with identifiable leadership, members and structure.” Two elements are emphasized in this definition - promotion of public interest as the goal of the organizations, and the characteristics of real organizations. Promotion of public interest can be equated with the social transformation objective of many existing people’s organizations at present. Public interest can also be linked to the promotion of social justice - a key constitutional issue - which many people’s organizations at present also advocate for.

The issue of identifiable leadership, membership and structure is significant not only in defining a real organization but in understanding the readiness of people’s organizations to assume responsibility for their actions. This issue finds relevance in the face of entities masquerading as people’s organizations to be able to avail of the opportunities and resources being provided by government and private institutions. These organizations do not actually have real members and in many cases established by people working with the gov-

ernment or by politicians.⁹

Recognition by the government of people's organizations is mandated in order for them to "...pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means." The question though is on the governmental process of giving recognition to people's organizations. Such a process should never be used as a way of controlling the independent establishment and operation of people's organizations - this infringes freedom of association and violates the very essence of recognizing the role of people's organizations.

The Constitution provides that people's organizations have the right to effective and reasonable participation in all levels of social, political, and economic decision-making. This is a new concept borne out of the calls for a government that adheres closely to what the "people" want. In this case, people's organizations are important players in raising issues and concerns of the "people."

People's organizations, at present, generally refer to the sectors of subsistence farmers, subsistence fisherfolk, workers, urban slum dwellers, indigenous people, youth, women, etc. Collectively, they somehow represent the majority population of the country. Being the perennial victims of social injustices and human rights violations, they have very legitimate standing of being part of the process of resolving these problems.

This provision on people's participation has broad implications. Theoretically speaking, this provision can largely determine government policies and programs. The realization of this theoretical possibility however lies mainly on two things: the extent of adoption by the government of structures or systems for this purpose, and the relative strength of people's organizations in general (which espouse diverse interests) to influence them. It should be noted that the Constitution provides the prohibition against obstructing the efforts of the people's organizations to participate in the decision-making process.

One such system that the Constitution explicit approves of is the consultation mechanism. The State is mandated to facilitate the establishment of adequate consultation mechanisms.

Any structure or system for people's participation will ultimately be judged on whether or not they really result in decisions that reflect the interests and concerns of people's organizations. Consultation mechanisms, for example, have already been tried by the post-EDSA governments. But there are many indicators that the consultations reach only the level of gathering pro-

posals and not in making decisions. This does not even discount the probability that consultation mechanism is being used to limit people's participation by simply going through the exercise of consultation as an outlet to ease mounting public pressure.

b. recognition of right to access to public information

Access to public information is not just a right but a need. People will never be able to exercise their right to participate in society's affairs unless they are given the necessary information on issues of their concern. The recognition of both the importance of information and the public disclosure of State transactions involving public interest provides a basis for claiming right of access to information in government offices. This policy is repeated as part of the Bill of Rights which provides the details of the exercise of right of access to public information. The provision is stated as follows:

“ The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as government research data used as basis for policy development, shall be afforded the citizens, subject to such limitations as may be provided by law.” (Section 7, Article, 1987 Constitution)

This provision covers a wide range of government information which certainly impinge on the development issue. This is a response to the Marcos government's secrecy in formulating development policies and plans. There were some cases of plans which turned out to be destructive of human settlements and livelihood, cultural and spiritual heritage, and environment. The cases of Chico river dam (financed by the World Bank) and the Cellophil wood processing projects in north Luzon are clear examples of secretive government development planning during the time of Marcos government. Fortunately these projects were subsequently set aside due to protests of the affected people.

c. devolution of power to local government

This element refers to the existence of public structures which can address the needs of communities at the grassroots level. Thus the policy of devolution of government powers to the local autonomous governments addresses this issue. Services and other government resources under this structure are more

within the reach of communities. This is also an opportunity for members of the community to take part in local governance either as members of pressure groups or as elected/appointed representatives in the local legislative and policy-making bodies.

This policy is given flesh by the constitutional provisions on local government. It is provided that the political division of the government will comprise of the provincial, city, municipal and *barangay* (community) government units. Special local government units are also provided for Muslim Mindanao (those areas populated by Muslim Filipinos) and the Cordillera (those areas mainly populated by various indigenous communities). Each of these local government units should enjoy autonomy.

This new constitutional provision on local government contains two main features relevant to effective local governance:

i. availability of financial resources to implement programs and projects.

This takes the form of:

1. power to create own sources of revenues such as taxes;
2. right to a just share in the national taxes collected within their territory;
3. entitlement to equitable share in the proceeds of the utilization and development of the national wealth within their territory. Such system of sharing of the proceeds includes giving inhabitants direct benefits;¹⁰

ii. sectoral representation in the local legislative body.

These features of local government system consider two main problems in the past: dependence on the national government for both financial and administrative support; and the lack of formal access by the private sector to the decision-making process at the local level. With enough power to create resources, local governments can raise funds through loans and other means in support of their own programs.

At the same time, issues affecting farmers, fisherfolk, women, children, workers, indigenous people, among others, have a better chance of getting more attention through their own representatives in the local government structure.

For purposes of local governance, these two features are essential in initiating appropriate measures to address local issues. The present law on local government, enacted as an enabling law of the constitutional provisions, has changed the situation of local governments substantially. They now have enough powers to implement any type of development they may want.¹¹

d. accountability of public officers and employees

This element on accountability of government officers and personnel covers their actions or omissions that adversely affect the members of the community. This element is important since people's participation can easily be thwarted by actions of government officers and personnel. Thus illegal, corrupt, arbitrary or unjust actions are subject of subsequent legal prosecution proceedings. Such actions can also be prevented by the threat of prosecution under this policy.

The accountability principle is explained by the concept "the public office is a public trust." Under the constitutional provisions on accountability of public officers and employees, they must "... at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives." (Section 1, Article XI)

This list of characteristics of public officers and employees provides a guide on how they can be assessed as far as their actions are concerned. Legislations on graft and corruption provide even more detailed provisions on accountability of public office holders.

There are also constitutional provisions on government agencies which exclusively handle cases of accountability of public officers and employees. There is a special court called the *Sandiganbayan* and a prosecutor's office called the Office of the Special Prosecutor. This latter office is headed by the so-called *Tanodbayan* (Public Prosecutor) and supported by several deputies. All complaints against public officers and employees will have to be investigated by the Office of the Special Prosecutor.

It is also provided that the government can recover properties illegally acquired by public officials, employees as well as their nominees or transferees despite the lapse of time, delay, or previous act of recognition of such acquisition. This brings to mind the problem of recovering the so-called ill-gotten wealth of the officials of the previous Marcos government. Cases of recovery of properties illegally acquired after the Constitution has taken effect should not be hindered according to this provision.

The constitutional provisions cited in this presentation do not comprise the

whole set of provisions which relate to people's participation. There are, for example, provisions on the rights of specific groups/communities of people such as indigenous people, subsistence fisherfolk, subsistence farmers, women, workers, urban poor, elderly, disabled, and children. These rights can be used by such people in participating in local governance.

For the general population, there are also constitutional provisions which can be used to change laws, policies and programs of government.

One provision that has recently become a public issue is the system of initiative and referendum.¹² This is a system whereby people can directly legislate or change legislations at both national and local levels. A national application of this provision is difficult due to the strict requirements of the Constitution to avoid improper use of the system. It maybe a more manageable system, however, at the local level due to much more limited number of people to be covered. The effective use of the system whether at national or local levels depends on the capability of interested groups to organize and mobilize enough number of people who can campaign for the participation of as many voters as possible in the exercise.

Another notable provision is the so-called writ of amparo.¹³ This is a similar judicial recourse as the writ of habeas corpus. The distinction lies in the nature of the issue involved. A petition for the issuance of a writ of amparo is based on a claim to economic and social rights; while a petition for the issuance of a writ of habeas corpus is premised on the right to security of person (such as in the case of illegal detention). If the Philippine Supreme Court has already adopted the rules on the protection and enforcement of constitutional rights which cover the writ of amparo, then there exists another means by which people can assert rights that relate to economic and social issues.

In sum, the present Constitution has sufficient provisions that support people's participation. It provides legal bases for people to organize and exercise their right to participate in the governance of the country especially at the local level.

2. Economic development implications

People Power framework has implications in the economic development field. It largely defines the role that people play in the process of attaining economic development. Traditional roles can be classified into those who manage the economic activities (owners of the industries and their managers) and those who provide the labor and other resources for these activities (mainly the

workers and goods providers such as the fisherfolk and farmers who independently provide the materials for the economic activities).

The present economic program of the Philippines is anchored on the Medium Term Development Plan (MTDP). This is an economic blueprint of the government for the period of 1993-1998. Its strategies are: investment in education and in building human capacities through skills training and poverty alleviation programs; promotion of global competitiveness which covers export expansion, liberalization of markets and foreign exchange, fiscal and monetary reform; and industrialization, including development of growth and tourism centers, and promotion of cash crops and raw materials for industries.¹⁴

MTDP is anchored on 5 principles:

- a. competitive economy (promoting competition and relying on the underlying strengths of competitive markets in directing scarce resources to their most valued uses);
- b. productive workforce (development of pool of skilled and productive workers);
- c. just, orderly and peaceful society (national unity, and peace and order);
- d. people participation in development (seeking consensus with people in the implementation of various policies and programs); and
- e. good governance (competent, honest and impersonal bureaucracy).

MTDP is seen as likely to usher in several positive changes according to one government agency. It can result in:

- a. opening of industrial activities in some areas;
- b. new employment opportunities for some sections of the population;
- c. increased production and productivity;
- d. improved communications;
- e. greater investment incentives;
- f. transformation of small and light industries;
- g. greater chances for people's participation in decision-making.

The same government agency points out several negative impacts such as:

- a. exacerbation of uneven growth;

- b. continuing rural-urban migration;
- c. erosion of the environment;
- d. easing out of small and light industries;
- e. initial displacement of labor.

Even prostitution is projected to rise as a consequence of the positive effects of the economic development program under MTDP.¹⁵

It has been rightly pointed out by this government agency that the positive effects "depend on mechanisms or processes that would ensure that the general population - not just the investors or particular sectors -- will participate in, and benefit from, development."¹⁶

MTDP has been criticized by non-governmental organizations as the cause of human rights violations in relation to livelihood, housing, and even personal security of those who are in areas where the economic projects are to be located.¹⁷

It is in line with MTDP that the concept of growth centers began to be realized in certain areas in the country. In addition to CALABARZON, several growth centers are located in Cagayan de Oro-Iligan corridor (Cagayan de Oro and Iligan cities) in northern Mindanao; Northwest Luzon Growth Quadrangle (Ilocos Norte, Ilocos Sur, La Union, Pangasinan provinces, and Baguio city area), Subic Bay Free Port (several towns in Zambales and Bataan provinces and the former American naval base); and MARILAQUE Growth area (Manila, Rizal, Laguna and Quezon). Each of these growth centers have their own development plans. According to a government report, "... efforts are being directed towards creating a balance between agriculture, environment and industrial developments."¹⁸ Growth centers are also meant to "... ensure that the fruit of economic development are democratized, especially to the poor in the countryside..."¹⁹

Foreign investors have started to put up industries in some of these growth centers especially those with adequate infrastructures such as CALABARZON and Subic Bay Freeport.

The government may show that it is seriously adhering to the people empowerment principle in initiating economic development projects by citing several examples. These examples show how the government puts importance to people's stance on specific economic development issue once they (the people in a specific affected area) have shown an organized opposition to it. Two examples can be presented: the Bases Development Program and the Bolinao Cement Plant case.

The Bases Development Program was initiated to convert the former

American (and some Philippine) military bases in the Philippines into profitable assets. They are now being transformed into special economic zones which will become centers of growth in their respective areas. The Subic and Clark Free Trade Zones in central Luzon are two of the most well-known examples of this military base conversion program.

In the words of President Fidel V. Ramos, the program will

“... not be measured only in terms of new investments and the establishments of mega corporations, nor by the majesty of the edifices that will rise within its world-class facilities.

The other measure is its contribution to social development: employment and livelihood opportunities; the strengthening of local communities; the full utilization of the skills of human resources; the improvement of standards of living in its host communities; and the pervasive atmosphere of stable industrial peace in the zones where BaseCon operates.”²⁰

Certainly, these words subscribe to the people empowerment principle. They pronounce the importance of people in the development process. The same message is given in a case of a former American military base in north Luzon which has become a target of opposition by the local populace. The opposition is based on concern for the degradation of the environment as well as the change in the reputation of the former military base as a wholesome rest and recreation area. Commercialization is feared to cause these problems. The government agency in-charge of implementing the Bases Development Program scaled down its plans in view of the public opposition. Its Chairperson explained the reason for the change:

“ Because we are operating in an environment of reinvigorated democracy, we ensured that our projects carry two important hall marks: public consultation and transparency.

We have invited substantial public scrutiny of our projects on the principle that local government and local community support are critical to the success of these projects.

It was, therefore, inevitable that opposition from some quarters should rise. One such case was the opposition to the entry of a strategic partner into the development of Club John Hay. After a series of widely-based community consultations, it was felt that the host community

was not ready for a development project of the nature and magnitude recommended by BaseCon and its proposed strategic partner.

Also under intense public scrutiny, particularly through the media, was the strategic partnership formed for the development of Fort Bonifacio. While the issues raised would have been better addressed in court than in public, the din caused by the discussion of the issues in media was a healthy exercise of legitimate public opinion processes that must accompany a project of this size.

We are proud to address these and similar concerns as expressions of the growing pains of people empowerment as embodied in the new Local Government Code and the people-oriented thrust of PHILIPPINES 2000.”²¹

Another case that illustrates how the government employs the people empowerment principle is the Bolinao cement plant case. This involves a multi-million dollar project for the construction of a cement plant in northern Luzon. It is funded by both Filipino and foreign investors. But the people in the province of Pangasinan where Bolinao town is located are divided on the issue. Some are in favor of setting up the plant on a coastal side of Bolinao town while others oppose. Ordinary citizens, environmental activists, NGO workers, politicians and scientists have joined forces to pressure the government to stop the project. Rich coral beds in the area as well as the nearby government-managed fish sanctuary are believed to be in danger of being destroyed by the polluting operation of the planned huge cement plant. The government after a long period of time (including an initial rejection of the application), issued a final decision rejecting the application for the issuance of an environmental compliance certificate (ECC). The Department of Environment and Natural Resources (DENR) found that the project is not socially acceptable. This effectively stopped the project for lacking the legally required environmental clearance.

The DENR explained the problems of social acceptability in the following terms:

“The project has deeply divided the Bolinao community and the larger society stakeholders. These deep divisions are rooted in the fundamental conflicts of interests rather than from mere ignorance or lack of information on the project. We recognize the political support and/or endorsement of several local and national government officials for the

project. We likewise recognize the unwavering opposition of other major stakeholders within and outside the Bolinao community. This Office has received in varied forms numerous statements for and against the project. Some of these have even caused difficulty in determining the real sentiments of the Bolinao community. Apart from the number of supporters and oppositors, however, what is regarded with equal, if not greater, importance are the issues raised against the project that are found to have remained unresolved which make the project socially unacceptable.”²²

The principle of social acceptability is thus illustrated in this instance. This subscribes to the rule that the “... the direct or indirect consequences upon human welfare and ecological and environmental integrity...” of any project must be considered.²³ This would, in effect, mean that it is not just the acceptance by people to be affected that is needed, but a finding that no negative consequences on them will result. The bottom line remains to be the absence of negative impact of the project on the physical and social environments (including the health of people) in the project area.

3. Social reform implications

Again, in line with the idea of people empowerment-propelled PHILIPPINES 2000, the government launched its Social Reform Agenda (SRA) as a measure of advancing “... social equity, the just sharing of the benefits of growth, and the effective participation of people in the mainstream of ... economic and political life. It is an agenda to put ... people, especially the poor and the marginalized, back at the center of development.”²⁴

The framework of SRA was drawn from “... a wide range of consultative processes, and emphasized the partnership between government and the basic sector in decision-making for social reform.”²⁵

Among the wide range of issues covered by SRA, the following are related to the subject at hand:

- a. creation of community structures to facilitate participation of local residents;
- b. clarification of relationship between government and the civil society on the issue of governance and development.

Community structures which fall under SRA would cover the Fishery and Aquatic Resources Management Councils (FARMCs), and the Agrarian

Reform Councils (ARCs). An executive order has been issued by President Fidel V. Ramos to establish FARMCs. While the administrative order adopting SRA identified ARCs as one of the "convergence areas" where various government agencies and entities can work together.

FARMC is a means to "... institutionalize the major role of the local fisherfolk and other resource users in the community-based planning and implementation of policies and programs for the management, conservation, development and protection of fisheries and aquatic resources."²⁶ The representatives of the local municipal fisherfolk are supposed to constitute at least three-fourths of the membership of FARMC. But its real function is only recommendatory as it is expected to recommend policies, plans and guidelines for the use and development of fishery and aquatic resources.

An ARC is a *barangay* (community) at the minimum or a cluster of contiguous *barangays* where there is a critical mass of farmers and farmworkers awaiting full implementation of agrarian reform. The Department of Agrarian Reform in partnership with the local community members and in collaboration with a non-governmental organization operating in the area (if any) assist the ARCs. The main purpose is to implement agrarian reform by organizing communities (including provision of training) and providing other technical support.²⁷

Another government-instituted local community structure is the Barangay Human Rights Action Centers (BHRACs). This has not been mentioned under the SRA program. The institution of these community centers is being supervised by the Commission on Human Rights in coordination with the Department of Interior and Local Government.²⁸ BHRACs are tasked to receive and investigate complaints of human rights violations, and to hold human rights education activities at the community level.

Lastly, SRA is promoting Community-based Forest Management (CBFM) system as a national strategy for sustainable management of forest lands. Under this strategy communities whose livelihood depends on the forests areas will be brought in as partners on forest rehabilitation, protection and conservation. They will also be given access to forest resources under long-term tenurial arrangements.

None of the community initiatives identified by SRA as primary modes of making people participate and benefit from development are new. They have all been the focus of lobbying efforts by many people's organizations and non-governmental organizations for many years.²⁹ They have also been tried out by some communities in a limited way.

SRA thus provided the needed official recognition of community structures and the support of local governments for such structures. But these official versions of community structures still need discussion on their nature, functions, resources and powers. The FARMC, for example, has only advisory functions. This limits its role in truly contributing to the efforts at making the affected subsistence fisherfolk participate and benefit from the protection, conservation and exploitation of the fishery and aquatic resources. What should be clarified, therefore, is the extent of support that the government can give to move people empowerment beyond the realm of formal declarations into actual practice.

II

People's Movements and NGOs

The huge and peaceful September 21, 1997 rally held in the city of Manila to protest the suspected plan of top officials in the government to orchestrate a change in the 1987 Constitution is representative of the forces that influence the movements of people toward social change.

This recent show of People Power brought together again the groups that had worked for years against Marcos rule. Since the 1986 change of government, they had become deeply engaged in separate programs relating to development, human rights, and social transformation. The September 21 rally was another reunion of the more vocal and prominent groups that supported people's movements in the country.

The religious sector (primarily the Catholic church and related institutions such as Catholic schools) has shown once again its capability to mobilize members and strongly express its sentiment. A segment of the business community which is closely identified with the Catholic church also demonstrated its capability to declare the stance of the business sector on political issues.

People's organizations and allied social development institutions also showed their power by the number of people who marched to the rally site.

This massive display of unity among the many interest groups in the Philippines³⁰ is made possible due to the mainly political issue that once more confront the country. No such massive united protest has been seen so far on issues that relate to social development and human rights. There are many other groups involved in the September 21 rally that are not involved on issues

of development, and human rights violations in relation to development programs.

Social development and human rights are given importance by the sectoral people's organizations, social development agencies and some of the human rights organizations.

Main players

In the context of the Philippines, the non-governmental organizations involved in the issue of human rights and development would cover people's organizations, social development agencies, economic, social and cultural rights organizations, civil and political rights organizations, church-sponsored institutions.

People's organizations would refer to

"... grassroots-type and mass sectoral type such as trade unions, peasant/farmworker organizations, fisherfolk groups, urban poor organizations, indigenous people's groups, community-based formations, and other similar organizations of the poor and disadvantaged sections of the population, including multisectoral formations and coalitions. Mass membership is a distinguishing characteristic of POs. Other terms by which people's organizations go by are grassroots movements, social movements, mass organizations, and popular organizations."³¹

During the past decade, several sectors were able to create national structures such as networks and coalitions that address issues on women, workers, farmers, fisherfolk, and urban poor. These national structures joined together various people's organizations with different ideological and political orientations.³²

These national structures were able to formulate common platforms on sectoral issues that were lobbied with the government at different points in time. Some of these structures however were not able to last long. The differences of opinions and perspectives eventually led to the disbanding of the structures.³³

But the experience of having national structures proved beneficial in making sectoral issues more prominent and significant as they are being espoused by wider sectoral constituents represented in the networks or coalitions. Lobbying efforts became more effective under this approach too.

Social development agencies are generally those organizations composed

of professionals which provide a variety of services to communities. One very significant work being done is community organizing which facilitates to a large extent the formation of people's organizations in many rural and urban poor communities. They are also very instrumental in assisting communities obtain services, including resolution of problems, from government agencies. Lately, they have exerted more effort at lobby work before government agencies to change policies, institute programs, and revise/enact laws. Social development agencies may also be national support organizations that do not provide direct community services.³⁴ "Most of these stressed popular education and organizing, as well as the advocacy of sectoral agendas, such as agrarian and aquatic reform, rural development, trade union rights and rights of indigenous people."³⁵

Economic, social and cultural rights groups are mainly organizations that provide legal services regarding social, economic and cultural issues affecting rural and urban poor communities. In many cases, they are organizations with significant presence of lawyers as members of the staff. They mainly engage in litigation, education, and law and policy reform activities. Many of them work closely with people's organizations or with the communities. They also cover a wide range of issues from agrarian reform to environmental protection. They deal with many sectors such as subsistence farmers, subsistence fisherfolk, indigenous people, urban poor, workers, women, prisoners, children, and students.

Civil and political rights groups are organizations that were formed mainly to provide assistance to people whose civil and political rights have been violated. They provide legal assistance, support for the immediate needs of victims such as relief services to displaced families, rehabilitation services for former political prisoners and members of their families. They engage in research and documentation, campaigns to pressure government to act on human rights violations, human rights education, and advocacy work for the institution of policy and legal support system for the protection of civil and political rights.

Church-sponsored institutions are those set up by the church (Catholic or Protestant) to implement social action programs. They cover programs such as the creation of Basic Christian Communities (BCCs) of the Catholic Church, and social development activities for communities. They also cover institutions with special functions created way back during Marcos martial rule to respond to particular issues such as those of detainees, indigenous communities, and internal refugees. The Catholic Church has the most extensive net-

work of social action centers based in many town churches in the country. Many Catholic religious congregations have also organized their own respective social action institutions that concentrate on specific areas of poor communities. Protestant churches are also very actively engaged in social issues. Through a national organization, they have programs addressing these concerns and work with the communities as well.

In most cases, four (people's organizations, social development agencies, economic/social/cultural rights groups, church-sponsored institutions) of these five major institutions have been working together on social development and human rights questions. Overlapping programs and projects made joint action necessary. The close relationship of the people involved in these institutions facilitated the circulation of resources and ideas in promoting social development.

A major advance in the growth of organizations is the idea of defining more clearly which organizations are truly engaged in social development work and which groups are calling themselves NGOs and yet bereft of any principle or program addressing the social injustices in the country. There was then the idea of using the term social development agencies to differentiate themselves from organizations that call themselves wrongly as NGOs.³⁶

This process of self-definition by the social development agencies led to the declaration of principles of social development largely based on the United Nations Declaration on the Right to Development. It also resulted in the formation of a network of the major NGO networks in the country.

The declaration entitled "Covenant on Philippine Development" was adopted in May 1990 during the first general assembly of the members of 10 major development NGO networks in the country.³⁷ The network that was formed among the networks present was named Caucus of Development NGO Networks or CODE-NGO.

CODE-NGO represents the effort not only to sustain current NGO work on development issues but also to "scale up" their impact. It is the first of its kind – umbrella structure that covers around 3,000 individual development NGOs in the country.³⁸ It is described as contributing to the:

"...strengthening and expanding individual NGOs, undertaking national programmes without centralising power, encouraging the emergence of popular and autonomous people's organisations, participating in and influencing local and national structures, and providing an alternative and grassroots-based path towards development which is not limited to

small local areas.”³⁹

CODE-NGO sees “an alternative future” as one that puts emphasis on people’s empowerment.

Historical background

The NGO sector has evolved through the years. It is considered to be part of the Philippine social movement. Its evolution can be outlined into seven phases:

1. pre-1965 - most groups are engaged in relief, rehabilitation and welfare; some are engaged in community development (viewed by some as having anti-communist character);
2. 1965-1972 - new social movement arose (generally protest movements). Many groups such as PECCO - ZOTO, COPE and PEACE engaged in community organizing;
3. 1972-1978 - more Church supported groups were established in reaction to the Martial law problems; politicization and ideological-ization of development work occurred; national networking started;
4. 1978-1983 - NGOs expanded its reach to new areas - environment, labor, women, consumer issues; they also started to create programs for participation in electoral processes; the term NGO was legitimized at this period;
5. 1983-1986 - participation in the national elections of mainstream NGOs first occurred; they also had participation in 1986 People Power;
6. 1986-1992 - new space for NGOs was created with the recognition of people participation in 1987 Constitution and in laws (specifically Local Government Code); more NGOs were established dealing with development issues (ecological farming, fishing, forestry, human rights, urban poor problems); creation of network of networks (CODE NGO), and issue/sector-based consortia (Alternative Law Group, CONVERGENCE, etc.) occurred; there was increased lobby work on many issues (agrarian, fishery, forestry, indigenous people, environment, cooperatives, housing, local government and other issues); there was also a continuation of election process participation;
7. 1992-present - the concept of GO-NGO-PO collaboration (tri-partite systems) was put into actual practice in several projects;

many NGOs focused on getting existing government programs implemented on the ground (on forestry, agrarian, fishery, urban poor, human rights issues); more funding support for regional/community level programs and projects was obtained.⁴⁰

The change of government in 1986 ushered in significant changes in the mode of operation of many NGOs. The new situation brought out again the need to "... refocus attention on many of the goals of the 1950s, which still call for fulfillment, though now in a different and more complex context."⁴¹ The post-Marcos context forced NGOs to rethink and adjust their programs. It can even be said that a radical change had occurred. As one observation puts it

"[I]n this era of transition from dictatorship, traditionally more political NGOs became more conscious of pursuing socioeconomic work (SEW) along the lines of cooperative development and the economic projects of more traditional agencies. The previous debate regarding the strategic role of SEW in social transformation basically resolved itself within the context of the continuing stagnation of the Philippine economy (wherein poor areas severely needed socioeconomic projects for their very survival) as well as the brewing crisis within the Left.

Along this line, NGOs saw the need for upscaling or 'massifying' socioeconomic work and also slowly entered into alternative trading and marketing schemes both locally and with international partners. NGOs also became more concerned with professionalizing project management in order to raise capacities that would enable POs to compete with the realities of the market.

Another breakthrough in this area was the creation of various NGO-managed funding mechanisms. PDAP was followed by PCHRD and DIWATA. The USAID also released money that would fund the Foundation for the Philippine Environment. (These four mechanisms disburse about US \$ 7 million a year in development funds.) This reflects both the strength of Philippine NGOs and the openness of funding agencies to exploring ways outside the traditional North-South donor-beneficiary relations. What the future holds for mechanisms like these is still a big question."⁴²

There is related and yet separate history for the NGOs that take up the human rights question. The so-called human rights organizations evolved through the various phases of Philippine national history. Such historical

development can be described as follows:⁴³

a. First Period of the Post-war Republic (1946-1971)

Civil rights became an issue at this time especially among the intellectuals, professionals, former judges, lawyers and politicians. They take up issues regarding police brutality, freedom of speech and the press, freedom of assembly, due process rights, rule of law, judicial independence, freedom of religion, etc. There were organizations established to promote civil rights issues (such as the Civil Liberties Union of the Philippines, Philippine Constitution Association, and some lawyers' organizations). These organizations as well as some individuals published articles on civil rights, organized meetings to discuss these issues, and made speeches in private and public gatherings. They also took up civil liberties cases in court.

b. Martial Law/Marcos Authoritarianism epoch (1972- 1986)

With the declaration of martial rule, numerous political figures, intellectuals, student leaders, sectoral organization heads, members of religious organizations were arrested and detained for some time. The print and broadcast media were controlled (closing down critical television and newspaper companies and supporting/establishing government leaning ones). Many of the members of the student movement went underground and joined the armed struggle of the Left movement. A totally new scenario arose. An extreme sense of insecurity spread all over the country. Human rights violations suddenly became more widespread and perpetrated with impunity by the agents of government.

Many new groups were established in response to this situation. The Task Force Detainees of the Philippines (TFDP), Free Legal Assistance Group (FLAG), Ecumenical Movement for Justice and Peace (EMJP), Protestant Lawyers League of the Philippines (PLL), Movement of Attorneys for Brotherhood, Integrity, Nationalism, Incorporated (MABINI) among others, were at the forefront of the human rights movement. The basic issue was the recovery of the lost freedom and basic rights.

The civil and political rights groups generally provide direct service for rights protection, advocacy for the respect of rights, and monitoring of government respect for human rights standards.

Most of these groups have legal assistance programs focusing mainly on people who were arbitrarily arrested (and many have been tortured, extra-judicially killed or disappeared) by members of the police, the military, paramilitary forces and even private armies. Many of the cases involved are political in

nature including the cases of those who took up arms to fight the government.

There were likewise groups that provide food supplies and other necessities to communities displaced by internal armed conflicts, and rehabilitation programs for former political prisoners and their families.

The Task Force Detainees of the Philippines was established in 1974 under the sponsorship of the Association of Major Religious Superiors of the Philippines (AMRSP) – a Catholic organization of religious groups in the country. The Church set up institutions to respond to arbitrary arrests and detention, and disappearances of its members.⁴⁴ It also started a number of initiatives aimed at assisting communities affected by human rights violations.

A number of non-Church-affiliated human rights organizations were set up by the late former Senators Jose W. Diokno, Lorenzo Tanada and other personalities in the human rights movement.⁴⁵ Foremost of these is the Free Legal Assistance Group (FLAG).

There is a view that the human rights movement arose from the ranks of national democrats, Communist Party cadres and allies. They helped "... sharpen the human rights sensibility and capacity for human rights struggles of civil libertarians and human rights personalities like Senator Lorenzo Tanada and Ka Pepe Diokno and institutions like the AMRSP and the Free Legal Assistance Group."⁴⁶

FLAG has been one of the most known organizations providing legal assistance to people in various parts of the Philippines. Its member-lawyers nationwide numbered more than 150 in 1982.⁴⁷ Majority of FLAG's activities have been focused on handling civil and political rights cases of different types of people from activists to plain rural people. But it has articulated a certain concept of using law in relation to development called developmental legal aid which was later on renamed Developmental Legal Advocacy.

During the early part of 1980s, there were other initiatives at looking at the law as a resource to address the problems of the poor. These initiatives are more focused on the economic, social and cultural rights problems of farmers, fisherfolk, indigenous people, urban poor, workers, children, and women. They have also been influenced by the thinking of the late former Senator Jose W. Diokno - FLAG founder. Three groups, known to have taken up the idea of legal resources for grassroots communities, have established very close working relationship with many of the social development agencies. Pilipina Legal Resources Center in Davao city, Mindanao, and Center for People's Law (BATAS) and Participatory Research, Organization of Communities, and Education towards Self-Reliance (PROCESS) in Metro Manila were quite

active in practicing the concept that closely resembles FLAG's Developmental Legal Advocacy concept. By the second half of the 1980s, a few more groups came up such as the Ateneo Human Rights Center, Structural Alternative Legal Assistance for the Grassroots (SALAG), Alternative Legal Assistance Center (SALIGAN), Legal Rights and Natural Resources Center (LRC), and Developmental Legal Aid Center (DLAC).

c. Post-Marcos era (1986-present)

Toward the end of 1980s, more and more law groups were established focusing on specific issues related to economic, social and cultural rights. These groups belong to what can be called an alternative law movement. Different issues are taken up such as issues of access to sources of livelihood (land, forest and water resources), decent housing, establishment of independent trade unions or community organizations, preservation of cultural heritage, creation of community-based livelihood activities, among others. They deal with farmers, fisherfolk, indigenous people, urban poor, women, workers, children, prisoners, and other sectors.⁴⁸

More and more non-governmental organizations involved in social development have included in their education programs a human rights component. They established strong working relationship with the alternative law groups as their programs are more closely related. The adoption of the concept of the right to development as a key basis of CODE-NGO members' programs is one clear example of this effort.

The rationale for the type of human rights work by the alternative law groups is explained thus

"...The practice of alternative or developmental law involves activities like paralegal training, policy advocacy, law reform, networking and other similar activities aside from litigation. It is participative and evocative; conscious effort is made to actively involve the client beneficiaries in seeking solutions to their legal problems. Conditions, incidents and other legal matters or issues are viewed from a structural perspective. In a sense, it merges law and the social sciences because the law is viewed as an inseparable part of the social context within which it operates. Alternative law groups are issue-oriented and serve sectors rather than individuals, providing alternative and supplementary arbitration mechanisms in addition to traditional legal procedures."⁴⁹

In 1991, groups that can identify with the idea of alternative or developmental law formed a coalition called Alternative Law Group (ALG). By this time, member organizations can be found not only in Metro Manila but also in Cebu city (central Philippines) and Davao city (south Philippines).

In a 1992 conference, ALG defined the purposes of alternative lawyering as follows:

- a. to facilitate the empowerment of the basic sectors;
- b. to assist in the defense basic sectors both as a means of empowerment and on short-term objective as a way of resolving people's issues (with the lawyers playing only a supportive role);
- c. to promote and effectuate all human rights;
- d. to develop, initiate and advocate policy initiatives, including law reform;
- e. to develop and promote alternative law practice;
- f. to raise consciousness among law students and practitioners and introduce alternative lawyering as a viable career; and
- g. to raise public consciousness in general.⁵⁰

Because of the dominance of legal work in these groups, the main objective of alternative law is to redefine the role of lawyers in society. It aims to promote among lawyers, law students, paralegals and bar associations the use of law for the empowerment of basic sectors and the development of society as a whole.⁵¹

In 1994, FLAG restated its concept of developmental legal aid and came up with Developmental Legal Advocacy which "... represents the attempt to make legal aid more effective in the areas of human rights and development."⁵²

In its 20th anniversary celebration, FLAG stated that "...the root cause of our client's problems are poverty and the unequal distribution of wealth and power. Such structural problems must be addressed in a far more systematic, comprehensive, and holistic manner."⁵³

It then established the Economic, Social and Cultural Rights Program which aims to enforce government accountability for human suffering resulting from violations of these rights in the country. It has termed those rights that relate to food, health, housing and education as rights of survival. Under this program, it created technical working groups which will attempt to define rights of survival in terms of their core content; develop legal standards for these rights; lay out clear and precise state obligations under these rights; develop indicators for systematic monitoring of the implementation of the rights; and outline ways to make the rights of survival legally enforceable and

justiciable.⁵⁴

It was also at this time that the Philippine Alliance of Human Rights Advocates (PAHRA) began reassessing its focus. There is a general view that the new context, especially under the then new government of President Fidel V. Ramos, requires a different approach and perspective. Other than the focus on civil and political rights violations, there is now a need to look at bigger issues such as the "...development path the present government is taking - or the things that have impact on people's daily lives, like education, housing, jobs, health, the plight of our children, the devastation of the environment."⁵⁵

In September 1996, the Task Force Detainees of the Philippines expanded its mandate to cover "... people's economic, social and cultural rights in its scope of service focusing on the five phenomena: demolition, land conversion, displacement, casualization of labor and environmental degradation."⁵⁶

The shift in focus has really become more widespread among the human rights organizations that focused originally on civil and political rights. Human rights violations begun to be seen more in the light of the economic, social and cultural rights, as one human rights advocate explains:

"While it is true that the statistics on the more traditional forms of human rights violations have gone down, the fast-track development program of the government called PHILIPPINES 2000 has brought about new forms of violations. These belong to the category of economic, social and cultural rights which, as mentioned earlier are closely related to development, economic globalization, migration, etc. NGOs have a name for these violations, namely, 'development aggression.'

In the countryside, the typical manifestations of development aggression are the displacement of indigenous communities from their ancestral lands, the loss of homes and livelihood, the conversion of agricultural lands into industrial estates with the consequent threats to food security, and the destruction of the environment. All of these are causing the migration of impoverished rural folks to the already congested urban centers. In the urban areas, development aggression takes the forms of demolitions and displacements of urban poor communities."⁵⁷

This shift however did not come about without problems. The program for economic, social and cultural rights violations differs from that of the program for civil and political rights violations. The requirement for change or addition

of different approaches and perspective is imperative but tough. Such a

“... situation (of the interrelatedness of peace, development and the protection of the environment) presents more complicated and difficult tasks for the human rights movement which have been conditioned, during the Marcos and Aquino administrations, to respond narrowly, though not exclusively, to violations of civil and political rights. It has correctly expanded its mandate to include economic, social, and cultural rights, but has yet to formulate acceptable indicators for monitoring purposes. Added to the difficulty is the current fragmentation of the human rights movement in relation to orientation. Some groups, including the National Democratic Front, still have to affirm the universality, indivisibility and interrelatedness of human rights, as well as accede to the Universal Declaration of Human Rights (UDHR).”⁵⁸

This universality view is being questioned by a faction of the National Democratic movement on the ground that it fails to consider the revolutionary context of the Philippines. It is asserted that the Universal Declaration of Human Rights expresses an aspiration rather than realization of human rights. Thus

“human rights struggle must go on, and in fact is going on, until its fulfillment, when the State, the adversary of human rights, shall truly wither away.

It is clear that the movement for human rights did originate from the womb of the struggle of the people to better their social and national conditions in relation to state power in order that they may become fully human. In this regard, there has never been nor can there ever be room for neutrality or centrist positioning. People strive to promote, defend and advocate their rights by rejecting the system that violates them and by taking the side of social change that would guarantee their respect and inviolability.”⁵⁹

This view therefore rejects the notion that each person in society has equal rights since the condition of society differentiates people by class. And thus those who belong to the oppressing class cannot claim the same rights as those in the oppressed class (the masses). Such equality of rights can only happen when the condition of society (the Philippine society in this case) has changed

through a revolution.

The Association of Majors Religious Superiors of the Philippines which created many of the human rights institutions during the Marcos era has taken the position of universality of human rights. But the debate on universality has not abated as groups identified with a faction of the National Democratic movement not espousing the universality principle remain steadfast on this position.

It is evident from the documentation of the work of NGOs in the Philippines that majority of them had undergone distinct changes in terms of program and approach as far as the issue of social development and human rights is concerned. Two major groupings of NGOs, however, may be said to have maintained their original programs and approaches for entirely different reasons. The alternative law groups have continued their legal advocacy both at the community and national levels. They have even intensified their law and policy reform activities during the last 5 years. Their focus on economic, social and cultural rights has largely remained untouched. This focus has actually become more relevant in its relations with other NGOs and people's organizations. The human rights organizations identified with a faction of the Left movement (reaffirmist faction of the national democratic movement) has maintained its anti-state line and thus decided to remain distant from any interaction with the government.

The changes in program and approach among the social development agencies, people's organizations and related human rights organizations have been directed toward the institutionalization of structures in support of people's organizations which in turn promote and protect the marginalized sectors' interest. These changes led to more active lobbying with the government agencies for legal and policy changes as well as for program implementation. They have exploited to a great degree the existing so-called "democratic space" in order to obtain concessions. Their efforts have mixed results as bureaucratic lethargy, if not lack of political will, and institutional unpreparedness (lack of funds, inadequate expertise among the personnel, and other facilities) have frustrated proper implementation of positive policy and program changes.

The increasing attention of social development agencies on pressuring the government for the implementation of economic, social and cultural programs links up with the human rights community's increasing involvement on economic, social and cultural rights.

And these developments are somehow helped by the changes in the

Constitution and laws relating to economic, social and cultural rights. Even the human rights commission created by virtue of the 1987 Constitution has adopted a national plan that is also focused on economic, social and cultural rights and on the various sectors of the Philippine society that have long been deprived of these rights.⁶⁰

III

Case Study - CALABARZON

Current situation

CALABARZON is a government development program for five provinces (Cavite, Laguna, Batangas, Rizal and Quezon) south of Metro Manila. This program is based on a development master plan prepared by Japan International Cooperation Agency (JICA) in 1991. Prior to this, the Philippine National Economic Development Authority (NEDA) drafted an integrated regional development plan for Cavite, Laguna and Batangas in 1988 as input for the Philippine Assistance Program (multilateral assistance program for the Philippines). In 1989, Rizal province was included in the plan and JICA was asked to prepare a CALABAR master plan. In October 19, 1990 in Batangas city, then President Corazon C. Aquino officially launched CALABARZON Special Development Program.

The objectives of CALABARZON are identified as follows:

- a. to enhance income level in rural areas by creating employment opportunities in primary agriculture, agro-processing and service activities, as well as increasing productivity in agriculture;
- b. to sustain a high level of balanced growth in agriculture and industry by promoting their complementary linkages, improving the industrial structure and inducing related service activities;
- c. to promote equitable development, without generating urban poor and squatters, uplifting the rural poor from poverty, and realizing better distribution of population and economic wealth;
- d. to create a better human environment and increase social capacity for development by protecting/enhancing the natural environment, improving the provision of physical infrastructure and social services, and incorporating sociocultural values in project planning and implementation.

CALABARZON focuses on the following sectors: agriculture, industry, tourism, water resources, transportation, telecommunications, energy, urban and spatial development, social development, and environment. Its projects concentrate on: port development, roads and highways, industrial support facility development, urban development, agriculture, rural development, social development, and environment management. There are 59 anchor projects listed by the plan. For social development, the plan lists 29 projects.⁶¹

Following are the projects under the social development program:

- a. Southern Tagalog manpower and employment development program;
- b. Batangas regional hospital upgrading;
- c. Integrated regional livelihood development project;
- d. Family health care development project;
- e. Information, education, communication, and motivation program;
- f. Herbal production, dissemination, distribution, R & D program;
- g. Intensified nutrition action program;
- h. Disease control program package;
- i. Environment and sanitation program;
- j. Integrated population and development program;
- k. Upgrading of strategically located district/medicare hospitals and rural/*barangay* health units;
- l. SCU integrated education and research development;
- m. Cultural revival;
- n. Expansion of access to education program;
- o. Education for all;
- p. Comprehensive non-formal education for all;
- q. Provincial priority educational development project;
- r. Expansion of school building construction programs;
- s. Expansion of development and upgrading of teachers program;
- t. Industrial education program;
- u. Comprehensive technical-vocational education and entrepreneurial development program;
- v. Bondoc peninsula education development program;
- w. Family farm school development;
- x. Strengthening of provincial high school;
- y. Comprehensive social welfare program for special/disadvantaged groups;
- z. Integrated drug sweeping program;

- aa. Staff development for NGO/GO in CALABARZON;
- bb. Pilot implementation of regional livelihood development project;
- cc. Batangas integrated housing program; and
- dd. CALABARZON integrated shelter program.

CALABARZON is the location of three of the 18 regional industrial centers (RICs) identified by the government all over the country under its Medium-Term Philippine Development Plan.

The five provinces have a total land area of 16,228.7 square kilometers consisting of 7 cities and 145 towns. All together there are 4,018 *barangays*. As of 1990 census, there are 6,352,000 people living in the CALABARZON area. As of 1994, there is an average of 90% employment rate in the area. 70 physicians and 11 numbers are retained by the Department of Health in the five provinces (there are no data obtained for private hospitals and health clinics which also have physicians and nurses). As of the 1994-1995 school year, a total of 2,460,299 students attend the primary, secondary and tertiary school levels in the 3,553 public and private schools. There is an average literacy rate of 97.75%. There are 1,863 *barangays* without elementary schools (primary level), and 9 towns without high schools (secondary level). As of 1991, there are 1,054,287 children in poor families. There are 1,935 *barangays* with day care centers serving 74,272 children as of March 1995.⁶²

As of the first quarter of 1996, there were 17,473 jobs generated in CALABARZON. Compared to the national project cost invested, CALABARZON garnered a percentage that ranges from 11% to 40% during the 1988-1995 period.

The basic idea of CALABARZON is the maximization of the proximity of these five provinces to Metro Manila by developing them into one industrial area where facilities for production and marketing of products are present. Thus the construction of roads, highways, ports, and energy plants are on high gear. Alongside these public facilities are the establishment of industrial parks, residential areas, commercial centers and tourism facilities mainly by the private sector.

The construction work being done at present is quite extensive. Many lands are being cleared to give way to these projects. Reports indicate that plans for more residential, tourism (such as golf courses and theme parks), commercial (such as establishment of shopping malls), and industrial parks are soon to be implemented. The south super-highway is being extended to

Batangas city where an international port is now under construction. Another extension of the highway will be done from Calamba, Laguna to Lucena city (Quezon) where an international container port is planned to be constructed. Five golf courses will soon be existing in one town in Cavite. Two coal-fired thermal power plants are in Calaca town in Batangas. One coal-fired thermal power plant is situated in Pagbilao town and another is being constructed in Mauban town respectively in Quezon. Theme park and shopping malls will rise in Laguna.

Another feature of this development frenzy is the extensive land speculation being done in many places. Lands are bought at the highest price ever. Reports show that these lands have been resold at much higher prices as land speculation business dictates. Whether these lands will turn out to be industrial, commercial, residential or tourism areas is still to be known.

Government programs on agrarian reform, agriculture, and environment continue in the midst of these activities. Agrarian reform communities (ARCs) under the Department of Agrarian Reform are still continuing in many places in the CALABARZON. So are the fishery programs from Laguna lake to the coastal areas of Batangas and Quezon. Many of these areas are possibly located in the areas where infrastructural, industrial, commercial, residential and tourism projects are planned. This is exemplified by the existence of a fishery project supported by foreign aid along the coast of Balayan bay which has also been declared industrial area.

Present infrastructural projects in Metro Manila likewise link-up with these southern provinces. Elevated highway and another circumferential road linking south highway to the north highway are under construction. Private investment supports CALABARZON as new business centers are being developed in the southern part of metropolis such as Fort Bonifacio and Alabang business centers (to add to the premier business district of Makati city). More and more residential villages have been changing the rural scene along the highway going to the CALABARZON provinces.

One conjures an image of a fast developing area with all the reports of projects and plans for CALABARZON. The question, however, remains - at what cost will all these grand designs happen?

Among the many non-governmental organizations that deal with the issue of development and human rights, the common concern about CALABARZON is the widespread conversion of fertile agricultural land into non-agriculture use.

CALABARZON being at the doorstep of Metro Manila is valued for the

space that it can provide to foreign investors willing to set-up shop in the Philippines. It has hundreds of hectares of prime agricultural lands devoted to rice, coconut, sugar and other crops. It is bordering both the Pacific ocean and the China sea. It is linked to Metro Manila with the existing transportation facilities (roads and railway). Land is thus the most precious asset that CALABARZON can offer.

To convert the lands of CALABARZON into industrial, commercial, residential, and infrastructural purposes, a big portion of the agricultural lands will have to be lost almost permanently.

Land use is always raised as a basic problem in CALABARZON. No CALABARZON-wide land use plan exists it seems. Each local government unit (town-level mainly) makes its own land use plan. Whether the plans form a coherent whole when viewed from the total CALABARZON perspective remains to be seen. Even the national agrarian reform program has to give way to what are supposedly pre-1988 (year when agrarian reform law was enacted) municipal land use plans which covers many agricultural lands.

An immediate impact of land conversion is the disruption of agricultural production. Rice, coconut, sugar and other crops can no longer be produced at the rate before CALABARZON got into full swing. With increasing population, and decreasing agricultural production, food supply may become a problem in the near future. It must be added here that the construction of industrial facilities contribute to the lowering of fish production as in the case of power plants located along the coasts of Batangas and Quezon.

The environmental costs of CALABARZON is likewise on the rise. The issue of carrying capacity of the area has been raised. How much water can be drawn from the area's aquifers in order to support CALABARZON? How much pollution (air, water, soil) will come from the industries, and tourism, commercial and residential areas? Golf courses, for example, in one town (Silang, Cavite) can affect the water supply of that town unless non-traditional sources are found such as the adjoining lake (of Taal). They can also cause pollution because of the use of chemical inputs to maintain their blue grass. How are the coal-fired thermal plants affecting their immediate environment? Quarrying activities are also reported in many places in Laguna and Quezon to supply stones/gravel to the construction projects. How will these activities impact on the environment is a question.

Land speculation has become pervasive. Realty agents have been scouring the area looking for farmers and landowners willing to sell the land for enormous sums. A hectare of land can run up to a million pesos (25,000 US dol-

lars) if it is at the right location. With vigorous and persistent search by agents of land speculators, many agricultural lands have been sold.

Farmers who obtained the right to own the land from the government under the agrarian reform program, as well as those who may not own and yet retain some right over the use of the land, do get huge sums of money in exchange for their land. Many farmers become rich almost overnight. How are they to sustain their sudden wealth over a long period of time?

Lastly, how are the existing government programs on agriculture and environment affected by CALABARZON? Are these programs ultimately giving way to the industrialization thrust of CALABARZON?

Many of the questions raised here cannot be answered till after the lapse of some time. But by then, irreparable damages may have occurred. A look at a few specific cases will show more concretely what may happen to other places within CALABARZON. This study focuses on the cases of the Batangas international port project in Batangas province, the Pagbilao coal-fired thermal power plant in Quezon province, and the land conversion cases in the provinces of Laguna and Cavite.

Batangas International Port case

The Batangas Port Development Project is located in the old port of Batangas city. It is within a community called Barangay Sta. Clara. It "...involves the construction/improvement of landing berths, and breakwater, installation of utilities, construction of building and offices, pavement, revetment as well as dredging and reclamation works." The first phase of the project costs 1,445.528 million pesos to be funded by the government of the Philippines and Overseas Economic Cooperation Fund. It is expected that the project will meet the growing demand for such facilities from the industrialization of CALABARZON.⁶³

In this port a number of activities take place:

- a. shipment of daily consumer goods and agricultural products to and from the island of Mindoro mainly through roll-on-roll-off (ro-ro) operations;
- b. passenger transportation using ferry boats and ro-ro vessels connecting Batangas ports to the northern shoreline of Mindoro;
- c. shipment of cargoes domestically transported by the conventional cargo vessels plying between Batangas and Southern islands of the Philippines;
- d. shipment of industrial products, raw materials and general car-

goes either exported or imported from abroad.⁶⁴

The last activity will most likely be increased by the development of the port into an international type. All other activities are already occurring in the port. There is a regular large volume of passengers using the port and cargoes passing through it on a daily basis.

This port is seen as an important complementary port to the port of Manila. It can handle all cargoes in excess of the capacity of the port of Manila. The development of the port of Manila is much more expensive, while the Batangas port which is only 110 kilometers has very favorable natural characteristics for international port operations and thus would require less expense for development.

The development of an international port however required the use of the areas surrounding the old port including an old community of Barangay Sta. Clara. The people in this community have long been involved in the fishing industry and in activities related to the port (such as selling goods to passengers and stevedoring). The community was established in 1870.⁶⁵

As early as 1974, there was already a plan to improve the port. Several houses were already demolished at that time to give way to the port development activities. The members of the community expressed opposition to the port development/expansion due to the following reasons: fear of socio-economic dislocation, land affinity, and the government's lack of general consultation among the affected people. They basically proposed relocation within the port area.

The community members proposed alternatives to the port development plan in order for them to remain in the area. The government through the Philippine Ports Authority (PPA) rejected the proposals. The rejection seems to be mainly due to the high financial cost of having relocation near the port area.

The government allotted two resettlement areas far from the port area. One resettlement site called Balete is 5 kilometers away, while the other called Sico is 15 kilometers distant.

The prospect of demolition of the houses led to the formation of people's organizations within the community. Initially, KLARA (Association of United Members of Sta. Clara) was formed. A federation that includes KLARA, youth organizations and an adjoining community people's organization was formed later on. It was named BUKLOD (initially called Preparatory Committee Against Demolition, and then People's Coalition for Alternative Development). These people's organizations staged protests against the feared

forcible demolition of the houses. They also sought the help of non-governmental organizations.

PPA filed a case in court in 1993 to recover possession of the land where the community is located. Under the law, the area of the Sta. Clara community is still public land. The government is therefore simply asking the court to order the more than 100-year old community to vacate the place. While the case was being heard by the court in 1994, PPA and the local government with the support of the police entered the community and forcibly demolished the houses. The act was not sanctioned by the court. Many of the houses and personal belongings were destroyed, and a few of the inhabitants were injured or got sick. 1,568 families were affected. They were suddenly left without shelter.

This forcible demolition of houses was vigorously protested by the people's organizations as well as by the supportive non-governmental organizations. Protests were directed against the PPA, local government in Batangas and even against the Japanese government as represented by its local JICA office.

Two years later, in 1996, the court came out with a ruling faulting the PPA for its lack of concern on the plight of the people in Sta. Clara. While the issue of vacating the Sta. Clara area is moot, it nevertheless ruled that the people in the area cannot be summarily and forcibly ejected. The forcible demolition was found to be excessive and illegal. Their right to their property deserves respect. It found that

- a. most of the community members are possessing the land in good faith and thus cannot be summarily ejected as in the case of the so-called "professional squatters";
- b. they are entitled to the right to their private properties (houses) which must be compensated in case the government want to use the land where the houses stand for public purpose;
- c. the government could have avoided the adverse effect of the demolition if it had included in its port expansion plan portions of the area for the "...livelihood projects for those dislocated by the demolition, such as stalls for *sari-sari* (sundry) stores, *carinderias* (small restaurants), and other small businesses ...";
- d. the "...demolition was simply done in a harsh manner, not sanctioned by law, under deceptive methods, and without adequate provisions for its after-effects." The court added that "[S]uch oppressive manner of taking (possession of the land) and lack of foresight on the part of PPA contradict also the avowed national policy of poverty alleviation and

people empowerment.”⁶⁶

The court ordered PPA to pay the community members certain amount for damages (deducting amount already paid). PPA appealed the decision to the higher court. The appeal remains pending up to now.

After the demolition incident, some of the members of the community transferred to the relocation sites. They were given certificates which state that they are awardees of residential land. The award does not amount to ownership of the land. About 250 out of 450 families were paid 35,000 pesos each (around 875 US dollars) while the rest received less than that amount.⁶⁷

Many others refused to go to the resettlement sites and stayed in a private land across the port. In an area of about one hectare, around 450 families live. The houses are made of light materials - mostly materials that may have come from their original houses. Water supply is limited. Public faucets are put in several places in the community. There is no sufficient water drainage system causing waste water to flow on the narrow alleys within the area. Neither is there any toilet facility for the whole area.

The displaced people who stay in this private land called Villa Anita pooled the compensation money given by the PPA in order to buy another land where they can permanently stay. They were able to buy a fishpond area located right beside Villa Anita and within walking distance to the port. The amount needed for the purchase is 21 million pesos (around 525,000 US dollars). Their pooled compensation money came up to 13 million pesos. They obtained loans to complete the payment for the cost of the land plus tax. They negotiated with the city government for the supply of soil filling needed to cover up the fishpond. But they have not been able to convince the neighboring fishpond owner to let its fishpond be used as a road for the transportation of soil filling. With this problem, the land the people bought remained undeveloped for more than a year now.⁶⁸

Many of the community members who were resettled in Balete and Sico went back to the port area and live in temporary houses. They either work in the construction of the new port or continue their stevedoring and other activities in the old port.

The people in Villa Anita expressed their continuing economic hardship since the forcible demolition of their houses. They say that they were relatively well-off in their previous residence. They had their own houses and stable sources of income (mainly vending in the port). Now they suffer from the inadequate income and unhealthy environment in Villa Anita. There are reports of rising number of crimes in the area such as theft. It is also reported

that some had turned to prostitution. All these are attributed to the economic problems being faced by the people.⁶⁹

One also said that had the PPA negotiated properly with them, they could have agreed to transfer voluntarily. That could have prevented their present problems from occurring. Unfortunately, while negotiation about their transfer was going on they were forcibly driven away from the place where they were born and raised.

They are still waiting for the PPA to fulfill a promise that they will be allowed to sell goods in the new international port. They fear, though, that once the international port is completed they will not be given the permission to sell again in the port as promised. This, unfortunately, will continue the hardship of the community.⁷⁰

Pagbilao thermal power plant case

Quezon is the biggest province in terms of area among the five provinces under CALABARZON and still sparsely populated. Due to underdeveloped infrastructures (roads, bridges and irrigation facilities) it has some of the poorest towns in the CALABARZON area. Foremost is the Bondoc peninsula where an active armed opposition (New People's Army) has been operating for years. Many parts of Quezon had been militarized for some time due to the presence of the New People's Army.

The province spans both the China Sea and the Pacific Ocean. It still has rich natural resources in terms of fertile agricultural lands, forests and long coastal areas on both sides of the province.

Current development projects being undertaken under the aegis of the CALABARZON program seem to be concentrating in two major areas of the province: Lucena city area and the Infanta area. The Lucena city area is the location of a planned international port, two coal-fired thermal power plants, planned industrial zones, and the end of the soon-to-be implemented extension of the south Luzon expressway. The Infanta area is also the site of a planned international port that will be linked to Manila port thereby joining the Pacific Ocean port with the China Sea one. A road (Marikina-Infanta road) that links the two ports is scheduled to be finished soon. The development of Infanta area falls under another development plan - MARILAQUE growth area.

Lucena city is the capital of Quezon province. It is also the major commercial center of the province with agricultural (coconut and rice production, and fishing), industrial (coconut processing among others), and trading activities.

A major project already in operation in the Lucena city area is the Pagbilao coal-fired thermal power plant. It is located in Grande island some 7 kilometers away from Lucena city. It is a former resort area.⁷¹ It has four *barangays* with two primary schools and one newly-established highschool. There are about 8,000 people living in the island. Sixty percent of them are dependent on fishing while twenty percent work in the power plant project. The island communities are still waiting for the electricity connection from the power plant as of July 1997.⁷²

The Pagbilao power plant was constructed as a result of the major power crisis that beset the Philippines during the first few years of the 1990s. The former government of President Corazon C. Aquino was not able to implement an energy program that can augment the capacity of aging power plants. New energy demand emerged as a result of new economic activities. The newly-installed government of President Fidel V. Ramos treated the power crisis as a major national problem affecting the economy seriously. With the support of the legislature, the government opened the energy industry to foreign investors. A number of energy projects with foreign investment were immediately approved to restore the needed energy production at the soonest possible time. The deregulation process soon gain attention among the foreign companies in the energy generation business. As an advertisement of a major energy company puts it:

“...Innovative Build-Own-Operate (BOO) laws in the Philippines hastened the demise of brown-outs that had occurred in 1993. The government actively attracted foreign investment in infrastructure projects by removing barriers to entry, creating clear rules for foreign participation, developing industrial sites for foreign manufacturers and liberalizing financial regulations.”⁷¹

The Pagbilao power plant was constructed and is being operated by Hopewell Holdings of Hong Kong.

The actual site of the Pagbilao power plant is a former village of more than 200 fishing families. These fishing families are mainly migrants from the Visayan region (middle part of the Philippine archipelago) who settled in the area some years ago. These people fish only in the waters near the shore. They use small, most likely motorless, boats. They are therefore the so-called artisanal fishers.

When the Pagbilao power plant started to be constructed, the National

Power Corporation or NPC (the government agency in-charge of electric power generation) and Hopewell Holdings told the fishing community that they have two choices. They either get a lump sum compensation for their property (house built on the shore line) and allowance in going back to their original place of residence, or a relocation to another place in the island. Those who will stay were likewise promised job in the construction of the power plant.

Most of the fishing families accepted lump sum compensation and left the place. It is reported that an average sum of 6,000 pesos (about 150 US dollars) was given. Some went back to the Visayas region while others went to another place within Quezon province.⁷⁴ They did not believe that the NPC and Hopewell Holdings will be fulfilling the promised resettlement if they decide to stay.

For those who stayed, it was the agreement between the NPC and the fishing families that their community will not be touched until the relocation site is ready. But the construction of the power plant started in 1993 without building the houses in the relocation sites. Many of them had to relocate on their own. And only those who waited till the houses were constructed received a house and lot.

Almost 60 families decided to be relocated to a place 3 kilometers away from their original residential area (sitio Maulawin, Barangay Ilayang Pulo, Pagbilao, Quezon). The relocation site has 60 concrete one-room houses. Each house has about 20 square meter area. Electric lines are also put up along the road but electricity has not yet been supplied. A concrete water tank has been built but has not been used yet due to failure to find underground water vein. The road leading to the power plant cuts through the relocation site. 56 families are currently staying in the site. A community chapel was also constructed later on.

The resettlement site is on the side of the sea that separates Grande island from the main Quezon province. Each family is allocated one house.

The ceremony for awarding the houses was held in May 1995 presided by President Fidel V. Ramos. The President visited the power plant twice but had not stopped at the resettlement site.

The NPC told the relocated families that they can obtain title to the land after 5 years of residence have lapsed.

For the relocatees' economic needs, the NPC organized a cooperative (*Bagong Kapatiran ng Bayan ng Pagbilao-Multi-Purpose Cooperative - BKP-MPC*) for fishing activities. A loan comprising of 6 motorized boats and two

vehicles (*jeepneys*) is provided under this scheme. Some of the fishers were also hired as construction workers in the construction of the power plant.

The six fishing boats and a *jeepney* were delivered to the community. The fishing boats were used for some time by the relocatees. They fished in areas farther out into the sea. The first *jeepney* was used for transporting fish catch to the market.

As of August 1997, there were 40 members of BKP-MPC. Others did not want to join the cooperative fearing that they will be incurring loans. BKP-MPC is being supervised by the NPC. It also gave some training to the cooperative members. Another cooperative (Kanumayan cooperative) is supporting the BKP-MPC.

But after some time, the cooperative fishing effort did not turn out productive. One of the boats was accidentally burned. The rest of the boats were left moored near the resettlement area and begun to rot. They decided to take out the motors of the remaining boats to protect them from theft. And the second *jeepney* that has not been delivered (still being made) was turned over to the Pagbilao municipal government to avoid being held liable for its cost. They also wanted to turn over the remaining boats to the municipal government for the same reason. But the municipal mayor did not accept the boats and the *jeepney*. The cooperative members thought of selling them to use the proceeds of the sale for other economic activities. This is also the view of NPC.⁷⁵

The fishers who were hired as construction workers were terminated from work much earlier than they expected. They were supposed to work until the power plant is completed or for five years. Some began to do odd jobs in the area (such as carpentry work) while others left the place to work elsewhere (such as in Metro Manila).

The family of the former President of BKP-MPC said that while they have a house they have little income as there is hardly any job available in the area. They could not fish as before since their fishing area is occupied by the power plant. The fishing areas are now far and they do not have the facilities to fish there. The present President of BKP-MPC confirmed this situation.⁷⁶

In their previous residence, they had relatively good economic situation. The resettled families now suffer economic hardship in the resettlement site.

Several factors are seen as the cause of the collapse of BKP-MPC:

- a. lack of familiarity by the members of BKP-MPC with deep-sea fishing;
- b. high operating costs (fuel, food for workers) of the fishing activity;

- c. lack of training in the use of big, deep-sea fishing boats;
- d. frequent bad weather;
- e. limitation on fishing activity (especially in going out farther in the sea) due to disagreement with NPC which is involved in the decision-making process of the cooperative;
- f. insincerity on the part of some members in reporting actual fish catch.

Some of the houses in the relocation site are either still vacant or temporarily vacated. The assigned relocated families have not transferred yet or are staying in some other place (presumably where they can earn income). The electric company which is supposed to supply the electricity to the community has failed to do so for some reason.

The communities right beside the power plant, on the other hand, still do not enjoy electricity. House lighting and operation of electric appliances are dependent on batteries used for vehicles.

Aside from the asphalted road that leads to the power plant from the main road of the province, the schools, and the narrow, concrete road near the power plant, the other visible improvement in the area is the community hall. It is situated in the area near the gate of the power plant and is used as guardhouse by the local police.

The building of the coal-fired thermal power plant is fully supported by the local municipal government of Pagbilao. It is believed that it will cause the establishment of factories in the town and provide employment to its residents. The Vice-Mayor of the town noted the big improvement of the income of the people in the town. She said that in 1992 the income averaged 7-9 pesos (25 US cents) per day. But in 1997, it averages at 30-35 pesos (almost one US dollar). The monthly salary of employees ranges from 3,000 to 5,000 pesos (75 to 125 US dollars). She also said that the town plans to have five *barangays* designated as industrial zones. These are coastal areas near the power plant.⁷⁷

Opposition to the power plant project is led by a member of the Pagbilao municipal legislative body. He lists several problems with the project, such as: false promises by Hopewell Holdings on the payment of taxes to the municipality (the company is given a six-year tax holiday); exploitation of workers (non-payment of full salary for the hours worked); the directly affected people (the resettled families) are poorer than before; environmental impact (the partial blocking of water separating Grande island from the Quezon province disturbed the ecology of the area, and around 20 hectares of fishponds were converted into ash pond); violation of the government condition that no ground

water will be used (water from Locohin river is being used by the plant); municipal officials who are monitoring the plant's operation are influenced by the reports fed by Hopewell Holdings.⁷⁸

The monitoring group from the local government of Pagbilao has not been able to abide by the rule that it should have a public forum twice a year to present its monitoring report.

In a recent investigation of the plant made by the Department of Environment and Natural Resources, violations of the terms of the environmental compliance certificate have reportedly been found.⁷⁹

It is also believed that the plant may affect the Pagbilao Mangrove Research Project being implemented by the United Nations Development Program (UNDP) and the University of the Philippines Los Banos, and another aquatic research project being implemented also by UNDP and the Bureau of Fisheries and Aquatic Resources of the Department of Agriculture. These projects are located in the nearby Barangay Palsabangon in Pagbilao town.

There is a people's organization in Pagbilao town which is leading the opposition to the plant. It is called Buklod-Pagbilao. This organization along with other people in the town filed a complaint in January 1993 with a court (Regional Trial Court) in Quezon city, Metro Manila against the National Power Corporation and Hopewell Holdings to stop the construction of the plant. They asserted that the contract for the construction of the plant is not proper and the project constitutes a nuisance that should be abated. The court issued a temporary restraining order only to have it withdrawn after a week as it ordered the dismissal of the complaint. The court said that it cannot issue an order stopping the National Power Corporation from complying with its contract with Hopewell Holdings because it is for public interest. This is supposedly based on an old presidential decree issued by the Marcos government prohibiting the issuance of injunction against government projects. The organization appealed the decision to a higher court (Court of Appeals) but the appeal was denied in a decision issued more than a year later (August 1994). The construction of the plant started in February of 1993.⁸⁰

The oppositors to the plant participated in the public meetings prior to the building of the plant. They raised the economic and environmental costs of the operating the plant. They maintained the campaign against the plant even though it has started operating. They monitor the compliance by the plant of the terms and conditions of the environmental clearance certificate issued by the government.

It is noted however that while concerned people in Pagbilao town raised

opposition to the plant, the people who are directly affected reportedly did not express opposition. Since the directly affected people, the 200 families who previously live in the area of the plant, are migrant residents they may have opted to abide by whatever benefit can be obtained from the government in exchange for the loss of settlement and livelihood rather than stand their ground and fight back. Up against a well-supported government agency and well-resourced private company, the decision to either leave or be resettled may not be that surprising for them.

The Pagbilao power plant project is one of the major issues taken up by the non-governmental organizations in Quezon province especially those based in Lucena city. One of the main reasons for opposing the construction of the power plant is the feared effect of the pollution on both the health of the people in the area and the environment.

Human rights, environment and developmental non-governmental organizations along with the church (mainly the Catholic church) and individuals formed a coalition called Quezon Agenda to tackle the present and planned development projects in the province. It was established in 1995 to protest the construction of the second coal-fired thermal power plant in the province - the Mauban coal-fired thermal power plant.

It is likely to face strong resistance from the government in its opposition to the second coal-fired thermal power plant. There are reports of presence of military units in Mauban to guard the construction of the plant. Terminated employees of the Pagbilao power plant are refused employment in the construction of Mauban plant.

Within Mauban, there are also residents actively protesting the construction of the plant. There are reportedly two very active groups. One is called Task Force Concerned Citizens, and another is Task Force: Kalikasan. The second organization is supported by the Catholic Church. Both organizations have multi-sectoral membership composed of landowners, landless tenants, fisherfolk and parish lay workers. Sectoral organizations such as SAMA-SAMA (organization of farmers and fisherfolk), AMA (*Aniban ng mga Magsasaka sa Agrikultura*), and Santol, Pulo, and Concepcion Irrigators' Association have also joined the opposition to the plant. On the otherhand, the local government led by the provincial governor, district Congress representative, and the town mayor have been campaigning to get public support from the town people.⁵¹

Quezon Agenda has identified the issues of coal-fired thermal power plants, extension of South Luzon Express Tollway, the violation of communal

fishing grounds by commercial fishing companies, stone quarrying, and the construction of an international port as development projects that will bring negative impacts on the people and the environment. It aims to organize communities, launch campaigns, and send out environmental investigation missions.

A member of Quezon Agenda working in several communities in Lucena city (a Christian Children's Fund-affiliated organization) has been helping a community petition the government to stop or change the plan for the extension of the highway as it will directly hit the community. The houses and the economic projects (cattle raising and farming) will be covered by the highway extension. This community was established by people who had to relocate from a place within the city. With the assistance of the NGO, it was able to construct houses and a community building, and establish income-generating projects in an area outside the city of Lucena. Its petition has remained unanswered by the government. Its ricefields are not planted to rice in the summer of 1997 due to inadequate supply of water for irrigation. There is a suspicion that either an environmental problem has already affected the river where the water comes from or there is a deliberate limitation of the supply of water for irrigation to force the people in this community to leave the place. If the plan for the extension of the highway pushes through, this will be the community's second relocation experience.

Another member of Quezon Agenda focuses on environment issues. This non-governmental organization is based in Candelaria town located at the foot of Mount Banahaw, long considered as a holy mountain. It is also campaigning against the highway extension due to the plan to make the highway cut through the side of Mount Banahaw. Such development is seen as the start of the destruction of the holy mountain. With the support of many sectors from local government units to the church, the pressure on the government to skirt the side of Mount Banahaw seemed strong. The government has at least agreed to review the highway extension plan. This group has also been monitoring the activities within the forest areas of the mountain. Any sighting of logging or illegal use of forest resources are immediately reported to government authorities. It has also been using the media for its campaigns.

The issue of Mount Banahaw has gathered support from local government units in three instances. In the case of Pagbilao municipal government, while it is strongly in support of the Pagbilao power plant, its Vice-Mayor expressed opposition to the construction of a highway on the side of Mount Banahaw for fear that it will explode like Mount Pinatubo. The local government officials

of Candelaria are also opposing the highway extension plan for fear that it will cause flooding as a result of the deforestation of the mountain (due to easier access to the mountain from the planned highway). The Tayabas local government is opposing the highway extension running beside Mount Banahaw for environmental reasons including the destruction of the mountain aquifers that supply water to the town. The local government in this town has been mainly emphasizing eco-tourism in its development plan.⁸² This case illustrates how an issue can be jointly supported by the non-governmental and people's organizations, and by the local government units concerned.

Another member of Quezon Agenda is the local joint office of Task Force Detainees-Karapatan and BAYAN. They have a basic stance that CALABARZON is just another way by which foreign control over the Philippine economy will come in. All development projects from power plants to highways are meant to serve the needs of foreign investors in the country and are not supporting the real needs of the majority of the people who are poor. The CALABARZON plan therefore should be set aside altogether. Despite this stance, they have no illusion that the planned projects can be stopped. They can be delayed at the very least.

A related organization that was one of the pioneers in opposing CALABARZON is the Solidarity for People's Power or SPP. It was also supporting Quezon Agenda. It unfortunately disbanded due to differences among its members. Its work is supposedly being taken over by a branch of BAYAN based in San Pablo city (Laguna). SPP's previous campaign to revise the CALABARZON plan is not now supported by the groups which are supposedly carrying on the work of SPP.

Land conversion cases

In the provinces of Laguna and Cavite where development of agricultural lands for industrial, commercial and residential projects occurs at a fast pace since late 1980s, farmers leave their farm lands in exchange for monetary or other forms of compensation.

In one case in Sta. Rosa, Laguna, a group of farmers were compensated for giving up the land they were tilling. The compensation package involved the provision of concrete house and the lot, and some cash. The families which resettled in this area used the cash to set up small sundry stores, or purchase a motorbike with a sidecar (called tricycle) for use in transporting paying passengers. Television sets and other house furnitures and equipments were also bought.

The substituted source of livelihood however could not last long. As the tricycle for example become less productive due to frequent breakdown (caused most likely by poor maintenance), the income becomes less. The farmers on the otherhand, cannot get jobs other than farming. Slowly, as years pass by, the equipments that they bought are being sold to be able to have cash. The house that they receive became the only remaining property.⁸³

In the celebrated case of Langkaan, Dasmariñas, Cavite, the planned conversion of a 232-hectare government-owned farm land into industrial use was opposed initially by the Department of Agrarian Reform because there were 110 farmers who are qualified to receive land under the agrarian reform program. The industrial project, on the other hand, was supported by the Department of Trade and some private investors. The case was resolved in favor of land conversion (from farmland to industrial use). The head of the Department of Agrarian Reform was not able to retain his post as a consequence of his opposition to the conversion plan.

Most of the farmers involved were given money as compensation payment for leaving the land (55,000 pesos/1,315 US dollars per hectare). Some of them were also given land for housing purposes while others are still waiting (as of 1996). A livelihood training (basketmaking) was also provided. The promised priority hiring by the industries set up in the area did not materialize.

A smaller group of 24 farmers who opted to remain in the land were given 1.9 hectare of farm land each to be paid for over a period of 30 years. They were also given a disturbance compensation (8,000 pesos/200 US dollars per farmer). The Department of Agrarian Reform provided support for farming such as the construction of a road and a bridge, loans, livelihood and skills training, farm equipments, and work animals (carabaos). This group formed a people's organization called SAMALA (*Samahan ng mga Magsasaka sa Langkaan* - Organization of Farmers in Langkaan) which was later reorganized into a multi-purpose cooperative called MALAKAS (*Magsasaka ng Langkaan Nagkakaisa* - United Farmers of Langkaan).

These farmers who opted to retain the land finds security in earning money from farming. One farmer opined that being an employee means running the risk of losing the job for one mistake even after long years of good work. This is a situation that does not happen in farming own land.⁸⁴

In other places, the existing organizations of farmers break up when the leaders and members transfer to another place as a consequence of selling their farmlands. Others have simply thought of enjoying life with the big amount of compensation received disregarding the fact that their children may still want

to continue farming. As one old farmer said, he will never be able to earn so much money even if he works for a lifetime, why then should he refuse a cash offer?⁸⁵

Characteristics shown by the cases

Each of the cases described exhibits characteristics of the way CALABARZON is being implemented. Each case is illustrative of the problems that CALABARZON brings to bear on people who are displaced by the projects under it.

The Batangas port case is important on several aspects. First, government agencies can afford to violate the laws and judicial process in the name of project implementation. This refers to the violent demolition of houses in the port area while a case is pending in a local court. The violence used in demolishing the houses is unjustified and violates the rights of the people to their personal security and property. The court hearing the case which the government has filed to eject the people was disregarded as a consequence.

Second, the right of the people to adequate source of livelihood can be disregarded. The government plan for the development of the port has not included measures to protect the people in the port area from being economically displaced as a result of the expansion of the port. The promise of providing space for the people to sell goods at the new port or to let them work as stevedores falls short of assuring them of the continuation of their port-related economic activities.

Third, resettlement sites are chosen regardless of the loss of economic livelihood of people being resettled. The rejection of resettlement options within the vicinity of the port is supposed to be due to financial reason. The dependence of the people on the livelihood activities in the port was not considered. And yet, the projected operation of the port points to huge income earnings that can possibly cover the cost of on-site resettlement if only this idea is included in its master plan. Additionally, the vicinity of the port is the best place for the people to retain their social structures as a community that has thrived for more than a hundred years without government support. It continues people's access to educational institutions, medical facilities and other social services that are available in the city within a short distance. Unfortunately, these issues do not constitute major considerations in planning for the resettlement site.

The Pagbilao case shows another set of implications for CALABARZON. First, planning for substitute economic livelihood is not based on the actual

capacity of the people. Establishing a cooperative has never been effective when done within a short span of time and by people who are not meant to provide sufficient support. And yet, in repetition of the government initiated cooperative movement (*Samahang Nayon*) under the martial law period, the government simply assumed that people can change from individual fishing efforts to cooperative system in a short period of time, and enticed them by offering easy financial support. As a consequence, the people were not prepared to assume the responsibility of being members of a cooperative on which their livelihood depends, and lessened confidence in engaging in a cooperative system. This is a fatal mistake that ultimately led to the virtual death of the cooperative.

Second, resettlement program can become a mere token support to displaced people. While housing units were awarded to those who opted to stay in the area of the coal-fired thermal power plant, there was no serious effort to complete the program. Basic need such as water has not been supplied due to failure to find a water vein. This shows how planning for a well-financed resettlement site has not taken such serious matter as supply of water. Neither is electricity supplied due to the failure on the part of the government agency concerned to make adequate preparation for the supply of electricity to the island's inhabitants from the energy plant. With bureaucratic ineptness and general governmental low priority on the welfare of the people in the project site, the resettlement site becomes a very artificial show of concern for the poor.

Third, government supplants the potential of the people to act collectively on their own by providing inappropriate support to cooperative project. While support from the government is necessary for the people to regain their economic standing, the cooperative intervention has not created the interest (as shown by refusal of some of the resettled families to take part in the project) and the capability (as shown by the dependence of the people on the government agency in making decisions for the project). This is, in a sense, a case of disempowerment.

Fourth, with unviable economic alternative, people are left poorer. As the promised job for those displaced by the energy project turned out to be short-lived and the cooperative as an economic alternative become problematic, the people are driven from relative economic security to poverty. It appears that it is the effort of the people to look for jobs somewhere else that saves them not the well-financed, government-sponsored alternative economic livelihood plan.

The case of the farmers present another set of characteristics of CALABARZON. First, the conversion of land rights into monetary form is not fair to the farmers. The security of the farmers in earning a living from farming is not equal to the security that sudden accumulation of money can provide. As the cases show, no sustainable economic alternative is available to farmers who have no adequate knowledge of economic opportunities other than farming. The lure of huge amount of money is meant only to assure that they let go of their lands and not meant to provide them the same economic security as farming. Ultimately, there is no equitable compensation to speak of.

Second, the conversion of agricultural lands to other purposes has led to the disruption of the community of farmers. Farmers' organizations are broken up as members live in separate places. Monetary considerations due to land conversion forced farmer-leaders to abandon their responsibilities to the organization. The almost total change in their physical environment has taken away the reason for maintaining their farming community or their organization as farmers.

These characteristics raise serious questions as far as social development is concerned. They portray a trend in the current development process in CALABARZON. Though CALABARZON can be treated as a unique case, it nevertheless provides a scenario which can repeat itself in varying degrees in the other regional growth centers of the country.

General critique of CALABARZON

One very clear critique of CALABARZON is the violation of its master plan. While the master plan lists several objectives, namely agricultural production, social development, environmental protection, and industrialization, the implementation of the plan mainly focuses on industrialization. This thrust seriously subverts the very idea of an agro-industrial area promoted by the government in early 1990s.

In addition, the implementation of the plan has been found to have the following problems:

- a. projects listed under the master plan have not been implemented due to lack of funds;
- b. environmental and social development aspects of the plan were hardly touched as government agencies involved are not included in the technical working group;
- c. major organizational change has taken place (the devolution of

power to the local government units) and yet the plan has no corresponding adjustment;

d. there is very little coordination and irregular monitoring of the different components of the plan. The lead national government agency is interested only in investment;

e. while implementation of listed projects is not guaranteed, those projects not in the list are implemented due to political and financial support.⁸⁶

These problems support the view that there is selective implementation of the master plan. And the government's bias is clearly on industrialization at the expense of agrarian reform or agricultural production.

Due to the unregulated development activities, it is estimated that around 60,000 hectares of land have been converted from agricultural to other uses. Fishery areas have been affected by the establishment of electric power plants along sea coasts. Land conversion raises the question of food security. Many see CALABARZON as being developed as an industrial, commercial and residential area where food will be imported from nearby provinces (mainly from the island provinces of Mindoro, Marinduque, Palawan, and Romblon). This highly imbalanced development program poses a serious problem to those engaged in agricultural production as well as to the consuming public in the area.

The displacement of communities (which leads to their destruction) occurs as lands get converted. While farmers may get financial return for the land, there is no assurance of transition to a new production activity. There is no clear replacement for income source (one terms this as universalized job insecurity).⁸⁷ The promised employment in the industries that will be put up is not secured. The available industrial jobs are normally not fit for the skills of the local farmers or fisherfolk. The land conversion cases in Cavite and Laguna show the temporary benefit that substantial compensation for sale of the land brings to the people. After three to five years, the families who lost the land are almost back to their previous low economic standing as they continue to fail to get a new stable source of income. The communities of people who sold lands may have also disintegrated as the people went out in separate ways to establish their new homes or find new jobs. Even in case of long planned development project where relocation site for those to be uprooted is in place, inadequate facilities force people to refuse their transfer to the relocation site. This is the case of Batangas international port. The supposed compensation for the displacement of people can most likely result in "subse-

quent" poverty.

At the national level, while the government can boast of dramatic increases in the amount of foreign investments in the country during the last three years due to the expedient passing of laws supporting foreign investment, it admits that it still has a lot to go as far as institutionalizing its Social Reform Agenda. As of September 1997, President Fidel V. Ramos admits that the government still has to pass needed anti-poverty laws and put firmly in place the structures for social reform that more directly address the concerns of the poor sectors of Philippine society. The experience in CALABARZON reflects this national situation.

Responses to the problems of CALABARZON

People's organizations as well as NGOs seem to have a weak response to the CALABARZON issue. Only one organization has so far concentrated on CALABARZON through the years - the Solidarity for People's Power (SPP). Other organizations are either preoccupied with their own separate problems related to CALABARZON or have not given the CALABARZON issue sufficient attention. But then, SPP collapsed leaving the efforts to monitor CALABARZON even less coordinated.

Many reasons can be cited for this situation.

In many ways, most groups are not prepared to face the many activities going on in many parts of CALABARZON. Development projects are cropping up almost simultaneously in different parts of the area. Each group is thus forced to concentrate on its respective location or issue.

Another reason is the fact that many groups are preoccupied with issues that have national impact (such as lobbying on specific legislative proposals) or activities in other parts of the country. The CALABARZON issue has just recently become a major issue to focus on.

CALABARZON came into effect with the promise of development finally becoming a reality. The many years of clamoring for roads, electricity and even jobs seem to be on the threshold of fulfillment as government and private investments pour in huge amount. This is the background against which farmers agree to sell their lands to realty agents. Immediate financial benefit is real. The decision of poor farmers to accept financial compensation in exchange for their land is seen as mainly rational - a pragmatic response to a once in a lifetime chance of getting a break from perennial poverty. Others may find the CALABARZON as an inevitable development and does not see any feasibility of opposing it. This is where the "feeling of inevitability" comes in.⁸⁸ On the

other hand, the general public perception of CALABARZON may be positive. General opposition to CALABARZON may therefore be weak under this circumstance.

Many people's organizations are affected by CALABARZON as their members and leaders receive financial benefits from land conversion. These organizations begin to weaken as active members begin to participate less. They may also be affected by the physical transfer of the members as their lands become subject of development projects. In certain cases, there may be communities breaking up due to these projects. This weakening of people's organizations is not entirely blamed on people who accepted financial benefit from land conversion.

No single organization or group of organizations has started extensive regional coordination work in order to create a response to CALABARZON supported by various organizations of differing political or ideological perspectives (so-called rainbow coalition). This largely shows the relative newness of CALABARZON as a major area of concern among many groups in the area.

Despite this situation however, some groups are beginning to look more into the problems of CALABARZON as seen in the case of people's organizations and non-governmental organizations in Quezon province. There are groups planning to do more research to see exactly how CALABARZON is making an impact on the lives of people.

It seems that only after a better understanding of the whole CALABARZON issue happens that a stronger move of people's organizations and NGOs will occur.

People Power mechanisms and CALABARZON

An essential question that needs to be asked is: has the vaunted people power slant of the Philippine Constitution, the relevant laws, the economic programs and the social reform agenda helped the people in the country in general and in CALABARZON in particular?

At the national level, one can find examples of the use of the People Power mechanisms by people's organizations and NGOs. They actively participated in government-sponsored consultations on development such as the Anti-Poverty Summit (March 1996). They have likewise been represented in the Social Reform Council where proposed socioeconomic policies are meant to be formulated. Some policy changes did occur by virtue of these activities.

The legislature has become a major focus of lobby work of the people's

organizations and NGOs on issues ranging from fishery to Commission on Human Rights. Various issue-based lobby groups had been formed. In a number of cases (on urban poor, women, children, indigenous people issues, for instance), the lobby work did bring positive results.

The local government, on the otherhand, is consistently getting much attention from people's organizations and NGOs. In many places, members of people's organizations and NGO workers run for election in local government positions. Some won and initiated needs and service-oriented programs that parallel the demands usually advocated for by people's organizations and NGOs. They also learned the difficulties of initiating changes within government even at the local level.⁸⁹ Of the present 1,540 town mayors in the country, some 500 or 30% of them are former anti-Marcos activists who saw the opportunity for effecting change by being in local government. Some would admit that they use their experience in activism in formulating and implementing programs.⁹⁰

The new mechanism of initiative and referendum has been tried though unsuccessfully in two instances. The first attempt is the project of the defunct Congress for a People's Agrarian Reform (CPAR) in 1987 to get an alternative agrarian reform law passed through a version of initiative and referendum. The second is the attempt to change the 1987 Constitution. In the second instance, some Justices of the Supreme Court in a minority opinion argued in favor of allowing the initiative and referendum project to proceed precisely because it is part of the democratic process and an exercise of people empowerment.

But it is very clearly shown that private business initiatives and traditional political activities are much more efficient and effective in making changes in both physical and policy environments that largely skirt the obstacles posed by the opposition of people's organizations and NGO sectors in general.

Violations of People Power mechanisms have occurred without satisfactory accountability for those involved. This leads to a weak link in the system, the judicial and administrative mechanisms for such violations. They do not seem to be able to cope with the large volume of cases brought before them by people's organizations and the NGOs. Problems raised regarding land and housing cases for example are not resolved with dispatch as the judicial and administrative systems are not in a position to do so.

In looking at the case of CALABARZON, a major consideration is its aim at making a major change in the condition of the five provinces covered. It is aimed at changing social, cultural, economic and political situations as people

from other places of the country and from abroad settle in and work in the area, as infrastructural projects change the use of the land; as industries operate in many places. How far has the government prepared for this fast change of physical and social environments? In cases where displacements occur, how much effort has been made to assure that the people's lives will not unnecessarily suffer?

What seems to be clear in the present state of CALABARZON is the government's aggressive promotion and assistance in the entry of private investors in the area; the pursuit of government-initiated infrastructural projects; the failure to implement most of the social development projects under the master plan; the failure to follow the idea of balanced agro-industrial development; and the failure to address sufficiently the negative effects of the various projects on people living in the area. While the income from the industries certainly increased, there are displacements occurring at the same time.

The People Power mechanism has largely been unused in the cases studied. The court decision that intervened in the Batangas port case came about not because the affected community had sought the help of the court but because of the government's effort to evict them from the land. And in the case of Pagbilao power plant, the people's organization filed a complaint in court to stop the construction of the plant but it met a legal obstacle that precisely disallows such act of seeking help from the courts. The local government has likewise been unable to satisfy the demands of the affected communities despite the presence of leaders who are themselves part of the local government structure (the Sta. Clara community leader is the *Barangay* head of the community while the leading oppositionist of the Pagbilao power plant is a member of the Pagbilao local legislature). This is mainly due obviously to the fact that they constitute the minority voice in the structure.

The weak organization of the people resettled in the Pagbilao power plant case shows how valid issues against the resettlement program failed to be addressed. But the strong resolve of the organization of farmers, though they constitute a minority in the community, to retain their land in the Langkaan case helped them obtain what they demanded. This is likewise true in the Mount Banahaw case where determined opposition by the NGOs created enough pressure on the government to backtrack on its plan in the area for the meantime.

At the same time, the inadequate representation of the CALABARZON issues at the national level is due mainly to weak CALABARZON-wide campaign among people's organizations and NGOs. Since the collapse of the

Solidarity for People's Power, no new facility for advocacy has taken its place which can harness support from the various people's organizations and NGOs working in separate places in the five provinces. This is to be contrasted with the government structures in the CALABARZON area consisting of representatives of national agencies and high provincial officials. The CALABARZON Coordinating Council, based in the Department of Trade, has technical and information support system aimed at attracting more foreign investments in the area. Another structure is the Southern Tagalog Regional Development Council whose membership includes the provincial governors of the region.

While the national advocacy by people's organizations and NGOs seem to be exerting pressure on government policies and programs, the advocacy in CALABARZON by the local people's organizations and NGOs does not make much impact.

Must there be a new approach in using People Power mechanisms in CALABARZON then? The answer must be in the affirmative, but the basic issue is on the capability of the people's organizations and NGOs to check the government-supported initiatives in CALABARZON. This remains a challenge to them.

Human rights implications

The CALABARZON experience shows how development can impact on human rights.

There are five main sets of rights that are violated by the on-going activities in CALABARZON:

- a. right to livelihood;
- b. right to participation;
- c. right to hold government accountable;
- d. right to form and live as a community as a basic unit for self-reliance; and
- e. right to healthy environment.

While CALABARZON certainly brings changes to the five provinces by promoting industrialization and urbanization, it also creates new economic problems for the most vulnerable sectors of the communities. Consider the following:

- loss of fishing grounds due to construction of power plants and resorts along the sea coasts;
- loss of agricultural lands which can be tilled by farmers who would like to continue farming;

- inability of industries that were put up to absorb the labor force displaced from the former farm lands;
- lack of economic opportunities for those who receive compensation for the land.

If one multiplies by so many times the area and people who are affected by any of these situations, one can see the negative economic impact of CALABARZON. No information has been heard so far on government initiatives that address these concerns other than a directive from President Fidel V. Ramos for the holding of "...regional consultations on the impact of CALABARZON projects on the fisherfolk."⁹¹ It seems that the government is still not convinced about the impact that the activities in CALABARZON have been causing.⁹²

People who have been forced into a situation where there is no better option but to lose their traditional source of livelihood and to take the risk of getting a new source of income suffer from a violation of right to livelihood. The same case applies even for those who have received compensation without proper guidance and support for "transition to new production".⁹³ As the cases of Langkaan and Sta. Rosa show, people may end up subsequently in poverty. This situation portrays the loss of control by people over their economic production leaving them even more vulnerable to poverty.

The numerous projects being implemented with or without proper government permission, create an environment where the most vulnerable sectors of the community are simply led to move out rather than turned into active partners. While CALABARZON has farmers and fisherfolk as the most affected sectors, their role has been relegated to recipients of compensation for land conversion if not outright dislocation as in most cases of fishing communities.

Existing organizations of farmers and fisherfolk are affected as payoffs enticed them to leave or disregard the organization in order to take care of their own interests. Existing communities break-up the moment their areas are taken over for development projects. Many NGOs have been occupied by the different issues in different places and have not been able to provide support to the need of the affected people to assert their right to at least be consulted before any project is approved. In most cases, people find themselves faced with the implementation of projects.

The collusion between government officials (national and local levels) and the private investors effectively shut off information that will intelligently inform people of the impact of the projects on their lives. Without adequate information and opportunity to raise their views on the projects, the affected

people's right to participate is effectively violated.

The developments in CALABARZON show how a determined government can implement or facilitate the implementation of projects without much regard for their impact on people and the environment. Food production, income source, and environmental protection are all put at risk. Lack of government regulation allows the freewheeling behavior of private investors. Uncoordinated national government activities and conflicting policies make the process of petitioning for grievances complicated and disparate. Each government agency is concerned only with a specific issue that forms part of a host of other issues. The effort of making government respond to the issues is enormous. This system makes accountability of government even more difficult to get.

The physical break-up of some communities in CALABARZON is bound to be repeated in areas found by land speculators and investors suitable for their business. The provision of homelots for the farmers is not always guaranteed. Fisherfolk who are evicted from lands that are publicly-owned (but at times illegally appropriated by business groups) will have to find a place to resettle not necessarily with the same community as before. Somehow, the right of people to be in one place/community is connected with their ability to resist projects that cause displacement. Their right to organize and petition the government for redress of grievance will certainly be weakened by the breaking up of their communities.

The over-all impact of the industrial, commercial, residential and other non-agricultural activities in CALABARZON has not been given much attention by the government. The requirement for environmental impact assessment has largely, it seems, been limited to specific projects. But with the unregulated use of the natural resources from stone quarrying to construction of power plants and resorts along the coasts, the subsequent environmental impact would adversely affect the right of people in the area to an ecologically-sound environment. The costs of such violation of the right to healthy environment cannot be determined at the moment. But the possibility of high cost is real.

While the employment of people empowerment policy seen in the Bases Conversion Development Authority and Bolinao cement plant cases is lauded, what needs to be clarified is the extent by which the government (at the national and local levels) inform people about the positive and negative impacts of projects to allow concerned communities to voice their positions as in these two cases. What are mainly reported are the supposed benefits

expected from the projects. This situation forecloses the participation of people in the development process in violation of the right to development principle of people being active participants in development processes.

Opportunities for people's movement (or civil society movement)

Against the background of PHILIPPINES 2000, there are potential avenues for people to assert their right to sustainably benefit from and take part in the decision-making processes on development programs.

People's organizations, NGOs as well as government talk of several measures that support people's participation in the process of development. Following are the measures taken by the government:

- a. devolution of power to local government units;
- b. institutionalization of community -based mechanisms; and
- c. acceptance of consultation mechanisms.

A most significant development in the last decade is the enactment of a law that provides more powers to the local government units. The law (The Local Government Code)⁹⁴ devolves much of the authority, services and income to the local government units that make them powerful players in any development program. Their powers range from land use demarcation to environmental protection. Like a two-edged sword, devolution of powers can either create units with good local governance or mini-empires that trample upon the rights of the weak members of society. Some experiences in certain local government units show that given an enlightened leadership, much can be gained from the wise use of local government powers (including forestalling the entry of private investments projects with negative impact on people's traditional livelihood). The cases of Puerto Princesa city (Palawan province) and Irosin, Sorsogon are good examples.⁹⁵ Greater cooperation between the local government and the people's organizations (and also NGOs) is feasible under this situation.

On three key areas, the government has supported the creation and operation of community-based structures. Agricultural production, fishery resource management and human rights action have their corresponding structures at the community level. The agrarian reform communities (ARCs), the fisheries and aquatic resource management council (FARMCs) and the Barangay Human Rights Action Centers (BHRACs) are all part of government programs. These community structures institutionalize community-based mechanisms that can facilitate people's participation.

The use of consultation as a process of getting the view of the community

on certain government program has been adopted by many government agencies. Though experience shows its ineffectiveness in stopping government programs or projects, consultation is still a vehicle in making people become more aware of government plans and programs. A better way of using this mechanism can help make government more accountable to the community. It can thus be advocated as a regular feature of government standard operating procedure.

To what extent will the civil society maximize these opportunities is still not clear. But as far as some people's organizations and NGOs are concerned, these opportunities should not be missed.

Challenges

The unfolding situation in CALABARZON points to many challenges in the work for the realization of social development and human rights.

People's organizations and NGOs have to face the daunting onslaught of economic development activities waged by both government and the private sectors.

Several important factors have to be considered in looking at CALABARZON:

- a. government social development programs;
- b. private investors' willingness to compensate for the displacement of people;
- c. growing middle-class who benefit from the development activities;
- d. acceptance of CALABARZON (inevitability) even by the most affected groups (farmers and fisherfolk) which is at the same time increasing their powerlessness - (feeling of inevitability);
- e. local government powers; and
- f. state of organization of communities.

In addition, the assertion of rights have to consider the general state of Philippine judicial and administrative redress mechanisms. The still pervading slow and costly process of obtaining court decisions or administrative actions on complaints ultimately negate the human rights norms embodied in Philippine laws, policies and programs. Much remains to be done in the field of obtaining speedy and adequate remedy for human rights violations committed.¹⁶

Each of these factors may promote or oppose social development and human rights.

The CALABARZON experience shows how these factors come into play. The present situation indicates strong role for private investors with the support of the national and local governments. The main challenge therefore lies in contending with this reality. And having strong, well-organized communities is a basic condition for realizing social development and human rights .

Conclusion

As observed and analyzed, the situation in CALABARZON is fast changing. But the direction toward resolving the problems that people face is not very clear. The number of affected people is increasing along with the seriousness of the problems. It is the interplay among the concerned groups that will decide the situation.

Many structures and organizations are created under the present democratic system and people's empowerment policy of the government. Local governance is now involving much more people as part of either the local governments (provincial, city, municipal, and *barangay*) or the people's organizations and NGOs.

As more powers are devolved to the local governments, more opportunities for violating or realizing human rights exist.

The realization of human rights in the context of social development is still very much dependent on the struggle of communities to claim their rights. Such task cannot be left to the government and the private sector as the CALABARZON experience shows.

As long as economic development remains the paramount consideration on the issue of development, government policies and structures supportive of human rights and social development will remain weak and ineffective.

End notes:

1. Several industrial disasters had occurred during the last decades including such cases as the Union Carbide gas poisoning in Bhopal, India, the chemical fire in Kloengtoey, Bangkok and toy factory fire in a province in Thailand, the forest fires in Kalimantan and Sumatra islands in Indonesia, the mine tailing flood in Marinduque, Philippines. All these disasters caused damage to the people who are most helpless - the factory workers and the poor people residing in the areas of the disasters. Extensive damage to the environment also took place.
2. See the speech of Philippine Foreign Affairs Secretary, Domingo Siazon, read before the Third International Conference of New and Restored Democracies held in Bucharest, Romania in early September 1997. 50 countries from Asia, Latin America, Europe and Africa as well as representatives of 14 international financial institutions such as World Bank, IMF, OECD, European Commission were in attendance. *Manila Bulletin*, September 3, 1997, Manila, Philippines.

3. Lee Kuan Yew of Singapore criticized the Philippine system for causing "... undisciplined and disorderly conditions which are inimical to development". He explains that the "... Philippines has an American-style Constitution, one of the most difficult to operate in the world. There is a complete separation of powers between the executive, legislature, and judiciary. But a developing country faced with disorder and under-development needs a strong, honest government. The Ramos presidency will have to prove that this democratic constitution can be made to work and that development is achievable. Many checks and balances have been written into the constitution to guard against abuse of power. But they must not lead to paralysis of government. At the end of the day, the discussion and debate, the legislature must allow the executive to take hard decisions." The success of the Philippine experiment on development and democracy will prove Lee Kuan Yew wrong and set a new thesis on development in a developing country setting. See Armando Doronila, "Democracy and Development" *INTERSECT*, vol. 8 no. 8 September 1994, Institute on Church and Social Issues, Ateneo de Manila University, Quezon city, Philippines.

In a November 1996 article in *The Economist*, it is reported that the concept of democracy and development seems to be getting realized in the Philippines. With the economic development that has happened up to November 1996, "maybe Mr. Lee was wrong." See "Learning from the Philippines", *The Economist*, November 16, 1996, pages 19-20.

In February 1998, President Kim Dae Jung in his inaugural address stressed the need for democracy and economic development to be pursued simultaneously. This is obviously a reaction to the lack of democratic process in the economic system of Korea that caused its present financial turmoil. But in an earlier published article, it is asserted that the present financial turmoil in Asia did not spare countries which are considered to be democratic citing as examples Japan, Korea and Thailand. It is argued that rather than democracy, it is accountability that is needed to sustain the economic progress enjoyed for several decades by those countries now suffering from financial turmoil. See Asad Latif, "Accountability, not democracy, is key," *Japan Times*, December 22, 1997. One may ask, therefore, whether countries lacking in transparency, accountability of officials, and information access can be considered democratic when seen in the context of the definition of democracy being used in this paper. It is logical to conclude that these countries are not fully democratic since the principles of transparency, accountability and access to information, among others, are basic elements of a democratic system.

The latest word on this debate comes from a forum organized by the World Bank and the Asian Development Bank held in Manila in March 1998 where some economic experts said that the investment of the Philippines in putting in place democratic systems have helped the country weather the current financial crisis in Asia. They then urged other countries in the region to hasten democratic reforms. This report is the latest on the democracy and development argument. See "Democracy, investor confidence linked," *Japan Times*, March 12, 1998.

4. The Preamble of the 1987 Philippine Constitution states that

"We, the sovereign Filipino people, imploring the aid of Almighty God, in order to build a just and humane society and establish a Government that shall embody our ideals and aspirations, promote the common good, conserve and develop our patrimony, and secure to ourselves and our posterity the blessings of independence and democracy under the rule of law and regime of truth, justice, freedom, love, equality, and peace, do ordain and promulgate this Constitution."
5. Section 1, Article II, Declaration of Principles and State Policies, *ibid*.
6. Jose Nolleto, *The Constitution of the Republic of the Philippines Explained*, National Bookstore, Inc., Metro Manila, Philippines, 1994, page 7.
7. Sections 9, 10, 11 Article II, Declaration of Principles and State Policies, *op. cit*.
8. Sections 23, 24, 25, 27, and 28, Article II, Declaration of Principles and State Policies, *op. cit*.
9. A number of cases of bogus NGOs have been documented to have obtained forest refor-

estation projects that simply wasted the funds made available.

10. An example of a direct benefit in the development of national wealth is the distribution of electric power to the community in Tiwi, Albay province where geothermal resources which generated the electricity are located. (Geothermal town to get free power, *Philippine Daily Inquirer*, May 15, 1997).
11. Republic Act No. 7160 (Local Government Code of 1991) which took effect on January 1, 1992.
12. An organization (People's Initiative for Reforms, Modernization and Action or PIRMA) and an individual on behalf of another organization (Movement for People's Initiative) filed petitions with the government election body (Commission on Elections) to allow the use of "people's initiative" in changing the provision of the 1987 Constitution that prohibits an incumbent President from seeking a second term. A President is elected for a 6-year term without re-election. This was blocked by a petition with the Supreme Court citing lack of enabling law to support the use of initiative. The Supreme Court characterized initiative as an innovative system. It is interesting to note that the Movement for People's Initiative cites its petition on initiative as a way to institutionalize people power. On the other hand, the groups opposing the petition (*Demokrasya Ipagtanggol ang Konstitusyon* or DIK and Movement of Attorneys for Brotherhood, Integrity and Nationalism, Inc. or MABINI) assert that the term limits for the office of the President is based on the philosophy of governance of opening up "... the political arena to as many people as there are Filipinos qualified to handle the demands of leadership, to break the concentration of political and economic power in the hands of a few, and to promote effective proper empowerment for participation in policy and decision-making for the common good."

The Supreme Court ordered in the majority opinion the Commission on Elections to dismiss the people's initiative petition filed before it. In a separate opinion of one member of the Supreme Court, he concluded in the following terms: "The Constitution calls us to encourage people empowerment to blossom in full. The Court cannot halt any and all signature campaigns to amend the Constitution without setting back the flowering of people empowerment. More important, the Court cannot seal the lips of people who are pro-change but not those who are anti-change without converting the debate into a sterile talkathon." (Concurring and dissenting opinion of Justice Reynato Puno. The concurring and dissenting opinions of two more Justices follow the same line of argument.) See *Miriam Defensor Santiago, et al. vs. Comelec, et al.*, G.R. No. 127325, March 19, 1997 as published by the *Manila Bulletin*, March 25, 1997.
13. The writ of amparo is reported to have originated in Mexico. It was introduced into the new Constitution as one of the innovative features to protect the rights of people. Section 4(5), Article VIII, 1987 Constitution which is interpreted as the basis of this writ is an addition to the traditional power of the Supreme Court to make the rules for the practice of law (court procedures, licensing of lawyers, and legal aid). The constitutional provision states that the Supreme Court has the power to promulgate "...rules concerning the protection and enforcement of constitutional rights..." In the late 1980s, the Supreme Court was reported to have initiated the drafting of rules for the writ. But it is not known whether rules are now in existence for this purpose.
14. See *Philippine Plan for Gender-Responsive Development 1995-2005*, page 5. National Commission on the Role of Filipino Women, Manila, Philippines.
15. *Ibid*, page 18.
16. *Ibid.*, page 19.
17. See Philippine Alliance of Human Rights Advocates, "PHILIPPINES 2000 and Human Rights - A Policy Study Paper," August 1994, Manila, Philippines, and Task Force Detainees of the Philippines, "PHILIPPINES 2000: A Myth Shattered - Report on the Human Rights Situation (1996-1997)," Quezon city, Philippines, January 1998.
18. Rosemarie O. Aguilar, *Philippine Growth Zones, Philippine Development*, vol. XXIII No. 4, July-August 1995, NEDA, Pasig city, Philippines, page 24-28.

19. *Ibid.*, page 24.
20. Fidel V. Ramos - *President's Message* - in *BCDA - Managing the Conversion and Development Processes (1992-1995)*, Makati city, Philippines, page 5.
21. Victor A. Lim, *The Chairman's Report*, *ibid.*, pages 9-10.
22. See letter of Secretary Victor O. Ramos, Secretary of the Department of Environment and Natural Resources, addressed to Mr. Andrew E.J. Wang, General Manager of Pangasinan Cement Corporation, dated August 6, 1997.
23. Section 3e, Article I, Administrative Order No. 21 (Amending the Revised Rules and Regulations Implementing PD 1586 - Environmental Impact Statement System), June 5, 1992. The provisions of Section 3e is substantially the same as those of the previous rules and regulations issued during the Marcos administration.
24. President Fidel V. Ramos, *Message, Major Policy Directives in the Implementation of the Social Reform Agenda*, Social Reform Council Secretariat, Quezon city, Philippines, 1996.
25. *Ibid.*, page 3. The People's Economic Summit (September 1994), the consultations done in preparing the MTDP and those consultations held by the National Unification Commission to forge a comprehensive peace process are the major consultation activities referred to here.
26. Section 1, Executive Order No. 240 (Creating Fishery and Aquatic Resource Management Councils (FARMCs) in *barangays*, cities, municipalities, their composition and functions).
27. See *Manual on Agrarian Reform Community Development* (draft copy), Department of Agrarian Reform, Quezon city.
28. BHRAC was institutionalized through Memorandum Circular No. 94-194 dated October 27, 1994 issued by the Department of Interior and Local Government.
29. This reflects the strong participation of NGOs and people's organizations in the process of defining the content of SRA. The euphoric reaction among the organized subsistence fisherfolk sector when FARMC was formally recognized is a good example of the appreciation of the small victory that the sector has achieved after so many years of lobbying efforts starting in 1987. But since the "victory" is still small, the sector has to continue its lobby work for more results.
30. There were simultaneous rallies in other major cities of the country on September 21, 1997 also in protest of the move to change the 1987 Constitution. The same major institutions as those that mobilized in Manila were involved in these rallies.
31. Eduardo C. Tadem, "Reflections on NGO-PO Relations", *Communique*, Nos. 34-35, March-June 1996, ARENA, Hong Kong, page 23.
32. Several of the prominent coalitions that came up are the following: Labor Advisory and Consultation Council; Congress for a People's Agrarian Reform; DIWATA (women's network); National Coalition of Fisherfolk for Fisheries and Aquatic Reform. In 1995, a new lobby group for agrarian reform was formed composed of some farmers' and non-governmental organizations. This is called Philippine Campaign for Agrarian Reform and Rural Development (PhilCARRD).
33. The Labor Advisory and Consultation Council and the Congress for a People's Agrarian Reform were disbanded in 1993. It is reported that the National Coalition of Fisherfolk for Fisheries and Aquatic Reform is also under some internal stress that may lead it to eventually disband also.
34. Broadly defined, social development agencies fall under the definition of non-governmental organizations (NGOs). These NGOs are described as

"... specialized groups engaged in activities in support of, parallel to, or on behalf of grassroots efforts. These would include fund raising, advocacy, organizing, research, publications, education work (consciousness raising), skills training, project design and evaluation, consultancy services, lobbying, establishing and managing

livelihood projects, acting as intermediaries with government and business sectors. NGOs have professional staff of writers, researchers, trainers, organizers, and administrative personnel, generally come from the middle classes of society and normally don't have mass members. NGOs are also known by other names such as private voluntary organizations, the non-profit sector, the third sector (in relation to state and market), development NGOs, and the most recent, civil society organizations." (Tadem, *op. cit.*)

35. Alan G. Alegre ed. *Trends and Traditions, Challenges and Choices - A Strategic Study of Philippine NGOs*, Ateneo Center for Social Policy and Public Affairs - Philippine-Canada Human Resource Development Program, Quezon city, 1996, page 14.
36. Karina Constantino-David categorizes these groups into 3 types: GRINGOS (government-run, inspired, or initiated NGOs); BONGOS (business-organized NGOs); COME 'N GOs (fly-by-night NGO entrepreneurs). This categorization still considers groups that are run by government or are created for dubious purposes as NGOs. See *Making a Difference - NGOs and Development in a Changing World*, Michael Edwards and David Hulme, editors, Earthscan, London 1992, page 138.
37. The current members of CODE-NGO are composed of the following: Association of Foundations; Caucus for Bicol Development; Katipunan ng mga May Kapansanan sa Pilipinas, Inc.; Mindanao Coalition of Development NGOs; National Federation of Cooperatives; National Council for Social Development; National Council of Churches in the Philippines; National Secretariat for Social Action, Justice and Peace; Partnership of Philippine Support Service Agencies; Philippine Business for Social Progress; Philippine Partnership for the Development of Human Resources in the Rural Areas; Regional I Caucus of Development NGOs, Visayas Network of Development NGOs.
38. *Brochure* of CODE-NGO.
39. Constantino-David, *op. cit.*, page 146.
40. Alegre, *op. cit.*, page 3.
41. See Introduction of John N. Schumacher, SJ in the book "The Church and Its Social Involvement in the Philippines, 1930-1972", Wilfredo Fabros, Ateneo de Manila University Press, 1988, Quezon city, Philippines.
42. Alegre, *op. cit.*, page 33.
43. Most of the discussions are based on the paper "Some Notes on the Beginnings of Human Rights Education in the Philippines" by Jefferson R. Plantilla, unpublished, 1996, HURIGHTS OSAKA, Osaka, Japan .
44. Benjamin Oliveros, "On the Orientation of the Human Rights Movement", *Human Rights Forum*, volume V number 2, January-June 1996, pages 107-108.
45. *Ibid.*
46. Fr. Ben Alforque, "From Alpha to Omega: Infinite Points on Human Rights and the Struggle for National Liberation," *Human Rights Forum*, volume V number 2, January-June 1996, pages 111-112.
47. *Free Legal Assistance Group, 1974-1994*, FLAG Human Rights Foundation, Inc., Quezon city, 1994, page. 10.
48. For more detailed discussion on the growth of alternative law groups see Stephen Golub, "Democratizing Access to Justice: Philippine Developmental Legal Services and the Patrimonial State," unpublished, San Francisco, California, USA, 1994.
49. *Alternative Law Groups Directory*, The Alternative Law Groups Inc. (ALG), 1996, Makati city, Philippines.
50. *Proceedings - Alternative/Developmental Law Workshop II*, Committee of Alternative Law Groups and Structural Alternative Legal Assistance for the Grassroots (SALAG), 1992, Makati, Philippines, page 8.
51. Johannes Ignacio citing Article 2, Covenant of the Alternative Law Groups, 1992, in *The Nature of Alternative Law, The Fourth ALG Conference*, The Alternative Law Groups,

- Inc. (ALG), 1995, Makati city, Philippines, page 46.
52. FLAG Human Rights Foundation, Inc., *op. cit.*, page 8.
 53. Ma. Socorro Diokno, "Assessing Survival Rights: A new Initiative of the Free Legal Assistance Group in the Philippines," *Human Rights Dialogue*, Carnegie Council on Ethics and International Affairs, volume 10 September 1997, page 14.
 54. *Ibid.*, page 15.
 55. Rosalinda Galang, "Keeping Rights Relevant", in *Human Rights Violations: Communicating the Information, Index on Censorship*, London, UK 1997, page 46.
 56. Task Force Detainees of the Philippines, "PHILIPPINES 2000: A Myth Shattered," *ibid.*
 57. Mercedes Contreras, "Ten Years After", in *We Did Not Learn Human Rights From The Books - The Philippine Human Rights Record in the period of 1986 to 1996*. The Justice, Peace and Integrity of Creation Commission, Quezon city, Philippines 1996, page 9.
 58. Max de Mesa, "Human Rights and the Struggle for Peace," *ibid.*, page 29.
 59. Fr. Ben Alforque, *op. cit.*, pages 115-116. The universality of human rights issue is one of the areas of contention among groups identified or influenced by the National Democratic movement. There are groups that have affirmed the ideological, political and organizational principles of Jose Ma. Sison's Communist Party of the Philippines and uphold the contextual view. Those who rejected Sison's principles may be seen as belonging to the groups which uphold the universality principle of human rights. This debate between those pro-Sison (Reaffirmists or RA) and those anti-Sison (or RJ) caused the breaking up of many of the groups identified with or influenced by the National Democratic movement. It should be noted that the same reaffirmist view on the universality concept of human rights is reported to be espoused by the Maoist Shining Path in Peru. This is termed as class-based approach to human rights.
 60. See *Philippine Human Rights Plan 1996-2000 - A Call to National Action for Advancement of Multi-Sectoral Human Rights Agenda*, Commission on Human Rights and the Inter-Agency Task Force on Strategic Planning and Research for Human Rights Protection, September 1995, Pasig city, Philippines.
 61. Presentation by Conrado S. Navarro, Vice-President of International Institute of Rural Reconstruction, during the Southern Tagalog Workshop on CALABARZON and APEC held in IIRR conference hall, Silang, Cavite, September 3-4, 1996.
 62. *Southern Tagalog Profile 1994*, NEDA Regional Office No. IV
 63. *Philippine Flagship Program*, NEDA, Region IV, September 1996.
 64. *Socio-Economic Profile of the Province of Batangas*, Office of the Provincial Planning and Development Coordinator, Batangas city, Philippines.
 65. *Fact Sheet on Batangas Port Development Project. Solidarity for People's Power*, Los Banos, Laguna, July 1994.
 66. See *Order*, Philippine Ports Authority versus Thelma Maranan, et alia, Civil Case No. 3601, Regional Trial Court, Branch 84, Batangas city, April 19, 1996.
 67. Interview with Helen Mendoza and Lucena Vasquez Fabian, residents of Villa Anita, Sta. Clara, Batangas city, August 8, 1997.
 68. *Ibid.*
 69. *Ibid.*
 70. *Ibid.*
 71. See *Southern Tagalog Profile 1994*, NEDA Regional Office No. IV
 72. Interview with Francisco Portes, *Barangay* legislative council member, Ilayang Pulo, Pagbilao, Quezon, August 5, 1997.
 73. Paid advertisement of ABB Power Generation Group Ltd., *Far Eastern Economic Review*, October 15, 1997. Another paid advertisement by ENRON, another major international company in the energy generation business, cites the solution of the Philippine energy crisis as part of its success in the business. This latter advertisement

- appeared in *Fortune Magazine*, November 10, 1997.
74. Interview with Pablito Mercader, former President, Bagong Kapatiran ng Bayan ng Pagbilao-Multi-Purpose Cooperative, August 6, 1997.
 75. Interview with Jaime Gadia, BKP-MPC President - 1997-1999, August 6, 1997, resettlement site.
 76. *Ibid.*
 77. Interview with Zenaida Ludoviza Parreno, Vice-mayor of Pagbilao, August 5, 1997.
 78. Interview with Jimmy H. Laporteza, Municipal Councilor of Pagbilao, August 5, 1997.
 79. Telephone interview with Zaporteza, March 16, 1998.
 80. *Ibid.*
 81. Patricia Picazo, "No to Power Plant," *INTERSECT*, vol. 9, nos. 4 & 5, April-May 1995, Quezon city, Philippines, pages 26-27.
 82. See *Comprehensive Development and Land Use Plan* prepared by the UP Planning and Development Research Foundation, Inc. for the Tayabas municipal government.
 83. Interview with Ma. Rosario Jimenez, School of Urban and Regional Planning, University of the Philippines, June 1996.
 84. Mayet C. Culibao, "Langkaan Six Years After," *INTERSECT*, vol. 11 No. 2, February 1996, Quezon city, Philippines, page 11.
 85. Statement of an old farmer as narrated by Feliciano Matienzo, leader of KASAMA a farmers' organization based in Sta. Cruz, Laguna, September 1996.
 86. Presentation by Conrado S. Navarro, *op.cit.* See also "Project Calabarzon: A success or a failure?" *CALABARZON TODAY*, VOL. 2, NO. 6, January-February 1997 issue, Makati city.
 87. Interview with Isagani Serrano, Vice-President of the Philippine Rural Reconstruction Movement (PRRM), Manila, August 28, 1996.
 88. Interview with Marvic Leonen, Director, Legal Rights and Natural Resources Center/Kasama sa Kalikasan, September 1996.
 89. See "People's Participation in Local Governance - 4 Case Studies", *Philippine Politics and Society*, Ateneo Center for Social Policy and Public Affairs, Quezon city, Philippines, 1995.
 90. Miriam Grace A. Go. "Activists yesterday, Mayors today," *Manila Times*, September 21, 1997, Manila, Philippines.
 91. See "Social Reform Agenda pushed harder", *OPS Digest*, volume II number 29, July 21-27, 1997, Malacanang, Manila, Philippines, page 6.
 92. See "Project Calabarzon: A success or a failure?" *op. cit.*
 93. Interview with Isagani Serrano, *op. cit.*
 94. Republic Act No. 7160, An Act Providing for A Local Government Code of 1991.
 95. Interviews with Commissioner Mercedes Contreras, Commission on Human Rights, Pasig city, and with Socrates Banzuela, Philippine Partnership for the Development of Human Resources in Rural Areas (PHILDHARRA), Quezon city, Philippines, August 1996.
 96. See Golub *op. cit.* on the discussion on the problems faced by alternative law groups in addressing economic, social and environmental issues and the strategies used to protect and realize the rights of people involved.

Corrections/Additions

A. Page 15

Insert after second paragraph

MTDP has been criticized by non-governmental organizations as the cause of human rights violations in relation to livelihood, housing, and even personal security of those who are in areas where the economic projects are to be located. [17]

End Notes

17. See Philippine Alliance of Human Rights Advocates, *Philippines 2000 and Human Rights - A Policy Study Paper*, August 1994, Manila, Philippines, and Task Force Detainees of the Philippines, *Philippines 2000: A Myth Shattered - Report on the Human Rights Situation (1996-1997)*, Quezon city, Philippines, January 1998.

B. Page 29

Insert a new paragraph between last and second to the last paragraphs

In September 1996, the Task Force Detainees of the Philippines expanded its mandate to cover "... people's economic, social and cultural rights in its scope of service focusing on the five phenomena: demolition, land conversion, displacement, casualization of labor and environmental degradation." [57]

End Notes

57. Task Force Detainees of the Philippines, *Philippines 2000: A Myth Shattered*, *ibid.*

C. Page 43

third paragraph

Delete second sentence - Hopewell Holdings is not known...

D. Page 44

date of construction of plant change to 1993 instead of 1992

2. Page 46 Insert between second and third to the last paragraphs

The monitoring group from the local government of Pagbilao has not been able to abide by the rule that it should have a public forum twice a year to present its monitoring report.

In a recent investigation of the plant made by the Department of Environment and Natural Resources, violations of the terms of the environmental compliance certificate have reportedly been found. [76a]

It is also believed that the plant may affect the Pagbilao Mangrove Research Project being implemented by the United Nations Development Program (UNDP) and the University of the Philippines Los Banos, and another aquatic research project being implemented also by UNDP and the Bureau of Fisheries and Aquatic Resources of the Department of Agriculture. These projects are located in the nearby Barangay Palsabangon in Pagbilao town.

E. Page 46

second to the last paragraph (A Pagbilao people's organization...)

change the whole paragraph into this:

There is a people's organization in Pagbilao town which is leading the opposition to the plant. It is called Buklod-Pagbilao. This organization along with other people in the town filed a complaint in January 1993 with a court (Regional Trial Court) in Quezon city, Metro Manila against the National Power Corporation and Hopewell Holdings to stop the construction of the plant. They asserted that the contract for the construction of the plant is not proper and the project constitutes a nuisance that should be abated. The court issued a temporary restraining order only to have it withdrawn after a week as it ordered the dismissal of the complaint. The court said that it cannot issue an order stopping the National Power Corporation from complying with its contract with Hopewell Holdings because it is for public interest. This is supposedly based on an old presidential decree issued by the Marcos government prohibiting the issuance of injunction against government projects. The organization appealed the decision to a higher court (Court of Appeals) but the appeal was likewise denied in a decision issued more than a year later (August 1994). The construction of the plant started in February of 1993. [81]

End Notes

80. Telephone interview with Mr. Zaporteza, March 16, 1998.

81. Ibid.

F. Page 47

1st para, delete second sentence

start the third sentence with "Since the directly affected people, ..."
(delete the word Also).

5th para. use this paragraph below to complete the third sentence

One is called Task Force Concerned Citizens, and another is Task Force: Kalikasan. The second organization is supported by the Catholic Church. Both organizations have multi-sectoral membership composed of landowners, landless tenants, fisherfolk and parish lay workers. Sectoral organizations such as SAMA-SAMA (organization of farmers and fisherfolk), AMA (Aniban ng mga Magsasaka sa Agrikultura), and Santol, Pulo, and Concepcion Irrigators' Association have also joined the opposition to the plant. On the other hand, the local government led by the provincial government, district Congress representative, and the town mayor have been campaigning to get public support from the town people. [82]

End Notes

82. Patricia Picazo, "No to Power Plant," *INTERSECT*, vol. 9, no. 4 & 5, April-May 1995, Quezon city, Philippines, pages 26-27.

G. Page 64

End Notes No. 3

add this paragraph

The latest word on this debate comes from a forum organized by the World Bank and the Asian Development Bank held in Manila in March 1998 where some economic experts said that the investment of the Philippines in putting in place democratic systems have helped the country weather the current financial crisis in Asia. They then urged other countries in the region to hasten democratic reforms. This report is the latest on the democracy and development argument. See "Democracy, investor confidence linked," *Japan Times*, March 12, 1998.