

## Chapter VI

### **The Disadvantaged Groups and Congress: Synthesis and Recommendations**

This chapter presents the synthesis of the findings of the study, including a specification of the avenues of access of disadvantaged groups to the legislature, an assessment of strategies found effective in engaging parliamentarians in issues of concern to disadvantaged groups and an analysis of the internal and external factors that facilitate or hinder participation and representation of disadvantaged group in the parliamentary process. Armed now with a greater understanding of the role of the State in the post-Marcos era, it then presents recommendations for action and for further research.

#### **Avenues of Access**

The People Power Revolution opened up the democratic space in the country and that is shown clearly in the permeability of the State to outside political forces, including the disadvantaged groups. The legislature is no exception, and avenues of access to it are found at all points of the legislative process, from drafting to approval. In addition, intervention in the parliamentary process is not limited only to entry into the legislative mill. Rather, two important points of entry should be recognized: the electoral process, and civil society's ability to put new issues into the public agenda.

**Entry through the Electoral Process.** One avenue through the electoral process is the constitutional innovation of the party-list system. The rationale for the party list is to allow sectors that are not well represented in Congress a chance to get in. Marginalized sectors have been specifically mentioned in the provision, and indeed, representatives of labor, women, veterans, the disabled, and groups representing the "*masa*" have been elected through the party list. On the other hand, church-related groups, business groups and others not as disadvantaged have also managed to get accredited to be elected in that system.

With our brief look at the party-list system as implemented, some signs of its benefits can be discerned, particularly the ability to put issues of the disadvantaged into the public agenda, the recruitment of non-traditional legislators, and a new kind of electoral system that puts premium on causes rather than costs. Appointed party-list representatives have had a hand in getting bills from disadvantaged groups introduced and enacted. In the cases we analyzed, they were prominent in the passage of the UDHA, IPRA, and the Fisheries Code. Later, elected representatives have been decisive in the retreat of the Anti-Terrorism bills. Besides, the women's organizations' representatives were able to get three of their pet bills through the Twelfth and Thirteenth Congresses.

However, some problems are starting to rear their ugly heads. First is the still unclear definition of "marginalized," which has both put sectors that are not clearly marginalized into the system, and non-poor persons as their representatives. The law only requires sectors to be marginalized, but the acceptance of broad categories like

“organizations” and “political parties” without reference to disadvantaged sectors makes the system open to anyone who can form an organization, which is, virtually, everyone. There is official lack of knowledge also on those organizations with religious links, which conceivably could make the party-list system a forum for religious indoctrination paid for by the State.

Whether marginalized or not, a sector may have representatives that are more like the district representatives than party-listers. The finding that almost 30 percent of party-list representatives have assets of P10 million and above raises fears that they may not be a special breed after all. While an economic test for these congresspersons is probably not merited, there is need to define further what are the qualities supposed to distinguish them from traditional politicians.

The general lack of information and knowledge of the populace about the party-list system suggests that the causes they represent are also not known and appreciated by the voters. It may turn out that the causes are as important as their placement in the alphabet or their ability to get popular acronyms. This trivializes the meaning and contribution of this important innovation.

Disadvantaged groups have also been able to get the support of regular legislators for their bills. Especially in the first Congress after EDSA, they could count on fellow street parliamentarians who have since been elected as regular politicians but who remained open to the demands of their erstwhile allies. This explains the ability of the NGO-PO coalitions to gain entrée into their offices and to have many discussions with them. Sometimes these politicians even join in the mass actions.

Unfortunately, leaders from the ranks of the disadvantaged could not get elected through the regular system. Their lack of funding made them unable to muster the finances required by our very expensive electoral process. Thus when they ran at all, they joined any party that would accommodate them, costing them credibility from their natural constituencies (Carroll 1998). Their reputation and shallow pockets, however, did not endear them to the traditional politicians, ward leaders and citizens voting through the enticement of guns, goons and gold.

**Entrée through Setting the Public Agenda.** In an earlier study, we have posited that setting the public agenda has been one of the innovative contributions of Philippine civil society to politics and society (Cariño 2002). This phenomenon has been facilitated by the country’s emergence from a dictatorship, but is not propelled by uniquely Philippine qualities. Dr. Nafis Sadik, Eminent Person for the International Year of the Volunteer 2001 said:

Human rights, women’s rights, family planning, reproductive health, reproductive rights, refugee care, the environment, the clearing of land mines – all of these movements started with the focused efforts of individual volunteers. Volunteers against all odds jarred the world community into action. Indeed, largely through

volunteer initiative, controversial issues of yesterday have become the norms of today.

Indeed, hardly any social rights have been gained without first becoming a movement spearheaded by civil society. This is also true of political and economic rights, such as the liberation movements of colonial peoples, women's suffrage, the minimum wage, women's, gay, and gay liberation movements, and so on.

That idea has been reinforced in this research. The inclusion of ancestral domain and indigenous people's rights into Constitutional Commission and legislative discussions - in a land where the Regalian Doctrine holds - could not have occurred without the agenda set by the indigenous peoples themselves. Similarly, the way agrarian reform, child labor, and rape were discussed in Congress was based on how the disadvantaged groups wanted to define them. The discussions on fisheries development and urban housing started off from what they wanted the State to do. They even forced the State to withdraw their draconian views on how to deal with terrorism.

Their respective agenda were usually forged in consultations, many of them involving not only a large number of people but also a wide spectrum of the groups concerned with the particular issue. Their views then became the point of departure in the deliberations. This was the case even when as in CARL, CPAR and its allies regarded their intervention as a failure overall. In the Rape Bill, while they did not directly get marital rape into the law, they stirred the consciousness of legislators and the mass media about its existence.

**Access to the Legislative Mill.** In Chapter I we presented the flowchart for intervention prepared by the Third World Studies Center (1994). It showed how constituencies (identified in the study as political parties and lobby and interest groups) may use formal and informal policy routes to the legislature. Formal intervention may be made to the legislators themselves, the standing committee in charge of the bill in both Houses, and then the Executive branch and the judiciary.<sup>1</sup> It showed informal routes to the conference committee, and through the media.

This study found many more ways by which the disadvantaged groups may affect the legislative process than this chart implied. Rather than listing only access routes, we are also enumerating possible intervention activities of the groups. These are detailed in Table 6.1. In capital letters in the first column are the formal parts of the legislative process. The second column lists what are the formally accepted ways outsiders may intervene in that process. The third column shows how the groups have been allowed to intervene in some of the cases we have discussed, suggesting many more acceptable means of access. Please note that the activities listed are only those in the so-called legislative track. Mass actions are not detailed and may take place simultaneous with any step in the process.

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<sup>1</sup> The judicial role in legislation does not concern us directly here, but recall that we touched on it in the question of IPRA's constitutionality, and the temporary restraining order for the COMELEC on the party-list issue.

**Table 6.1 Formal and Informal Access Routes and Activities  
of Disadvantaged Groups to Congress**

LEGISLATIVE PROCESS	FORMAL ACCESS ROUTES/ACTIVITIES	INFORMAL ACCESS ROUTES/ACTIVITIES
Putting issue into public agenda		Undertake consultations with constituencies; convince legislators of need for bill.
Drafting of bill	Write position papers; present ideas for bill	Draft bill; choose sponsor. Prepare sponsorship speech.
FIRST READING	Attend in gallery.	Prepare strategy with sponsor. Get President to certify bill.
Assignment to and study by Committee in charge	Discuss bill with chair, members and sponsors.	Suggest issues to be tackled, people to be invited to hearing, calendar convenient for constituency. Learn committee priorities, befriend committee secretariat and technical people in respective House. Get chair to invite group's representatives into technical working group.
Committee on Rules for calendaring		Suggest calendar convenient for constituency.
SECOND READING	Attend in gallery.	Lobby for non-negotiables with sponsor or committee in charge. In floor deliberations, slip questions to interpellations to legislator, as needed.
New Committee draft with amendments as proposed in plenary or by committee		Suggest wording of amendments and form of revised bill.
THIRD READING	Attend in gallery.	If vote is to be explained, prepare legislator's statement.

LEGISLATIVE PROCESS IN THE SECOND HOUSE		Same close-guarding as in first House
Deliberations of Conference Committee on reconciled version of Senate/House bills	May be permitted as part of TWG or observer, depending on specific bicam agreements	If not allowed in, may be resource person or in technical working group to work out provisions to get committee out of impasse (during breaks or between committee meetings)
Approval of reconciled version	Attend in gallery	Help committee draft final version; make sure sponsors and allies present to vote
APPROVAL BY THE PRESIDENT		Lobby with President to sign bill.

In addition to just being aware of possible acceptable activities, we have learned from the cases the need to emphasize

- the importance of strategic thinking and action,
- the confrontation with negotiation and compromise,
- the parallel informal interventions,
- the importance of access to the second House,
- the importance of access to the conference committee, and
- the recognition of the role of the executive in the legislative process.

### **1. The Importance of Strategic Thinking and Action**

All the cases have shown that all kinds of disadvantaged groups have gained access to Congress. Nevertheless, their interventions have not been equally effective. Other things being equal, the groups that thought out their moves ahead, especially those that integrated them into an overall strategy, would come out ahead. Note the contrast between the struggles of the indigenous peoples and NACFAR in the two time periods. It was easier for the IPs to work in the Tenth Congress because by then they had a coalition and a leadership that called the impressive two-stage (regional and national) consultations as well as adoption by government itself, through the Social Reform Agenda. NACFAR was more mature and had more resources the second time around, but beyond that was its strategy. It had moves like choosing the main sponsors and triangulating the Congress with two “Unity” bills, as well as getting into SRA and orchestrating media coverage and mass action at strategic time periods. The GO-NGO strategy coupled with the perceptible pressure from ILO and UN was the secret behind the Anti-Child Labor Law’s smooth sailing through the legislative process.

Even a first-timer like SIBOL got entrée because it studied its moves before it plunged. While other groups got a briefing about the legislative process when they were

already frustrated by facing blank walls, SIBOL got its bearings first. Losing in the first round, it strengthened its advocacy through better research, discovered the importance of congressional staffs, and got government support.

Of course, strategy is not limited to within-Congress activities. Many groups worked with a two-track strategy, to be discussed in #3 below.

## **2. The Role of Negotiation and Compromise**

Moved by passionate commitment to their cause, the disadvantaged groups argue with each other to get a consensus position to lay before Congress, and then expect the State to accept it. This has never happened, even with the Anti-Child Labor Law backed by the UN and ILO and brought forward by a GO-NGO combine. Nor did it work by itself in the Social Reform and Poverty Alleviation bill, despite the forces of the President and the Speaker behind it.

Particularly in the earlier struggles, the disadvantaged groups seemed to be bent on the purity of their cause. This implied a no-compromise stand. With many congresspersons known to be representatives of the advantaged, such a stance could only solidify their opposition. CPAR particularly seems to have suffered this, as well as NACFAR and the IPs in the first round. There was greater preparation for losing certain demands in the later advocacies, which probably contributed to their success in getting bills that retained some of their major demands. By then, they had picked up the idea that a strategy should include not only the advocacy activities but also the group's bottomline or non-negotiables.

In facing off with strong opponents, the groups armed with negotiation skills and their list of priorities had greater chances of winning a bill they could live with. Arguably, UDHA was a great come-down for urban land reform advocates, as the law hardly deals with the issue. Yet, ULR-TF realized there were some urgent things the urban poor needed to have in the books, like protection from indiscriminate demolitions, that it agreed – even rejoiced - on a bill that was terribly watered down. SIBOL and NACFAR also had to give up even some of what it called non-negotiables. They did not come back to their constituents empty-handed. However, they did find a State going only so far to meet their demands.

## **3. The Parallel Informal Interventions**

TWSC recognized informal interventions as important in their write-up but seems to have limited them to the introduction of the bill and the deliberations in the conference committee. (Groups can actively participate in a formal way in public hearings prior to Second Reading.) Our cases suggest that informal interventions can take a wider sweep. For this purpose, we have borrowed CPAR's concept of a two-track strategy: the legislative route, and the mass action route.

In the legislative track, informal interventions can take place at all stages of the legislative process. From our cases, we saw that these could include inclusion of CSO representatives in the work of the technical committees (e.g., CARL, Anti-Child Labor Act). All the groups also sought meetings with individual legislators by the CSO's spokespersons. The intervention of prominent "non-government development individuals" (NGDIs, such as, in two cases, Cardinal Sin) all took place outside the public hearings.

The mass action track includes, first of all, the marches and demonstrations that are the staple modes of NGO-PO activities. These keep the issues in the streets and on the media while congressional deliberations are going on and add to their salience and urgency. The groups have also added the use of tent cities complete with exhibits and workshops to attract the attention of legislators and their staffs who got "educated" on the demands of the groups on the spot. Another innovation is the "express" rallies, with demonstrators starting from different points in the countryside and converging in the House or the Senate. Although not very effective for CPAR (that gave it birth) and in its first use by NACFAR, it worked well later for the Fisheries Code. Meanwhile, to fight the anti-terrorism bills, CAST and BAYAN worked outside the halls of Congress, through packaging the issue along with others easier for the masses to grasp, and showing power through paralyzing transport strikes and large demonstrations.

Intermediate between the two tracks is the show of force at the galleries for UDHA. The numbers the urban poor mustered were an unforgettable sight, and were a reminder to the legislators of the large number of people interested in the issue. "Out of sight, out of mind" was a danger the CSOs did not dare risk.

#### **4. Access to the Second House**

The Philippine Congress is a bicameral one. Although some groups strategically choose which House to penetrate, they learn in due time that they need to show their interest in both Houses. Advocates of the Anti-Child Labor Law decided to focus on the Senate, surmising that they already had an ally in the House, and that a broader magna carta could not be gotten from there. However, they found that they should have paid equal attention to the Lower House since the points they did not want to face in the House were actually the problems the bill faced in the conference committee.

It is always an option to have bills in both Houses simultaneously. However, this would be difficult for groups with few resources at their command since it would mean dividing their staffs and their time to pay close attention to what is going on in two different Houses. A method that has worked well in this regard is forging an alliance – or at least, friendly relations – with committee secretariats since they could help in calendaring and alerting the lobby groups to be there when breaking developments occur.

## **5. The Role of the Bicameral Conference Committee**

The conference committee (usually called “bicam”) is supposed to reconcile the two bills that passed in the two Houses. Where the bills have markedly different provisions, however, the committee members, as agents of their respective chambers, have the task to hammer out compromise provisions that in their judgment would be acceptable to their principals. Some provisions that had already been successfully inserted in one House may disappear in the bicam, or vice versa, some provisions they have deemed defeated could emerge in the final version. In several cases, this process spelled the victory or doom of a measure. In the first round of the Fisheries Code, opposition was so strong that no consolidated bill emerged from the bicam. In the Anti-Child Labor Act and the Rape Law, the committee was able to find an acceptable middle-ground, although the disadvantaged groups lost some key provisions.

A finding of this study is that the bicam, formally regarded as a closed-door session, can be penetrated by non-legislators. In the Anti-Child Labor Law, the civil society proponents of the bill were allowed to be present in the deliberations, though their presence was a surprise to some members. In the Anti-Rape Law, their presence became a singular bone of contention. Interest in the bicameral committee shows the close guarding that disadvantaged groups have to do to get their bills through the mill.

## **6. The Role of the Executive in the Legislative Process**

TWSC identified the President as a key player in legislation, and our findings reinforce that. According to TWSC (1994: 170):

This particular terrain is largely unexplored and requires further demystification. Future studies on the matter need to address the apparent absence of transparent policy-making mechanisms in the Executive Branch where constituencies can readily articulate their policy responses or which can serve as bases for determining which constituency has effectively intervened in the complex policy making environment.

Under the Philippine Constitution, the Executive has formal roles in the legislative process: to certify certain bills as urgent, and to approve or veto a bill approved by both Houses, in whole or in part. A veto may be overridden by a two-thirds vote of all members of both Houses, meeting separately (Constitution of 1987, Art. VI, Sec. 27).<sup>2</sup>

As itself an active constituency, the Executive, though not directly stated in the Constitution, may draft “administration bills,” that is, a bill emanating from a government agency (not just the Office of the President) and sponsored by a friendly legislator. These bills, like the certified ones, have the force of the presidency behind them. The Anti-Child Labor Law is one such “administration bill,” with the civil society proponents

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<sup>2</sup> In the transition period, the President had another role: the appointment of party-list representatives, as discussed above.

making sure the DOLE-BWYW had the lead role, even though the draft was largely theirs. The power of an administration bill became a problem of the original Fish Code, when the Department of Agriculture refused to substitute the NACFAR draft to their own draft. In addition, Executive agencies may participate in public hearings, respond to the question hour and be called upon to testify in investigations undertaken by Congress in aid of legislation.

Certifying a bill as urgent means that the bill has priority in the calendar, and would not have to wait for three days before being acted upon on Third Reading. Aside from this procedural convenience, certification of a bill implies that the President would be likely to approve it, making its journey through the legislative mill rougher or smoother depending on whether it is an opposition congress or not. The power of presidential support is most evident in the IPRA and Fisheries Code. Both failing in two previous congresses, the two bills were incorporated into President Ramos' social reform agenda, and got embraced by congressional leadership.

However, that does not always occur. In the CARL and the first Fish Code, the disadvantaged groups managed to get certification from the President. Unfortunately, the administration had another bill on those issues, and thus, certification did not give the priority it was supposed to endow.

Presidential approval is an important step in the process, too. As the Anti-Child Labor Law and IPRA found, other forces can intervene after Congress has spoken. In the first, the bill's approval was almost derailed by forces outside the legislature. In the second, implementation woes in the Executive branch surfaced almost immediately, followed by a constitutional challenge in the Supreme Court.

The access points are multiple, and most have been used by the disadvantaged groups we have studied. The issue therefore is not their lack of knowledge about the avenues of intervention, but their ability to win their points. It is to this main issue that we will now turn.

### **Qualities for Successful Policy Advocacy**

As we have stated in Chapter I, success in legislative intervention consists of the qualities the active forces bring to the endeavor. These include, from the side of disadvantaged groups as well as their protagonists, their internal capacity and external linkages.

**Internal Capacity.** Before identifying the administrative capacity of the groups, it is worth noting that the first quality they bring to the table is passion and commitment to their cause. These are evident in their level of knowledge about the issue, in their pre-legislation experience and history, and in their willingness to devote time and resources to basically unpaid work, even staying in the heat of streets to proclaim their allegiances. CPAR, for instance, had a full-time secretariat that was contributed by the coalition members. NACFAR, when it ran into difficulties, found that it could count on volunteers

to undertake the work. Part of the passion comes from the fact that the groups were immersed in the social realities of the constituencies they were representing, or were in fact, members of those constituencies. Most had been in some kind of community organizing or conscientizing that focused their hearts and minds towards the advocacy they had embraced. They have also been veterans of mass action that made them both internalize the issues and bond them to the larger affected community. That bonding was also shown by the beneficiaries who showed up in the consultative meetings, mass actions, and the formal public hearings.

But passion has to be channeled, and the groups did this through strategic visioning and planning (as we had already discussed above), organization and institutionalization, management processes, capacity building, and other management processes. All the groups involved in our cases worked in coalitions or were part of a team. The groups that worked in the Eighth Congress tended to be new coalitions formed for the purpose of advocating their agenda to policy makers, not necessarily limited to the legislature. Though newly formed, CPAR, NACFAR, ULR-TF, CIPRAD and SIBOL CAST and BAYAN's network were not novices, because their constituent NGOs and POs have had experience (some of them long and tortuous) in engaging the State. Advocacy to the legislature, nevertheless, is a new experience and needed new skills. (Recall that NACFAR and SIBOL underwent crash programs for this purpose.) In this, the Visayan Forum had an advantage over the others, since by the time it tackled the Anti-Child Labor Bill, it already had a decade-long experience in shepherding two other bills through the legislative mill.

Most had secretariats for the time of the campaign, including some borrowed from the parent-organizations. The Visayas Forum acknowledged strong and continuing support from an international organization. NACFAR also got funding for advocacy itself from USAID.

However, there were also kinks in the armor of internal capacity. Some of these are common problems of coalitions. As Putzel (1998) said, CPAR's leadership had twin loyalties to CPAR and to their parent-organizations, giving rise to suspicion and breaks of unity. Not being a separate organization, CPAR also had a time-bound quality to it, a project that would be disbanded after its goal has been accomplished. Although the goal was not reached, CPAR actually formally disbanded, before the fizzling out of the PARCODE could unintentionally disintegrate it. For this reason, it has had no hand in the implementation of agrarian reform. This is a pity because, despite its unfriendly provisions, some former CPAR members now acknowledge that CARL is not all that hopeless. Had they looked at it in a "critical but less antagonistic" way, they could have helped peasants get maximum benefits from the law (Villanueva 1997: 91). NACFAR avoided this by becoming a separate organization. It is prominent in the list the Committee Secretariat on the Fishery Industry keeps for its public hearings.

The delineation of roles for organizations put together for a single purpose like lobbying can cause problems unless conscious role assignment is made. The team for Anti-Child Labor worked smoothly because they early on delineated who were to play

lead roles in which aspects, and what each member was expected to do. SIBOL's members had a natural division of roles, the Center for Legislative Development being a specialist in the legislative process, the Women's Legal Bureau being expert at drafting bills and legal research, the others better at organizing, or handling women in crisis, and so on. Such a specific division of roles may prevent problems later. The groups involved in the anti-anti-terrorism campaign also had such explicit division of labor.

**External Linkages.** Four potential partners regularly made their appearance in our cases: the Church, international organizations, government, and the citizens at large. These add to the strength of a disadvantaged group, but may also bring in some problems. The Roman Catholic Church was behind the campaign for comprehensive agrarian reform, urban land reform, the first, for its organizations having been the sponsor of the Rural Congress that gave birth to CPAR, the second, for the crucial role played by the Jesuits in opposing demolitions in the parishes where they were serving. Cardinal Sin was a particularly forceful personality in three concerns of the Eighth Congress – CARL, UDHA and the Fish Code – even though he came quite late in the last. The church's support was also manifest in the IPRA, although it might be noted that some of the groups critical of CIPRAD's version had meetings at the Ateneo de Manila. In both agrarian and urban land reform, as well as in the anti-terrorism bills, the National Council of Churches joined the Catholics to produce an ecumenical show of force.

The prominence of the Roman Catholic Church in these bills underscored its pronouncement of a preferential option for the poor and was welcomed by the disadvantaged groups. However, it has not lent its voice to progressive views on women's issues. One may wonder why, for instance, it was quiet in the issue of rape.

The role of religious institutions generally in policy matters merits a closer look. The inclusion of sect-backed organizations in the party-list seems specifically prohibited by law. However, its unobtrusive entrance into that system seems to have been as accepted by the society at large as the Catholic interventions described above.

The international organizations were most prominent in the Anti-Child Labor Law. UN and ILO not only sponsored International Convention 192 but also played strong behind-the-scenes roles in having a counterpart program in the Philippines. However, the presence of an international push is not an unmixed blessing. Recall that in the Lower House and the bicameral committee, an issue of resentment was the country's "blind obedience" to international standards instead of answering our own peculiar needs. This point is a familiar one in economic bills which maintain IMF and World Bank conditions. As we have seen here, international support for even social development bills can get the same reaction.

Another role played by international organizations is their funding and other types of support. NACFAR's strength in the Tenth Congress lay not only in its greater maturity and experience, but also in the resources it mustered to have nationwide consultations, training in lobbying and other capacities. Resources came from OXFAM in the first instance, but the biggest fund – and for advocacy - came from the US Agency

for International Development. Other types of support were enjoyed worldwide by indigenous peoples through similar global organizations. As in the support of the religious sector, this involvement by “outsiders” needs to be better investigated.

Collaboration with government would normally strengthen a measure since the Executive is an active constituency in legislation. Ramos’ Social Reform Agenda made the failed bills of the Eighth Congress come alive in the Tenth. Of course SRA’s real flagship bill – the Social Reform and Poverty Alleviation Act – got through Congress easily, questions being raised more on administrative issues than on the thrust of the bill itself. Even here, however, there were problems in the details, since so many claimed the SRA banner but were conflicting in their provisions. Meanwhile, the advantage of a GO-NGO collaboration is manifested in the Anti-Child Labor Law which from the outset had government (and international organization) support. On the other hand, the inability of NACFAR to get the Department of Agriculture to support its first bill instead, added to its woes.

Last but not least is the linkage of the groups to the people at large. This may be carried out through mass action and the media. There is a perceptible decrease of reliance on the mass action track in the cases after the Eighth Congress. Perhaps this is due to the growth of knowledge about how the legislative process works and the organizations’ subsequent attempts to professionalize their approach. However, as the mobilization against the anti-terrorism bills showed, it was still impressive and effective when used.

Mass action is usually thought of as a way to unite a group’s constituency – to preach to the converted as it were – and to show Congress the strength of its forces. However, it can also be used to connect with the people at large, and to convince them that their agenda is the public’s interest and not only their own. This was a lesson learned by the women’s groups as they mobilized for the anti-rape bill, and by the coalitions that attacked the anti-terrorism bills. As in the EDSA revolutions, their mass actions would have remained simple demonstrations if the people outside their membership did not join in. This is also why having favorable media coverage has strengthened the forces of the disadvantaged.

**The Opposing Forces.** The length of our write-ups about the opposing forces is not an attempt to dismiss them. While their passion for their cause cannot be gainsaid, they in fact used few public venues. For one thing, no one except the CPAR opponents had consultative congresses to draw up their positions or mass actions to air their advocacies. However, there are extant position papers; they participated in public hearings; they gave interviews to the media. Against the Anti-Child Labor Law, movie producers sought an audience with the President to seek her veto. Against the IPRA implementation, mining companies also went directly to the President and got a favorable response.

They did not have to do much more. More than the disadvantaged groups, the opposing forces had natural allies, if not actual representatives, in both Houses. They

could be counted on to vote against a bill or to water down a proposal that had adherents beyond their direct constituency. The demand for comprehensive agrarian reform was too strong in the society especially after the Mendiola massacre. Thus, it could not simply “pend in Congress,” as is the fate of most bills. The bill was then allowed to proceed but its concept was re-defined to include options other than land redistribution. Urban land reform also had high media coverage and a noisy constituency. However, the bill stayed in Congress but was revised and limited to demolition regulation. The Anti-Rape Bill had problems sailing through Congress despite an SRA certification. The passage of IPRA seemed to herald a new day in the State, but IPs immediately had problems in the Court and the National Commission on Indigenous Peoples itself.

The only active dominant group in our cases was the Employers Confederation of the Philippines which quietly worked with the GO-NGO team to produce the Anti-Child Labor. ECOP prides itself in its programs on Corporate Social Responsibility and showed its mettle in assisting in drafting this measure.

### **Conclusions: Disadvantaged Groups and the State**

In the beginning of this study, we posited the view of the State as one tending to side with the elite, unless forced to give in to the demands of the poor. After a study of successful forays of disadvantaged groups in the halls of Congress, do we still hold this position?

Yes, unfortunately. Dominance of the elite in Congress is still marked, not only in their numbers, but also in their positions. Agrarian reform, ordained by the law to transfer lands only for ten years, is still unfinished. Meanwhile, its suspension is still the aim of many bills. NACFAR and the fisherfolk sector had to accept continued encroachment of commercial fishers into municipal waters, decreasing what they had already gotten under the Local Government Code. The compromises the disadvantaged made ate into their non-negotiables. They had to accept backing so far down to grasp at that first start at reform.

Was social legislation, then, simply a show-window exercise? We cannot assume insincerity among the officials of the State, just because they did not accept the poor’s demands. However, there were instances when even those who seemed to have lined up with the disadvantaged virtually abandoned them in the difficult stages. Recall that it was the Senate sponsor of UDHA, the Senate sponsor of Anti-Child Labor, the Chair of the Senate Committee on National Cultural Communities, the Chair of the House Committee on Women and the sponsor of the Anti-Rape bill who raised questions against the bills themselves at crucial moments. To support a disadvantaged group’s demands plays well in the media and the masses; that could translate to votes. But in the less public arena of the legislative process, the poorer groups not having legislators who are one of them can still be left in the lurch. The UDHA supporters dropped the demand for urban land reform to be able to get protection from demolitions. The Fisheries Code and IPRA took ten years, the Anti-Rape Law, two congresses. For people who were unpaid volunteers and whose jobs and lives were on the line, the road was long and hard indeed.

Of course, we need to temper this with the realization that most bills pend in committee anyway, and we do not have yet the comparative information on how bills for the richer classes fare in terms of time.

But how were these bills passed at all? Aside from the determination of disadvantaged groups, credit must go to the political environment and officials of the State who risked political capital to support their demands. The Eighth Congress began with the glow of the EDSA Revolution, when the Philippines basked in the international limelight as the leader in concretizing the power of the people. The poor had clearly voted on the side of parliamentary processes rather than armed struggle and had acted on their belief that a democratic space had been opened. The Commission that drafted the Constitution of 1987 also acted on that premise and put provisions supporting the disadvantaged groups and civil society into it. The expectations translated into a political opportunity that could be harnessed and matched by efforts of those that seek new benefits. Piven and Cloward's (1993) term of placating the poor may be too harsh a description of the decisions during this period. Rather, idealism was publicly on the rise, and Thomas' hypothesis that perceptions could change conditions – if people acted on them - was tested. The time seemed ripe for great reform.

Many congressional leaders who were veterans of the parliament of the streets or regarded as “progressives” kept their alliance with the people who suffered during the dictatorship. Representative Andolana was among the least known among them, but he would champion several bills, even in the Congresses beyond 1987.

However, disappointments came early enough. Besides the Mendiola massacre and the seven coups d'état against President Aquino, perpetrated by the same people the masses “saved” at EDSA, the officials themselves proved disappointing. President Aquino did not dissociate herself from her *hacienda* and her class and hardly lifted a finger to bolster the agrarian reform the NGO-PO combine wanted. Later, her recognition of the staunch support of civil society in the face of the coups brought her back to their side, with an urban housing act that did not have urban land reform. The government bureaucracy did not help much either. Instead of support from the Department of Agriculture, as NACFAR sought or from the Presidential Commission on the Urban Poor as the ULR Task Force expected, the State bureaucracies insisted on provisions that strengthened the hand of the richer constituents vis-à-vis the disadvantaged. The disadvantaged could get concessions, but only to a point. Officials of the State could not transcend their class. These included members of Congress with virtually inherited seats.

With the Ninth Congress, it seemed the euphoria of EDSA would completely dissipate. However, President Ramos had campaigned on a platform of “people empowerment” and inaugurated in the second half of his term his Social Reform Agenda package. A strategy to fight poverty put new impetus to the struggle of difficult bills like the Fisheries Code and IPRA. Certification by the President put urgency on the social reform bills and got even the congressional leadership to support them. However, the devil remained in the details – What benefits are to be dispensed? Who are going to be

affected? Who may participate in the control? – that no group got their demands outright. Also, the SRA was a policy forged in the context of the embrace of globalization and economic liberalization. So instead of leading the charge in transforming the nation, the bills of the disadvantaged were simply safety nets, to be given because the other policies were surely going to hurt them. With rising criminality and a resurgence of communist violence, this could come close to placating the poor. Not quite, because there were genuine advances won by fishers, indigenous peoples, suffering women. Besides, the government did back down, for a time, from its anti-terrorism bills. But questions can also be raised as to why commercial fishers got what they wanted from the bicameral, or why mining won their bids immediately after IPRA.

Still, a lesson to be learned from the cases is that the State is not a monolith that is programmed only for certain kinds of decisions. If nothing else, the cases show that the State is now an active participant in the struggle, rather than just the executive committee of the ruling class. There are officials with similar vision and values as the disadvantaged. Perhaps more than that, there are leaders who listen to technical arguments and are willing to act on new ideas. This was the experience of fisherfolks who were able to so convince Senator Aquilino Pimentel, Jr. of the merits of their proposal that he wrote the definition of municipal waters they desired into the Local Government Code (a bill they did not even lobby about). This was the first victory they had, and when it was going to be placed into the Fisheries Code, the boundaries were decreased from what the LGCode already provided.

It is incontrovertible that laws favored by disadvantaged groups have been enacted. While these may leave much to be desired, their passage alone shows that the opposing forces are not omnipotent and can be challenged. The disadvantaged have numbers and passion on their side, but these must be enhanced by capacity and strategic alliances. Also, glimpses of problems in implementation suggest the necessity for keeping one's interest on the measure constant and untiring.

## **Recommendations**

In light of the foregoing syntheses of our findings and conclusions, several recommendations for action and research may be advanced. The bases of these recommendations have already been discussed so that we simply enumerate them, categorizing them only in terms of the persons or institutions responsible to act on them.

### **Recommendations for Disadvantaged Groups**

1. Arm yourselves with the knowledge of legislative processes and the points of access and activities other disadvantaged groups have already used. This can be provided by the more experienced among you, by support NGOs and by sympathetic academic institutions. We hope this volume can provide assistance for organizations starting out on their own advocacy paths.

2. Prepare a strategy for legislative engagement, taking into account your goals for the sector, your non-negotiables, your capacities and the opponents you will face.
3. Couple your passion and commitment to a cause with deeper knowledge about its ramifications. This can help you in understanding opposition to your stance, with the possibility of winning over some antagonists by identifying how their problems with your proposal can be met.
4. Take advantage of your nature as an organization in civil society by using a complementary set of legislative and mass action tracks in advocacy campaigns.
5. Learn the art of compromise as well as its moral hazards. Treat your antagonists with respect and assume they have the same commitment to the public interest as you. When in negotiations, recognize that you are fighting for your welfare and that of your constituents, as their opponents are fighting for theirs. Therefore, conduct negotiations with due respect for the humanity of the other. This should hold true whether the negotiations are with other civil society groups, with opposing forces or with the State.
6. Improve your internal capacity for advocacy through
  - a. Enhanced management of coalitions
  - b. Focused professional staff. They may be volunteers who are willing to be identified only with the coalition or organization pushing for a bill for the duration of that struggle. This would minimize questions of loyalty and conflict of interest in the period of the campaign.
  - c. Specialization and division of labor, whenever appropriate. This will minimize duplications and inefficiencies, and increase the overall effectiveness of the team.
  - d. Conduct research on the issue itself, your group's possible allies and adherents, and ways to convince or neutralize known opponents
  - e. Develop a stronger resource base, including funding. Diversified sources of funding would be preferred, since reliance on only one may lead to the possibility of being driven by the fund and the agenda of the donor, rather than of the disadvantaged sector itself.
7. In dealing with Congress, recognize the value not just of the elected officials themselves, but also of technical secretariats that can assist you through the legislative maze.
8. Strengthen links with external forces, such as the church, international organizations and the people. Recognize the dangers of exclusive reliance on one religion, one international organization or one funding agency. Learning from your external allies, develop your own platform, eschewing "blind obedience" to any one particular force.

9. Discover how the State can be an ally or a partner rather than a foe. Many parts of the government apparatus have policies and personnel sympathetic to causes of the disadvantaged. They should be befriended rather than alienated, and shown insights into the groups' experiences rather than ignored and left to the ministrations of opposing forces.
10. Broaden the base of your organization by recruitment of more sector members and alliances with like-minded NGOs, both local and international. Never neglect the support of the people in undertaking your activities.

### **Recommendations for NGOs and other Support Groups of the Disadvantaged**

1. Assist in building capacity for advocacy, research, negotiations, strategic planning, and coalition management.
2. Provide links to national and international organizations that can provide disadvantaged groups with resources for capacity building and management development.
3. Finds ways to strengthen the party-list system. Do not participate in activities that will weaken it, such as your own participation, or that of other organizations of the middle class or elite, that would take away votes for genuine representatives of the marginalized.
4. Support politicians who stand by the causes of disadvantaged groups.

### **Recommendations for the State**

1. Recognize that social legislation is vital to the economy and the nation, and is not charity to the poor.
2. Strengthen the party-list system by reinforcing its original concept and ensuring that it is not a backdoor for elite interests. Study how it can continue to function within the proposal of a constitutional change towards a parliamentary system.
3. Make the legislative process more accessible and transparent to all groups, not only those among the elite, or those who are experienced in advocacy campaigns.

### **Recommendations for research**

1. Continue to study management issues of advocacy groups. This would include coalition building, recruitment of leaders and members, resource generation, and capacity building.

2. Deepen this study by investigating how pro-poor laws have been implemented, and how they have improved the lot of the disadvantaged. This could be fed back into the State to reinforce the national significance of the social legislation the disadvantaged groups had advocated in this volume.
3. Study how progressive legislators have managed (not) to be eaten up by the system. This would be instructive in developing political leadership for the next generation for this country.