

# Chasing the Wind:

Assessing Philippine Democracy

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**Temario C. Rivera**  
**Ronald D. Holmes**

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## Foreword

*The struggle for democracy and human rights [in Burma] is a struggle for life and dignity. It is a struggle that encompasses our political, social and economic aspirations.*

*- Aung San Suu Kyi*

I have been working for the cause of human rights for over five decades. It began with a burning passion and a certain feeling of restlessness to correct what I saw were the gross inequalities of human societies where the rights of every person have been – and, as I now realize without overly being cynical, will always be – determined by the prevailing relationships of power. Having come full circle in this work only to see the same equations result in the same exclusions the solutions proposed by countless scholars notwithstanding, I can say that I have seen enough to conclude that a “career” in human rights is much better spent actually working to unravel exclusions embedded in the power relationships that enmesh society rather than on dismantling it within the safe confines afforded by academic freedom. I say this not to denigrate in any way the value of scholarly works, but to underscore their critical function in all struggles for liberation, which is to ensure that participants never lose sight of the fundamentals even in the thick of fighting.

The essays in this book collectively serve this purpose not only by mapping both conceptually and empirically the deficit and growth areas of Philippine democracy since 1986, but by presenting it using four institutions serving as proxies: multiparty elections, the Executive, local governments and civil society. Thus, they are all able to move the discourse forward, and draw action from out of its depths.

In his piece, Temario Rivera describes the paradoxical impact on Philippine democracy of multiparty politics, but solves it almost immediately by re-tracing its origins back to the American colonial order where electoral politics, the most prominent organ of the fledgling Philippine democracy, was

purposely designed as a way of leveraging economic resources in order to wean local elites away from the crushed Revolution. The solution therefore, is to push for the development of alternative political forces, representing distinctive social constituencies rather than entrenched interests, as the driving force behind a full-functioning system of open, protected and protracted conflict.

Malaya Ronas carefully scrutinizes the institution of the Presidency and sees it for what it has always been from the beginning: a human institution bogged down by its own humanity, or rather the humanity of its present and previous occupants. Ours is veritably an imperial presidency whose origins may, on the surface, be traced to its older American cousin, but on closer inspection actually stops midway, on institutions that grew out of the American Civil War and which had provided firepower to the colonial enterprises that followed after. Ronas suggests the restoration of the powers the Executive arrogated to itself from the Legislative and Judiciary by way of cooperative mechanisms like the LEDAC and the JELACC, respectively. Rather conspiratorially however, I suspect a more radical motivation behind Ronas' seemingly innocuous proposal, wherein horizontal accountability will be facilitated not just through the expansion of the deliberative space, but by the dispersal of decision-making from one monolithic center to peripheral spaces where civil society organizations and reform institutions such as the Commission on Human Rights and Ombudsman can have a greater say. This I welcome with much excitement.

Civil society receives greater attention in Ronald Holmes' essay on decentralization. Local governments, he posits, provide natural environments for civil society organizations to thrive in a more sustainable way than does the National Government. But these comfortable environments can actually serve to limit the capacity of civil society in general "to shape political events", hence care must be taken by civil society not to build their lives too parochially. The Commission on Human Rights' own institutional experience with decentralization, in the area of reproductive health, provide ample support to this proposition. Whereas reproductive health bills have languished in five consecutive sessions of Congress and counting, local measures mirroring them have fared much better in sanggunians all over the country, thanks to the vigorous presence of non-governmental institutions on the ground. On the other hand, the same institutional experience may highlight one pitfall of decentralization – the dichotomization of the responsibility of ensuring that the State performs its human rights obligations – especially in relation to economic, social and cultural rights. One need not look beyond the understaffed, un-supplied and rotting hospital facilities run by provincial governments, or the



disappearance of billions of pesos intended to bring water to waterless communities in the ARMM in order to appreciate the need for national accountability mechanisms to keep pace with decentralization. Civil society can contribute a lot to this effort.

I would close this journey of self-introspection with Felipe Miranda's invitation to conceptualize Philippine democracy. Indeed, too much space has been devoted to measuring democracy while taking for granted its conceptual underpinnings, thus ill-equipping us against the "nightmare" that we must all overcome. Such a macabre characterization of our cherished democracy is borne out by credible evidence, that its political processes have generally been subverted; that oligarchic elites still maintain a stranglehold on local and national politics; that formal mechanisms for governance have lagged behind and have even become tainted with corruption; that true political parties are still a rarity; that civil society groups have yet to wrest influence from ruling non-democratic elites; that horizontal public accountability is ineffectual in ending impunity while vertical public accountability continues to be hampered by the effects of such impunity; that human quality of life has stagnated in the past five decades; that political legitimacy is still being resolved through armed struggle; and finally, that the civilian character of democratic governance has time and again failed to resolve the fate of civilian governments without the participation of the military.

As a human rights activist, these indictments on Philippine democracy do not surprise me. On the contrary, they have added to the restlessness. Fifty years have hardly made a dent. After reading the four essays however, I feel that the next fifty years has become a challenge less daunting.

**Loretta Ann P. Rosales**  
Chairperson  
Commission on Human Rights  
of the Philippines



## Foreword

Since the 1986 EDSA revolution, the Philippines has made great efforts to widen and deepen its democracy. The establishment of a presidential system of government, the restoration of national and local elections, and the sudden explosion of a vibrant civil society suggest that significant strides have been made in this endeavour.

However, there are a number of great challenges ahead. The dynamics of political patronage, the entrenchment of corruption, and the zones of impunity are factors which still inhibit democratisation efforts.

“Chasing the Wind: Philippine Democratization After EDSA 1986”, is an assessment of Philippine politics in the last 25 years, written by prominent Filipino scholars: Felipe Miranda, Temario Rivera, Malaya Ronas and Ronald Holmes. The study reaffirms democracy in its modern setting as a framework that not only safeguards human rights, but also upholds the imperative of basic human needs and development. From this perspective, legitimate political participation and the proper exercise of political accountability are not merely constitutional provisions, but the rights of each and every citizen.

This collection of essays provides a critical, yet fair evaluation of Philippine democracy today. It also offers a new and refreshing interpretation of Philippine politics – how it is practiced, and how it can be refined. It urges every Filipino, both leaders and citizens, to re-evaluate their attitudes and perceptions toward politics. It points to policy and capacity gaps which, from a development perspective, serve as opportunities to strengthen democratic governance, especially in the areas of elections, party-building, and freedom of information. Above all, it stresses the need for greater citizen participation and engagement in political processes, which are indispensable and sound elements to ensure that Philippine democracy can and will flourish in the 21st century, and fulfil its promises for the well-being of the Filipino people.

Renaud Meyer  
Country Director  
UNDP Philippines



# Preface

Felipe B. Miranda

Democracy is an idea whose time has come. Nothing confirms this fact more than the great majority of constitutions proclaiming their faith in democracy. States as varied as Afghanistan, Sweden, Norway, Switzerland, Canada, China, India, Russia, the two Koreas, Indonesia, Myanmar, Thailand, France, Germany, Italy, Colombia, Brazil, Venezuela, Egypt, Israel, (Qaddafi's) Libya, Syria, Somalia, Sudan, Zimbabwe and Uganda – an incredibly wide assortment of political regimes -- all solemnly profess adherence to "democracy" or "democratic" norms in their constitutions. So, incidentally, does the Philippines. Indeed, constitutions without an explicit allusion to "democracy" comprise a rather small set, with Iran, the United States, Japan, Singapore and Australia notably present.

It is obvious that most states would like to claim democratic status or, at least, to project an ongoing, successful transformation of their polities into democracies. The professional literature on democracy tends to be supportive of these claims as indicated by the big number of countries that academics liberally label democratic or democratizing.

Democracy, in turning iconic, makes for much confusion. Stretched to accommodate multiple senses that reflect conflated meanings, it runs the risk of being a portmanteau term, carrying whatever sense someone loads it with. Thus, contrary to what might be hoped for, a firm consensus eludes this oft-professed governance mode; it lacks precise definition in discourse and even

less clarity in practice. In discussions regarding democracy and democratization, much ambiguity and contestation exist not only among lay people but even among professionals trying for greater precision in discourse. In the past fifty years, conceptual clarity has not been served well by the numerous qualifiers social scientists use in referring to democracy; this condition is compounded by their general tendency to neglect the initial clarification of democracy's integral properties in order to empirically exist and developmentally endure.

The currently still popular, procedurally-oriented, minimalist conception reducing democracy to electoral contestation in selecting ruling authorities has not proved satisfactory to many scholars, including those provisionally adopting it in their empirical studies. Much intellectual malaise is apparent not only in their critiques and numerous modifications of the Schumpeterian formulation but also in the legion of adjectives they use to discuss democracy and its alleged empirical types. The resulting adjectival democracies generally reflect much conceptual stretching, often acknowledging deficits that their advocates say keep them from being "deeply" democratic but just the same do not disqualify them from being a democracy of sorts. This conceptual gymnastics has given rise to confounding descriptions of many polities as having a "façade," "flawed," "immature," "defective," "illiberal," "delegative," or "hybrid" democracy. Concerned academics struggle in working their way through this maze of alleged democracy types. Consequently, precisely to avoid being misunderstood in their democracy studies, most scholars and researchers provide their working definitions of the generic or mother concept and the particular democratic progeny they are exploring in a particular work.

In the present volume the authors pursue this essential interest in clarifying and operationalizing democracy's core meaning in modern times. In comparison with the familiar Schumpeterian formulation, a more comprehensive, substantively-oriented conception of democracy results from their intensive labors. Without neglecting the critical role of elections in democratic governance, they draw attention to other modes of political contestation and political accountability that involve greater citizen participation. Furthermore, the authors make pragmatic demands of the concept precisely to increase the probability that in assessing specific historical regimes – in this case the focal interest is no less than their own country's political system – there would be less chance of mistaking an actual democracy as non-democratic or, vice-versa and with far more serious consequences, an actual non-democratic polity as a democracy. Thus their working definition of democracy in this volume requires the demonstrable, progressive

institutionalization of civil liberties, political rights, economic well-being and public accountability within a time-frame of fifty years, roughly two and a half generations, counting from the formal initiation of a country's democracy. Clearly, this comprehensive conception of democracy goes beyond the academically more popular minimalist, methodological or procedural ideas that skirt the substantive objectives of democratic governance. It deliberately makes part of the concept the quality of governance that impacts on the nurture, protection and progressive enhancement of a clearly human quality of life.

Democracy thus conceived might be criticized as an exercise in idealism, as loading the concept with attributes and conditionalities that actual polities would find impossible to meet. People who make this criticism fail to appreciate the empirical dynamics of democracy, its clear bias and natural historical tendency towards human development and its progressive expansion. Practically every integral attribute of democracy has actually reflected this unmistakable trend. Popular sovereignty indeed has become more popular as the notion of "the people" universalized to include men and women, all races, creeds and erstwhile politically marginalized subjects. A similar expansion is noticeable in the greater number and better quality of competencies, freedoms, rights and responsibilities attributed to all those deemed human and properly acknowledged as essential to their political, economic and spiritual life. Democracy's language is grounded not only on the citizens' self-evident, inalienable rights nowadays; it also is anchored on the imperative of basic human needs and human development. Democracy's idea of legitimate political participation and the proper exercise of political accountability is no longer an exclusive preserve of elites and ruling authorities but the proper domain of every politically competent citizen. Most telling of all, all the people -- all now presumed human or entitled to humanity -- are predicated doctrinally by modern democracy as deserving a quality of life that readily differentiates them from brutes. Indeed the very concept of democracy has democratized across the ages and its rate of democratization has accelerated so much faster in modern times. This historical trend may suffer temporary setbacks in some national settings but progress is writ large in the overall history of democratic development.

No academic idealism, no romantic illusion attends this substantive conception of democratic governance. On the contrary, this formulation of democracy embodies the pragmatic demand that the meaning of a concept be an ontologically dynamic, time-sensitive, historically evolving construct. What would be a satisfactory conception of democracy in ancient times or barely a hundred years ago -- perhaps even as recently as sixty years ago -- is no longer

an acceptable formulation of democracy in current times where the citizenry's political freedoms, civil liberties, human rights and material well-being have patently expanded and qualitatively improved in most parts of the world. In particular, where quality of life has become universally a focus of governance, it stands to reason that demands must be made on democracies and allegedly democratizing regimes to show functionality and effective delivery on this oft-neglected concern. If, given a generous time frame of fifty years, a regime fails to initiate and make viable the processes and institutions that modern democracies must develop to endure, if most of its citizenry are unable to live human lives, then there is a good chance that it is not democratic or truly interested in democratizing.

Academics obviously are appalled by the prospect of misconceptualizing democracy and consequently erring in identifying actual regimes properly. Yet, given a generally liberal temperament and being prone towards civil discourse rather than caustic truthsaying, they have frequently given the benefit of the doubt to numerous non-democratic, oligarchic regimes and passed them off as democratizing ones, perhaps even an outright democracy its numerous deficits notwithstanding. No wonder the politically powerful – in particular those who are allergic to democratic rule – have learned to treat most scholars and scholarship in general as a minor inconvenience; these rulers are quick to appreciate that where scholarship is overly accommodating, extremely civil and obsessively polite, their practitioners are easily transformed into obliging courtiers or at the very least into generously accommodating "critical" collaborators.

Beyond the academic's intellectual malaise and liberal scholarly ways lurks a greater danger in the practice of fudging regime classification and awarding democratic status liberally. Democracy's conceptual ambiguity and the predictable public confusion it creates help authoritarian and allied forms of non-democratic rule to survive and flourish. In the manipulative hands of self-serving non-democrats and power-hungry authoritarian leaders, the artifactual ambiguity of democracy facilitates political misrepresentation. Overly liberal scholarship often unwittingly assists in "nuclearizing" a weapon of mass deception, one fashioned deliberately by those who would dupe their own people into believing that their's is a democratic regime albeit less than "mature," "developed," or "perfect" at any given time of reckoning. The citizenry's political education is systematically subverted and their critical political awakening is aborted when unscrupulous authorities manipulatively engage in regime misrepresentation. Much time is bought by the authorities and democratization is effectively reduced to harmless rhetoric and

indefinitely put on hold while the citizenry suffer their rulers' predatory politics.

Those who express dissent with this view and try to reveal the non-democratic dynamics of their polity run the risk of being ridiculed as "impractical idealists," censured or jailed as "irresponsible" political opposition, destabilizing "alarmists," dangerous "subversives," violent "terrorists" and, less frequently, national "traitors". Beyond detention and jails lie more extreme risks for those who persist in unmasking the core dynamics of anti-democratic regimes. Authorities who have grown accustomed to a culture of impunity find much aid and comfort from scholarship and scholars that obfuscate the character of their demonstrably non-democratic regime.

Even among those who actually are trying to help democratize non-democratic polities, there is much danger in passing off struggling democratization initiatives as already substantially successful and offering a close equivalent to a functional democracy. Many of the polities now described as "democracies" reflect much disorientation when citizens try to square their nominal status as a democracy with the realities of their political life: frequent emasculation of their electoral processes, the numerous violations of their human rights, their long tradition of popular immiseration and continuing deterioration in their quality of life and, above all, the glaring non-accountability of predatory authorities basking in impunity.

Many of those who err in the liberal identification of democratization with democracy may plead a desire to motivate the authorities as well as the citizenry towards deepening their democratic commitments. While their intention might be commendable in some cases of polities initially trying to democratize, political mythmaking – particularly those employing "noble lies" – has a long history of incompatibility with sustainable democratic development. Indeed one might recall in this regard the old adage that the road to perdition is paved with good intentions. Much better, it appears to the authors of the present volume, to hew closer to the truth – *la verità effettuale della cosa* (the effectual truth of the matter) in Machiavelli's words – as it is this truth that probably will free people from predatory politics and help them find their way into freedom and democracy.

It is in the context of these deliberations that the present authors explore the absorbing issue of whether the Philippines qualifies as a modern democracy. After devoting a full chapter on the issue of conceptualizing and measuring democracy, three more chapters follow in which structural-

processual probes are focused on several dimensions of Philippine democratization. The historical dynamics of the Philippine executive, the legislature, elections, political parties and civil society are looked into and their historical effects and future implications for political participation, public accountability, dynastic politics and democratic decentralization are assessed. All four chapters provide summary evaluations of the Philippine historical record on quality of life developments. A fifth and final chapter, synoptically integrating these concerns and synergistically focusing their collective impact on the issue of the type of political regime demonstrably obtaining in the Philippines, concludes the book.

The authors' final verdict on the Philippine claim to democratic governance may disconcert most Filipinos and the majority of academics in the country. It is with much regret that the writers collaborating in this volume conclude that theirs is not a democratic country, neither at this point in time nor sometime in the recent past. Whether a time frame of twenty-five or fifty years is used in assessing the Philippines makes no difference; it has not advanced beyond formal democratic trappings and developed a working, modern democracy in the last five decades. Even falling back on the simply procedural, minimalist conception of democratic governance provides no comfort to conscientious Filipino analysts. The historical record of Philippine elections attended by systematic and widespread violations of the laws governing their democratic conduct, the level of violence attending the country's elections, the frequent manipulation of the electoral count at practically all levels of vote-reporting and the numerous, demonstrable corruption of many electoral officials before, during and after elections conspire against an assessment of the country as a practicing democracy.

Predictably, when the more substantive conception of democracy in this study is applied to the Philippines, its claim to being a democracy erodes even more and inevitably shatters before the weight of historical evidence. The effective truth of the matter, again borrowing the Florentine's formidable language, is that seeking democratization in the Philippines in the past fifty years has been akin to chasing the wind. However, while their experience of failed democratization has been incredibly exhausting, serious democrats in the Philippines are not giving up on this worthy chase. They are not buckling down and accepting defeat in the light of demonstrably continuing non-democratic, oligarchic rule. After all, to them as well as to the authors of this book, history is not necessarily inevitable destiny. The paramount challenge in a country where democracy has failed to develop is for its scholars and citizenry to candidly explore the objective reasons for its historical failure and then to

resourcefully, decisively work to change history for the better. Truth-seeking, truth-saying and truth-acting are categorical imperatives for those seriously interested in initiating, nurturing and sustaining democratic governance in the Philippines. Nothing else will do.

A final note has to be sounded. The authors express their sincere thanks to two enlightened and enlightening agencies that made possible the conduct of this challenging study: the Philippine Commission on Human Rights that refuses a merely ornamental role in governance and thus often is at odds with politically powerful agencies in the country and the United Nations Development Program-Philippines. Both institutions have not only paid lip service to elusive democracy and problematic democratic initiatives in the Philippines; in providing the grant for this project, they have fully and actively supported critical academic studies focusing on wherefores and the historical course of Philippine democratization. The Philippine Social Science Council is another progressive institution the authors would like to acknowledge for its exemplary assistance in the administrative management of the present project.

It is probably indicative of the times that venerable institutions like the United Nations and the World Bank as well as other reputable international and national agencies, now explicitly include democratic governance, human rights and comprehensive human development in their critical program thrusts. Indeed when traditionally conservative, politically cautious institutions like these openly involve themselves in sensitive issues of global as well as national democratic governance, one may remark as a prescient French democrat did over a hundred fifty years ago: "Mightier than the tread of marching armies is the power of an idea whose time has come."

That idea indubitably is democracy.



# CHAPTER ONE

## Conceptualizing and Measuring Democracy

Felipe B. Miranda

To date, numerous attempts by academics exploring democratic governance have not yielded a controlling concept of democracy. The main barrier to a commonly acceptable definition of democracy appears to be two-fold: first, even as theorists may agree much on democracy's necessary conditions, they continue to differ in perceptions of what comprise the set of its theoretically necessary and sufficient condition(s), and second, they also disagree on the intellectually more productive way(s) of exploring democracy in empirical societies, i.e. whether to settle for minimalist, essentially procedural treatments or to go beyond and give even greater emphasis on the performance of regimes on a set of substantive criteria (Knutsen 2010: 110-112). Conceptual stretching and meaning-conflation have been real dangers in the daunting task of formulating democratic definitions, whether it is the root meaning of the concept or its associated attributes that are in question (Sartori 1970; Collier and Levitsky 1997).

There is also an intriguing possibility that academics theorizing on democracy's nature and examining empirical societies yield to biases that favor democratic readings even when the objective evidence is not strongly supportive of these claims. The iconic nature of democratic governance in

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The author would like to acknowledge the great assistance rendered by Ms. Rosa Linda B. Miranda, his daughter, in writing this chapter. Without her provocative comments regarding the nature of democratization in the Philippines, the task of examining the nation's political regime and its history of governance would have been less exciting.

current times may have provoked this popular bias among academics. The proliferation of adjectives qualifying allegedly democratic regimes, at times reflecting excessive conceptual stretching and/or meaning-conflation, arguably leads to much analytical confusion in the study of democracies. Beyond their possible obfuscatory effects on analytical clarity, the normative implications of creating new democratic subtypes must concern those probing the nature of democracy (Collier and Levitsky 1997: 442).

Consequently, working definitions (i.e. generally provisional rather than theoretically definitive delineations) have become common in the academic literature on democracy. After considering them, the present paper adopts its own, a modified formulation building on one recently offered by Schmitter and Karl (2009). Their original formulation is:

*Modern political democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives* (2009: 4).

We modify this to read:

Modern political democracy is a system of governance in which the authorities or rulers are held accountable for their actions in the public realm by citizens acting mostly indirectly through (1) the competition and cooperation of their elected representatives and (2) their involvement in politically active civil society groups.

And immediately add as an integral part of the definition the following:

As a system of governance, it demonstrably promotes—however slowly or gradually, even allowing for occasional, temporary reverses—a progressively human quality of life for its citizens within fifty years of a regime's formal, democratic initiation.

A summary review of the academic attempts to measure democracy and democratization is then undertaken, with the main findings emphasizing the need to confront problems of measurement in the social sciences, particularly since democracy methodologies exclusively resorting to a focus on continuous variables, minimizing or ignoring the substantive categorical character of a democracy, could induce conceptual conflation. With *degree* rather than *substance* difference taking precedence in these measures, the danger of passing off even non-democratic polities as democratic ones cannot be ignored. What this measurement bias could easily gloss over is that transiting towards a democratic order is not necessarily the same as going or being democratic. Democratization does not automatically graduate to democracy—an elementary reminder that even a sophisticated theorist of democracy believes many of his readers ought to remember better (Schmitter 2010: 18).

Given the active work taking place in the measurement of democracy, its various elements and their operational indicators, the present author is convinced that it is not the measurement dimension of democracy that has greater criticality nowadays but its conceptualization. A fundamental re-imagining of democracy needs to focus on the explicit addition of a demonstrably increasingly human quality of life, within an explicitly liberal time frame, for a regime to properly gain democratic status in current times. One does not speak here of idealized, maximalist democracy, only that kind which goes substantially further than the minimalist, procedural fixation with elections and related exercises, mostly formally existing but substantively underperforming political institutions and formal as well as informal processes of political participation. A dimension of regime performance is what separates formal or paper democracies from those that demonstrably protect and promote the welfare of their people.

With its revised working definition of democracy, the paper finally reviews the record of political governance in the Philippines and regrettably is unable to regard it as that of a democracy. This assessment reflects the author's view that even O'Donnell's "delegative democracy" (O'Donnell 2009), a term also used to describe the Philippines, is probably a case of "conceptual stretching" and therefore not properly a subtype of democracy. A better classificatory label could be a "hybrid" regime which Diamond also aptly describes in most cases as a "pseudodemocracy" – a false or falsified democratic polity (Diamond 2009: 233).

### **A. Defining Democracy**

There has been no lack of attempts to define or clarify what a democracy is. This is the case whether the focus is a past or contemporary polity (e.g. early Athens, contemporary Western societies such as Britain, France and the United States or a non-Western developed society like Japan), a discernibly emerging entity (for instance, successfully-transiting democracies like South Korea, India) or some idealized regime already immanent in contemporary history or contemplated for some distant future (Aristotle's 'polity', Fukuyama's liberal-democratic state). Biases pro or contra democracy notwithstanding, the ages have witnessed a recurring interest in clarifying the nature of this particular polity's regime and how its dynamics might be understood. From Pericles' Athens to current times, democracy's definitional challenge has attracted many of the world's best minds and yet it has remained largely a contested concept – one that allows neither the modern professional political scientist nor the layman to make a definitive, convenient and confident reply to the question, "What is a democracy?"

In a situation like this, inquiries into the nature of a democracy usually start by enumerating the attributes that people ascribe to polities popularly acknowledged to be democracies. Prominent among these structural features are ideas so closely associated with the concept of a democracy that they became its constituent ideas or elements. In examining these core attributes, the obvious hope is that democracy's inherent nature would be made manifest.

### A.1 Democracy's Constituent Ideas

While it is true that attributes should not be confused with a concept's definition, those that are *sine qua nons* for the concept's integrity as well as its empirical operationalization are obviously important. In the case of democracy, an array of such attributes has been considered indispensable by those exploring the nature of democracy.

Starting from classical Greek times when non-democrats like Plato and Aristotle viewed democracy mainly from the prism of unstable rule by the many freeborn who are poor (Aristotle/Barker *trans.* 1962: 164), the idea of democracy historically grew with the times, increasingly identifying itself with an expanding constellation of ideas: popular sovereignty and representative governance, human equality and freedom, political participation, the rule of law and political accountability. These ideas may be considered as democracy's conceptual load. Thus, in the writings of Locke, Rousseau, Madison, James and John Stuart Mill, Marx, among others, popular sovereignty, freedom and democracy were made practically equivalent in conceptual content or at least were considered inextricably linked to each other. This probably unavoidable conceptual conflation is why most democratic theorizing from the 17<sup>th</sup> to the 19<sup>th</sup> centuries reflected a growing preference or bias for liberal democracy. (A notable exception is Marx whose irreconcilable critique of capitalism and its "superstructural," political organizational forms equated even the liberal state with class exploitation rendering it incapable of being truly democratic. Less radical social democrats are distinguishable from their liberal counterparts in arguing for increasing the public realm amenable to government intervention where the latter, reflecting their distrust for state intervention in areas of civil, economic and personal freedom, would strive to limit the public sphere to a minimum.) The 20<sup>th</sup> century largely continued with this liberal democratic bias (Plattner 2009), spurred on by the examples of the United States and the United Kingdom – two countries that enjoyed much international prestige as the restructuring, post-war world searched for political models. Towards the latter half of the 20<sup>th</sup> century, however, a more wary attitude regarding earlier liberal democratic models may be noted in some democracy assessments (Pateman 1985; Zakaria 1997).

**A. 1.1 Popular sovereignty and representative governance.** The idea of "the people" rather than the monarch, or the monarch and his court, wielding and being the very source of political power and thus legitimizing governance and all political institutions, is at the core of democratic theorizing. In ancient and pre-modern societies, the dominant rule was that the people who could legitimately participate in governance did not include every adult man or woman or for that matter even every citizen. From Athens in the 5<sup>th</sup> century where the citizenry comprised possibly less than a fourth or fifth of the city-state's population and where slaves, artisans (*banausikos*) and female citizens were denied formal political participation, to the 19<sup>th</sup> century when most of the now 'consolidated' Western democracies still continued to disable large segments of their political constituencies from electoral participation, this process of political exclusion may be observed. It bears noting that during this time and up until the turn of the 20<sup>th</sup> century, most democratic thinkers showed little aversion to a limiting or exclusivist view of "the people" – the citizens who may be extended full political rights by the polity. Those without property, the uneducated, women, slaves and ethnic minorities suffered much neglect and thus political discrimination in the musings of democratic theorists of the 17<sup>th</sup> to the 19<sup>th</sup> centuries. Even for the United States in the mid-1860s, Lincoln's democracy invoking "a government of the people, by the people, for the people" did not have a well-developed, inclusive sense of its primary term—"the people". Women and slaves did not have full political rights, the poverty-stricken and propertiless could be discriminated against, and the exercise of suffrage by these politically marginalized groups would wait for another century, the 20<sup>th</sup>, to materialize.

So blatant is the exclusivist bias of the idea "people" in those times that a modern democratic theorist observes that

*Not a single democratic government can be found in the 19<sup>th</sup> century and it was not until the first decade of the twentieth century that two countries, Australia and New Zealand, fully democratic regimes with firm control of government institutions and universal adult suffrage, were established (Lijphart 1984: 37).*

Lijphart notes that even the United States and Switzerland must not be attributed full democratic status until the 1970s, when the former finally lifted electoral restrictions on the blacks as a result of the enactment of civil rights laws and the latter allowed women to vote in national elections. (Lijphart 1984: 38-39)

"The people" in contemporary democratic theorizing obviously has taken on a much more comprehensive sense, with just about every citizen now presumed to be a competent participant in the processes of democratic

governance. Except for certain limitations relating to age, mental status and certain crimes, the previous historical disabilities suffered by several sectors have been at least formally waived in modern democracies. It bears noting that the empirical governance of modern countries credibly claiming to be a democracy also largely reflects this expanded sense of the people and the controlling idea of popular sovereignty. (Mayo 1960; Held 1987; Diamond and Plattner 2009)

Popular sovereignty is the frame that defines the theoretical limits of democratic governance but the latter's practical operation seldom allows most citizens to be directly involved in the processes of national governance. The idea of direct political involvement of citizens in the daily running of a polity might have been possible in the small Athenian polis of the 5<sup>th</sup> century B.C. or in some New England towns of the 18<sup>th</sup> century, but it was impractical and impossible in nearly all other cases, whether in antiquity or current times. Representative government in all but the smallest political communities – regardless of regime type – has been the dominant reality.

In a democracy, representative government poses several challenges. One has to do with the verity and reliability of representation. Are the people's representatives consonant with the interests of the people they represent? Another has to do with the latitude enjoyed by the representatives in acting for their sovereign clients. Are they mere spokespersons for constituencies who strictly define what their representatives are authorized and thereby capable of doing, even in rather specific ways, or, alternatively, enjoying the mandate and confidence of their constituencies, are they free to act in whatever manner they deem will serve the latter's interests? The contemporary literature on delegative democracies inclines towards a liberal interpretation, one might even say an extremely liberal interpretation, of what representatives can do and the range of issues they can act on in behalf of their constituencies (O'Donnell in Diamond and Plattner 2009: 36-39).

Yet another concern that links to representative government relates to the political authorities working in behalf of the public, whether they be publicly elected or simply appointed by the authorities. Since many issues of governance (e.g. public finance, economic growth and development, international relations) increasingly are often beyond the competence of the general public to understand, much less manage, the rise of experts in governance has been predictable. A bureaucracy not only of public servants but professional politicians and technical experts – technocrats – inevitably has come about. How does a sovereign public monitor the actions of these authorities and compel them to be accountable in a democracy?

A distinction is also drawn by some theorists between the sovereign citizenry, "the people", and those that effectively govern theoretically in their behalf, the authorities. (Schmitter and Karl 2009: 4) There is even a view that the term political rulers might be more appropriately reserved for the authorities or administrations in power that actively govern. An issue raised by this distinction is to what extent democratic administrators actually rule in behalf of their constituencies and what recourse the sovereign people have when these ruling authorities betray their democratic commitments.

**A. 1.1.2 Political Participation and Popular Control.** In democratic Athens of the 5<sup>th</sup> century B.C., the citizens (*politai*) could directly participate in all dimensions of governance because of their relatively small number. Serving in turn as they were chosen by lot, they could be legislators, administrators and judges. Each citizen also had a perennial function as he votes to elect fellow citizens to public office. It is unlikely that this situation can be replicated in modern polities.

For practical purposes, most citizens in modern democracies have been largely limited to the exercise of voting officials into positions of authority and related work. Nevertheless, this active even if only periodic political participation is critical in modern democratic theory. Voting, particularly in conditions of demonstrably competitive elections, often is used as a democracy indicator. To many theorists, the regular conduct of elections is a *sine qua non* of democracy; it probably is the most popular choice among several candidates for a minimalist definition of democracy (Schumpeter 1947; Huntington 1993).

The public's political participatory roles seldom involve them in active legislation, executive work and judicial exercises – all functions now devolved to their elected representatives or to a bureaucracy, over whom they hardly have any direct control and whose technical work they often are even unable to understand, much less perform.

Still, modern democratic theorists hold citizen participation as an urgent necessity for sustained democratic governance (Pateman 1970). Beyond involvement in formal processes of governance like elections, recall and referenda and rendering actual government service either as elected officials or appointed administrators, citizens are seen as also participative in governance through membership and active work in numerous civil society groups, in non-state organizations that have a direct interest in monitoring and assessing specific performance areas or sectoral programs that government is directly responsible for. The importance of civil society as a forum for political participation has increased in saliency as people developed a more active interest in democratic governance, administration performance and issues of political accountability.



Popular control is a logical objective of political participation and is manifest in the act of citizens freely selecting their authorities, monitoring and assessing their political performance and, ultimately, exacting accountability from them. Mayo (1960: 62-65) makes a distinction between the influence of citizens over policies and their control over policymakers and notes that effective popular control requires the operation of a whole range of political freedoms (e.g. "freedom of speech, assembly, and organization as well as running for public office").

**A. 1.1.3 Political Equality and Freedom.** Among those classified as a polity's active citizenry, democratic theorizing lays down a principle of political equality. Although, as noted earlier in the discussion of who are properly democracy's "people", there existed differences in the appreciation of who might be the legitimate subjects and ultimate sovereigns of political governance, the belief in the fundamental equality of citizens has been a recurring theme in the literature of democracy from ancient to modern times.

A gross idea of equality – the simple count of how many citizens comprise any sector – is actually criticized by Aristotle as the very source of political instability in the Athens of his time (Aristotle/Barker *trans.* 1962: 204-215). Where the mostly poor – ever the more numerous – demand that equality determined by sheer numbers must also define the distribution of the polity's property, positions and power, the insecurity of the wealthy, the disaffection of the aristocracy and all other sectors that stand to lose political saliency invite political instability. Similarly gross formulations of equality argued self-servingly by the wealthy and the aristocrats have the same effect, he notes. His lead recommendation for a more stable regime (the 'polity' that allows for the interests of the numerous poor, the few who are wealthy and the fewer who are virtuous to be represented and collaboratively served) is a more practicable transformation of the politicized idea of human equality.

Modern thinkers of course go much farther in arguing for political equality in governance. Having a far more inclusive sense of "the people" and a more expanded notion of political freedom, they make mandatory the equality of citizens at least in some of the more critical areas of political participation, e.g. suffrage, as evinced by its formalized universality and uniform weight – one person, one vote – and a consequent idea of rule either of the majority or, where applicable, a plurality in political decision-making. At the same time, the protection of the rights and interests of the minority has been enshrined as a fundamental qualifier to majority rule.

Together with the idea of political equality, human freedom became an integral part of democratic discourse, expanding and deepening over time.

Modern democrats tend to expand this notion of freedom beyond a citizen's ability to participate freely in most processes of governance. Such a view dwells on the needs of citizens to have freedom of information, speech and assembly (Mayo 1960: 65; Bobbio 1987: 25-26; Sen 1999: 146-159). Increasingly, civil, economic, cultural and other freedoms are reflected in what democratic theorists discuss as a necessary element of democratic rule. The historical concern with freedom as integral to democracy is reflected much by political theorists of the past three hundred years and has provided much impetus to the popularity of liberal democracy as a political model. The democratic identification with freedom has carried over into modern times. Consequently, even in contemporary discussions of substantive democracy, human freedom in its various forms—embedded in a general frame of human development—play a central role (Sen 2000; Sen in Diamond 2009; O'Donnell: 2004).

**A.1.1.4 Rule of Law.** Yet another tenet of democracy nurtured early in classical Greek times and strengthening across the centuries is the idea that everyone is bound by law. Aristotle speaks of rightly constituted law as properly "the final sovereign." No citizen, no authority, however exalted his official status in governance may be, is above the law. Democracy's active rulers—those comprising the polity's ruling administration—are all viewed as subject to the law located in the polity's Constitution, the legal enactments of legislative and quasi-legislative bodies and the dispositive pronouncements of judicial agencies. Formally crafted law as well as established traditions that pass for law are what the rule of law contemplates as controlling the actions of democratic subjects. The singular import of a doctrine that exalts the rule of law is best understood as a rejection of tyrannical, authoritarian decision-making and the personal and whimsical style of governance that historically plagued non-democratic societies. So emphatic is the concern for rule of law that it becomes the ultimate *sine qua non* for democratic theorists like Bobbio (1987: 156).

The rule of law component clearly links to overall government effectiveness. For better or worse, the rule of law markedly depends on the ability of ruling authorities to effectively govern their polity (Wenzel 2002).

**A1.1.5 Public Accountability.** Democracy's listing of constituent elements cannot be complete without the idea of public accountability. As a matter of fact, this is treated by some scholars as a *sine qua non* in any attempt to delineate the main features of democracy (Mayo 1960: 56-60). The sovereign people or citizenry may be the ultimate source of power and political legitimacy but if they have no reliable mechanisms for exacting accountability from the authorities that they install in power, the claims for democratic rule would ring

hollow. Political authorities and agencies that systematically violate their mission of rule for the people – a betrayal that is often facilitated by instruments of mass deception and undertaken in the worst cases with impunity – do not permit even established democracies to last for long. In polities struggling to initiate or sustain democratization, the continuing lack of effective political accountability is indicative of failed democratization. For a polity to deserve democratic status even at a minimal level, this defect must not be present.

Accountability mechanisms initially are associated with credible elections, when people choose to replace with new authorities those that have shown themselves less than competent in discharging the functions of ruling. Besides elections, constitutionally-mandated processes of recall, impeachment, referenda and the more regular criminal prosecution of erring authorities are part of a polity's accountability measures. In theory as well as in practice, the ultimate exercise of political accountability takes place when an entire nation engages in a forcible displacement of the ruling authorities.

## A.2 A Conceptual Conundrum of Sorts

Given the lead ideas that have informed democratic theorizing across the years, one might be led to expect that a consensual if not altogether precise and controlling definition of democracy would already have emerged. This has not been the case and the contemporary literature reflects much variation and outright tension in the numerous conceptions of democracy (Munck 2009: 128-129).

Across two thousand years of conceptual clarification, democracy, like most of the great themes of history, has defied resolution even as the greatest minds of the times struggled with it. To date, it remains a much contested concept.

At best, "working definitions" of democracy have been offered by numerous scholars if only to enable their audiences to understand how they might be using the term in their particular studies (Schumpeter 1947; Mayo 1960; Lijphart 1988; Huntington 1993; Van Hanen 2010). Typologies and models of democracy have been attempted from the time of Aristotle (Aristotle/Barker *trans.* 1962: 162-169) and the tradition carries on to modern times (Held 1987: 13-299; Lijphart 1988: 1-60; Heywood 2007: 75-81).

Schumpeter's classic treatise on regime types, *Capitalism, Socialism and Democracy*, has provided a procedurally-oriented definition of modern democracy. He situates the critical element of democratic governance in what he calls the "democratic method." This is "that institutional arrangement for

arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote." (Schumpeter 1947: 269). Obviously election-focused, this definition has influenced scholars across the years although it also has accommodated a few modifications.

Some scholars who earlier had endorsed the electorally-focused Schumpeterian idea of democracy have tried to refocus it by stressing the accountability of the authorities and expanded the range of applicable political processes beyond formal elections. Thus, Schmitter and Karl's formulation:

*Modern political democracy is a system of governance in which the authorities or rulers are held accountable for their actions in the public realm by citizens acting mostly indirectly through the competition and cooperation of their elected representatives (2009: 4).*

Partly endorsing this view, another scholar proposes a critically modern variation – an additional context of political freedom – on the Schumpeterian theme:

*... a democratic political system is one in which public policies are made, on a majority basis, by representatives subject to effective popular control at periodic elections which are conducted under conditions of political freedom (Mayo 1960: 70).*

A generation later, Sen (2000) will famously argue that democracy and development are both targeted towards maximizing freedom in human societies.

Huntington notes that by the middle of the 20<sup>th</sup> century, the democracy debate comprised three general approaches: "As a form of government, democracy has been defined in terms of sources of authority for government, purposes served by government, and procedures for constituting government (1993: 6-7)." The struggle among these orientations, according to Huntington, was resolved by the 1970s with the Schumpeterian view of democracy – a method of governance emphasizing primarily competitive, popular elections – emerging victorious.

Although most contemporary theorists might agree with Schumpeter's theoretical closure regarding democratic definitions, many others are inclined to disagree. The latter continue to view the attempt to define democracy as a continuing proposition, one that necessarily includes but must transcend Schumpeter's minimalist "democratic method" and also consider the objectives or ends of democratic governance (O'Donnell 2000; Ringen 2007).

A broader realm for democratic probing is increasingly becoming more apparent. Beyond the procedural concerns of democratic politics, a whole new

world of democratic concerns has opened up. Democracy definitions are going way beyond the electoral posts. Illustrative of this dynamic search for more substantive conceptions of democracy is the proliferated alternative meanings of democracy. Heywood (2007: 72ff), author of a textbook in political science widely used in the Philippines and a specialist in political theory, lists eight of the currently most common alternative meanings of democracy. The proffered definitions are clearly not mutually exclusive of one another; if anything, nearly all relate primarily to a popular mode of democratic governance, liberal democracy, as Heywood himself later notes. The eight are:

- A system of rule by the poor and disadvantaged
- A form of government in which the people rule themselves directly and continuously without the need for professional politicians or public officials
- A society based on equal opportunity and individual merit, rather than hierarchy and privilege
- A system of welfare and redistribution aimed at narrowing social inequalities
- A system of decision-making based on the principle of majority rule
- A system of rule that secures the rights and interests of minorities by placing checks upon the power of the majority
- A means of filling public offices through a competitive struggle for the popular vote
- A system of government that serves the interests of the people regardless of their participation in political life

The expansion of democratic space in democracy studies has not facilitated a greater consensus among scholars regarding the nature of their subject. A particularly pungent critique relating to this ongoing confusion regarding the concept of democracy is in a theoretical volume published over 50 years ago (Mayo, 1960). Its author notes that confusion results when technical people whom he explicitly identifies as mostly political scientists fail to develop a shared or controlling definition of democracy. Ruining this condition, he remarks that "[a]lthough there are in the political studies, a number of technical words with fixed meanings, unfortunately, 'democracy' is not one of them (Mayo 1960: 22-24)." For him, more confusion results when numerous groups load the term with "special and personal meanings"; the ideologues and the religiously-inspired bear the brunt of his criticism that "public discussions of democracy is almost a complete Babel, [with] much of the writing [being] inspirational in character, generating vague feelings of uplift about nothing in particular." Almost as great a responsibility for the general confusion may also be attributed to people who speak of democracy as if it had some "metaphysical essence or quintessence behind the word," this time it is the nominalism of Plato and similar idealists that he faults. (Mayo 1960: 22-24)

Views and sentiments similar to those of Mayo's on the numerous, professional attempts to clarify the meaning of democracy are found in the extensive literature that has emerged on the subject. In 2009, a prominent democratic theorist observes:

*Few conceptual issues in political science have been subjected to closer or more prolific scrutiny in recent decades than this problem of "what democracy is...and what it is not" and which regimes are democracies and which not. We are replete with definition and standards and tools of measurement. But the curious fact is that – a quarter century into the "third wave" of democratization and the renaissance it brought in comparative democratic studies – we are still far from consensus on what constitutes "democracy." And we still struggle to classify ambiguous regimes (Diamond, 2009: 229).*

Given the welter of contesting and often confusing definitions, Mayo (1960: 22-24) very early suggested that it is probably the common usage of democracy in the sense of "government or rule by the people" that could minimize the intellectual confusion in his own time—a state of affairs that unfortunately has persisted up to now.

Many students of democracy disagree with Mayo on this point. Those adopting a Schumpeterian view of democracy as a method of governance or rule, may acknowledge some utility of common usage in defining democracy but would insist nevertheless on clarifying democratic rule as first of all practically equivalent to competitive elections (Huntington 1993: 6-8). Together with others who find much that is problematic in fully operationalizing the idea of 'rule by the people' (Heywood 2007: 72-76) or in analyzing ideologically vulnerable, purposive ends like "freedom," they offer modified, procedurally-oriented typologies, e.g. the majoritarian and consensus democracies of Lijphart (1984), to explore democracy and its main variations, or at least sound a stronger caveat to taking the popular usage of the term as a sufficiently clear definition.

One can't help but wonder why this divide between the proceduralists and the substantivists has persisted to current times. There could be a deeper philosophical/methodological divide between those who consider democracy as fundamentally a method or procedure of governance and those who would insist on its substantive, purpose-oriented content as a primary concern. The debate on the conceptual content and direction of democratic rule can perhaps be recast into the traditional disjunction between fact and value that persists among most social scientists. Procedural fact and valued outcomes relating to democratic polities often divide democracies' energetic explorers. Those emphasizing the method of rule, the procedures and processes of governance, argue that involving democracy scholars in futile debates regarding its alleged source-authority and final ends wind up with no more than ideological

contentions; those favoring the substantive outcomes of democratic rule, on the other hand, allege that focusing overly much on method does not make enough demands on what democracy and democratic governance ought to bring about.

The debate may not be a real one as both method and ends obviously could simultaneously inhere in the concept of democracy and democratic governance. The main obstacle to a more productive, synergistic probe into democratic theory and empirical democratic governance appears to be the uncompromising demands of the procedurally inclined scholars to come up with demonstrably pragmatic, useful studies. As one of them curtly points out in criticizing those who would worry about values of political freedom in their democratic studies, "*Fuzzy norms do not yield useful analysis* (Huntington 1993: 9)."

Many remain wary about minimalist democracy studies using elections as their most critical variable. Some expressed doubts about the "economicism" — the use of primarily economic analytical tools and subject focuses — of their democracy studies and found themselves going back to their "philosophical, legal and moral theory" studies to anchor their probes into then emerging democracies. (O'Donnell 2000) Decades earlier, another theorist had poetically pointed out that even as the procedural or methodic concerns of democracy should not be ignored, democracy nevertheless has its principles and core values.

*Within the limits of these, democracy recognizes the legitimacy of whatever ideals or fundamental beliefs — different and even conflicting — that the citizens may cherish. It is a political system and a theory in which men may freely pursue their dreams and purposes, and try to convert them into reality through politics. Lacking the certainties of a closed system, democracy provides the greater challenge, the wider opportunities; but not of repose, since 'repose' is not the destiny of man (Mayo 1960: 309).*

The professional literature on democracy and democratization has grown much faster than on other social science concerns — Schmitter's own description of this phenomenon is "a burgeoning of democratization studies" (2010: 18). This proliferation of books, journal articles and even quasi-academic opinion pieces on democracy and democratization obviously has to do with its nearly universal appeal. Political regimes across the board, from left to right in terms of ideological location and including some that are demonstrably anti-democratic, insist on at least a formal identification with this iconic regime. The Nobel Laureate Amartya Sen, an economist, has actually repeatedly drawn attention to this remarkable catholicity of democracy in current times. Other writers have at various times commented similarly. (Amartya Sen, "*Democracy as a Universal Value*" in Diamond and Plattner 2009: xxviii, 315-320; Heywood 2007: 71-72; also see Crick 2002:8 and Mayo 1960: 21-22)



Although most pronounced in the latter half of the 20<sup>th</sup> century (Lijphart 1984: 37; Huntington 1993: 3-5), democracy's popularity is not really a recent phenomenon. In 1951, the UNESCO convoked over a hundred scholars worldwide to study democracy and not one of those assembled registered a negative attitude regarding the object of their collective study. The 1951 UNESCO report on the conference noted:

*Probably for the first time in history, democracy is claimed as the proper ideal description of all systems of political and social organization advocated by influential proponents (Mayo, 1960: 21).*

With the resurgence of official policies explicitly promoting democracy abroad in the early 1980s, democracy gained further popularity. The United States, together with Britain, Germany, Holland and various international and intergovernmental agencies including those of the United Nations, the World Bank as well as many private foundations, engaged in democracy promotion worldwide and provided even more impetus for democracy studies. (Munck 2009: 2-12)

A decade later, Fukuyama's influential *End of History and the Last Man* (1991) would ride the same democracy bandwagon in implying that the final political arrangement – basically a well-developed liberal democratic state – might have already come to stay. (Interestingly, much earlier, Hegel had also situated an ultimate arrangement in the Prussian state of the 1830s (Berlin 2003), a polity that would be hard for people nowadays to recognize or accept as a modern democracy.)

### **A.3 Midway Between Maximalist and Minimalist Conceptions of Democracy**

This set of constituent ideas comprising democracy (popular sovereignty and representative governance, political participation and popular control, political equality and freedom, rule of law, public accountability) may be said to encompass practically all conceptual loads that various schools of democratic thought reflect. One can go through the authors cited in this essay so far and their respective views of democracy interestingly will contain most if not all the ideas listed in this summary review. One can extend his survey of democratic theorists and researchers to others not reviewed here and the same observation could be made.

It is primarily in the way theorists divide on how to approach the study of democracy and the priorities of acknowledged salient concerns that we can distinguish academic biases/preferences that, unfortunately, in the course of intellectual debate, provoke heated discussions but not much enlightenment.

Those who would approach democracy by considering its procedures and processes can easily make peace with colleagues who deepen the democracy probes through substantive ethical or philosophical analysis. How a democratic polity's authorities are chosen and how they govern has no inherent quarrel with what democracy must consider by way of its legitimate political objectives. The common weal is one of those objectives that democratic governance in modern times is increasingly expected to serve.

The current essay assumes that the constituent ideas identified here are all necessary conditions for a modern democracy to be properly acknowledged as in place and operating. The degree to which each of them is present at any point in time may differ for different polities but at least some minimal degree of their presence and operation need to be demonstrated in polities claiming to be either democratizing or already a democracy. No maximalist/idealist demand is made here as regards anyone of these constituent elements but democratic regimes reasonably could be expected to show overall improvement on these dimensions over a relatively long period of time. There is no irrationality for the demand that each of democracy's constituent elements will strengthen and deepen over time in a truly functioning democracy. Persistently "dysfunctional" democracies are actually prudently better recognized as non-democracies; analytical sharpness is facilitated and political costs are minimized.

Beyond these constituent elements of a democracy, this paper argues yet one more concern needs to be more explicitly identified. Without it, especially in modern times, it would be futile to recognize non-democracies from those that fittingly deserve democratic classification. Its identification and *raison d'etre* are embedded in the next section, a short discourse on the conundrum that has developed in discussions of what a democracy is and is not.

#### **A.4 An Alternative Working Definition of Modern Democracy**

In the present project, an alternative definition of modern democracy is used by the project collaborators. It builds on an earlier definition by Schmitter and Karl (2009) as they wrestled with the issue of "What democracy is ... and Is Not." Based on their extensive studies of democratic regimes in various settings, they concluded that:

*Modern political democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives (2009: 4).*

This formulation has been modified by the present project collaborators to read:

Modern political democracy is a system of governance in which the authorities or rulers are held accountable for their actions in the public realm by citizens acting mostly indirectly through (1) the competition and cooperation of their elected representatives and (2) their involvement in politically active civil society groups. As a system of governance, it demonstrably promotes – however slowly or gradually and even allowing for occasional, temporary reverses – a progressively human quality of life for its citizens within fifty years of a regime's formal, democratic initiation.

Their modifications have been facilitated by some provocative considerations.

One, the authors collaborating in the present project subscribe to a view that for a **modern** democracy to exist, a politically participative citizenry is a *sine qua non* condition; democracy's citizens do not confine themselves to formal electoral exercises, referenda or recall but increasingly and more critically also organize and act through numerous and varied politically-impacting civil society groups.

Yet another consideration prompted a further modification of the Schmitter-Karl formulation of modern democracy. In examining the numerous current attempts at clarifying the nature of democracy, the project collaborators were struck not so much by their focus on largely procedural and allied institutional concerns as their relative inattention to substantive democratic ends – that is to say, not much is explicitly said about what democratic regimes presumably strive for and, however gradually or imperfectly pursued by them, increasingly are able to effect over time. None of the several working definitions cited in this essay makes working for a human quality of life an integral part of their definition of democratic governance. This is quite remarkable. Political, civil and economic freedoms are widely acknowledged to be proper attributes of human beings and their societies and therefore all political regimes and democratic polities in particular are expected to secure them for their citizens. The iconic stature of democracy and the numerous rhetorical flourishes of democratic constitutions worldwide attest to this humanist interest. Why then shouldn't this objective of a human quality of life also be part of what explicitly defines a political regime as a democracy?<sup>1</sup>

The addition of a time frame within which a regime must show not only a formal commitment to a human quality of life but an operational capability to increasingly meet that objective is also a vital element in this modified definition of a modern democracy. If sovereignty resides in the people and all

government authority derives from them, it would be absurd to classify a regime as democratic where the material and other conditions of human life do not improve or at least do not markedly worsen with time. In this modern age of expanded conceptions of human freedoms and their attending rights, participatory governance and the rule of law, it would be strange indeed if the necessary conditions of democratic governance did not reflect the temper of the times. (A 'democratic' society where citizens are willing to live brutally or miserably and to do so continuously for at least half a century—two generations—is one where most of them are either systematically disempowered by their ruling authorities and consequently are unable to demand and secure better conditions or they are incorrigible masochists. Such a society cannot possibly be a credible instance of democratic governance.) Some students of democracy are careful to warn against a "fallacy of anachronism (Schmitter 2004: 51)" where a concept is loaded with meanings that given the historical times then obtaining could not be expected to reflect. It is not appropriate, for instance, to demand of democracy during the Greek classical period that it also should manifest universal suffrage. However, it is equally a fallacy of anachronism to exclude from a concept the very properties that have become so vital and compelling in our own modern times. Governance nowadays and particularly democratic governance cannot be meaningfully explored without considerable attention being given to the citizenry's quality of life and how over time their basic human needs are addressed.

Incidentally, a fifty-year time period to clearly demonstrate this democratic commitment to a progressively human quality of life is not really a severe requirement given contemporary times. Much of the current confusion in classifying a regime as democratic stems from an overly liberal analytical bias that permits non-democratic and even anti-democratic regimes to indefinitely pass themselves off as some species of democracy albeit clearly saddled with critical deficiencies in terms of popular sovereignty, rule of law, free and competitive elections, public accountability and other bona fides of a democracy. Historically, this bias has benefited corrupt, anti-democratic, oligarchic ruling elites that lean on paper constitutions even as they violate its democratic provisions with much impunity.

The emphasis on a human quality of life is dictated by the consideration that democracy in current times cannot be divorced from considerations of improvements in the material, political and civil dimensions of human existence. It would be strange indeed if a sovereign people in a democratic setting—with rule of law, free elections, political participation and political accountability—were to settle in the long run for a brutal and often even worsening quality of life.

Democratic theorizing in the 21<sup>st</sup> century must reflect ethical objectives that Greek thinkers in the fifth century B.C. already integrated in their political thought. The 'polity' of Aristotle is after all a form of governance that already oriented itself to the welfare of the governed. More than two thousand years later, regimes that systematically subvert this pragmatic as well as ethical objective must yield their pretensions to being a democracy.

## **B. Measuring Democracy**

The measurement of democracy, like the provocative challenge of conceptualization, has drawn much interest among academics and government policy experts. Numerous metric probes have focused on the root concept democracy, the constituent ideas perceived to be integral to it, their component variables and, at ground level, their various indicators. These measurement efforts reflect intrinsically academic as well as more pragmatic policy interests that require the monitoring of democracy and democratization worldwide.

For those who have occupied themselves with this task, there is ample recognition that the legitimacy of their measuring instruments and the utility of the metrics they generate critically depend on the quality of conceptualization brought to bear on democracy, its constituent elements or attributes, their component variables and, not least, the operational indicators actually employed (Adcock and Collier 2001; Bailey 1973; Bogaards 2010 and 2007; Bohlen 1990; Collier and Adcock 1999; Knutsen 2010; Munck 2009; Munck and Verkuilen 2002; Wetzel 2002; Van Hanen 2000).

Among these scholars, their specific conception of democracy, its components and the resulting subtypes greatly determine the qualitative or quantitative measures that could properly apply. Definitions of key terms used in exploring the nature of democracy and the processes of democratization have implications for how their empirical manifestations are perceived, analyzed and measured. The dichotomy or gradation that scholars debate about and choose to attribute to the general concept democracy and its variables determine what measures may be permitted, perhaps even required, and what on the other hand may be proscribed (Collier and Adcock 1999: 537-540; Bohlen 1990:13).

Academic reviews of the various attempts at measuring democracy are uniformly critical in pointing out other conceptual flaws that impact on its proper measurement. They occur when a concept is loaded with what is not essential to it, as happens in the case of stability often being linked to political

democracy. In a particular case using a single index for measuring political democracy and stability, Bollen (1990: 12) notes that much confusion results because one is unable to establish "whether democracy or stability is responsible for any relations found." His curt advice to errant colleagues: "Distinct concepts should be treated distinctly."

Munck and Verkuilen (2002: 14-31), reviewing measures designed by other prominent researchers, also call attention to the conflation in several democratic attributes for which indices had been designed. In practically all of these cases, they point out that not enough rigor was exercised in thinking through the nuances of concepts that the indices would measure. The theoretical relationships among the various democratic attributes as well as their operationalizing indicators not being explicitly delineated, much conflation could not be avoided. Leading researchers, academic institutions and quasi-academic groups undertaking the measurement of democracy-related concerns (e.g. Freedom House and Transparency International) have invited mostly constructive criticisms triggered by inadequate or poor conceptualization work.

Beyond conceptual inadequacies, other shortcomings are also noted by recent assessments of democracy-measurement work. The following is a list of commonly encountered flaws in the design and operation of several democracy measures: level-of-measures confusion, conflation induced by using multiple indicators where one or a few would suffice, or, on the other hand, ill-advised singular-indicator designs where several are actually needed, inappropriate choice of indicators, arbitrary, non-theoretically justified, "rule-of-thumb" thresholds for establishing the substantive quality or level of democracy or democratization, subjective data coding, unclear rationale for employed weighting procedures, questionable validity and problematic reliability and replicability concerns as well as the use of inappropriate statistical techniques. Many of these infirmities are encountered even in the most comprehensive and the most popularly used measures of democracy and related topics; the measures and datasets employed by Freedom House, Polity IV and Transparency International have been among the targets of academic criticism in recent years. Individual academics' measures of democracy are also often found wanting by reviewers – often long-time, well-meaning and constructive professional colleagues – assessing the metrics. (Vanhanen 2000; Munck and Verkuilen 2002; Munck 2009; Bogaards 2007 and 2010; Bayer and Bernard 2010; Knutsen 2010).

In their quest for competent democracy metrics, academics have found certain guidelines helpful. Bohlen (1990: 19) notes that most of the problems identified above could be avoided if those involved in measuring work tried to:

- (1) *Provide a theoretical definition of political democracy*
- (2) *Identify its major dimensions*
- (3) *Measure each dimension with several indicators*
- (4) *Explain how the indicators were created and how to replicate them*
- (5) *Specify the relation between each dimension and the indicators,  
and*
- (6) *Report estimates of reliability and validity*

Munck and Verkuilen (2002: 8) provide a more detailed table suggesting the basic framework that might guide conscientious morticians in designing their measures and later analyzing and interpreting the qualitative and quantitative results of their application (See Table 1, below). It is quite surprising that with so many studies of democratization across so many years by so many academic workers, including those that have gained preeminence in their fields, careful reviews and constructive assessments nevertheless continue to reveal much work suffering from some of the most basic measurement errors, as in the case of ordinal data being subjected to interval or ratio data processing.

Spurred at least in part by the largely critical reaction to their attempts at measuring democracy and its related concerns, academics have actually made improvements in the quality and rigor of their measures in the past decades. This has not escaped the attention of their professional colleagues, earlier noted as also some of their keenest and most constructive critics. Almost a decade ago, Munck even summarized the good features of work done by those who struggle to create democracy indices and his generous observations remain valid and resonate with current times:

*To be fair, constructors of democracy indices tend to be quite self-conscious about methodological issues. Thus they explicitly present their definitions of democracy, highlight the attributes they have identified, and clearly distinguish these attributes according to their level of abstraction. Moreover, a few indices are quite exemplary in terms of how they tackle specific tasks. In this sense, Hadenius (1992) is very insightful in identifying the attributes that are constitutive of the concept of democracy as are Alvarez et al. (1996) with regard to how various attributes should be logically organized. Nonetheless there remains a lot of room for improvement with regard to both concept specification and conceptual logic (2002: 14).*



**Table 1. A Framework for the Analysis of Data: Conceptualization, Measurement and Aggregation (From Munck and Verkuilen, 2002:18)**

*A Framework for the Analysis of Data: Conceptualization, Measurement, and Aggregation*

<b>Challenge</b>	<b>Task</b>	<b>Standard of Assessment</b>
<b>Conceptualization</b>	Identification of attributes	Concept specification: Avoid maximalist definitions (the inclusion of theoretically irrelevant attributes) or minimalist definitions (the exclusion of theoretically relevant attributes)
	Vertical organization of attributes by level of abstraction	Conceptual logic: Isolate the "leaves" of the concept tree and avoid the problems of redundancy and conflation
<b>Measurement</b>	Selection of indicators	Validity: Use multiple indicators and establish the cross-system equivalence of these indicators; use indicators that minimize measurement error and can be crosschecked through multiple sources  Reliability
	Selection of measurement level	Validity: Maximize homogeneity within measurement classes with the minimum number of necessary distinctions  Reliability
	Recording and publicizing of coding rules, coding process, and disaggregate data	Replicability
<b>Aggregation</b>	Selection of level of aggregation	Validity: Balance the goal of parsimony with the concern with underlying dimensionality and differentiation
	Selection of aggregation rule	Validity: Ensure the correspondence between the theory of the relationship between attributes and the selected rule of aggregation  Robustness of aggregate data
	Recording and publicizing of aggregation rules and aggregate data	Replicability

There is reason to be hopeful about better datasets and more challenging measures of democracy emerging in the near future. Obvious improvements in the methodological skills of social scientists studying democracy are already discernible in the quality of statistical processing as well as modeling work in academic publications since 2000 (Clague, *et al.* 2001; Wejnert 2005; Bayer and Bernhard 2010; Knutsen 2010). Beyond simple associations suggested by rudimentary cross tabulations and with more sophisticated correlation analysis, there is causal modeling being done by those who would explore the dynamics of democratization and the nature of democracies deeper. (See Boix 2001 for an exciting study on the linkages and interactions between democracy and inequality; again also see Boix 2003—his volume on "Democracy and

Redistribution" – that more ambitiously offers "a unified model" deriving the distribution of different political regimes from the distribution – and effective redistribution – of economic and political resources at some given time in some given setting. A unified theory of political transition obviously necessarily involves exploring redistributive operations and, if the transition is to succeed, redistributive outcomes.)

Finally, in suggesting how the measurement of democracy and democratization might be improved, perhaps only one more note might be struck: the greater use of perception data generated by survey research in democracy studies. While not a novel idea or historical development, the greater utilization of subjective data by academics serves notice that the very science of democratic research has democratized, that is to say, the very subjects – the people acknowledged to be the ultimate sovereign in democratic polities – are able to find their voice and make it a critical part of the vital public enterprise seeking to know more and understand better the dynamics of democracies worldwide.

### **C. The Philippines as a Democratic Polity**

As an academic, this author is intrigued by the views of professional political scientists, Filipinos as well as others (Abueva 1991; Quimpo 2008; Hutchcroft and Rocamora 2003; Lande 2001; O'Donnell 2009), that post-war Philippines has been governed largely democratically in the postwar period. Given the enduring political and economic stresses that define the country's history as one of lingering underdevelopment, a highly skewed resource distribution indicative of oligarchic factors at work, open authoritarian periods of governance, persisting armed rebellions, high levels of graft and corruption and what has been generally perceived lately as "a culture of impunity" in governance, it would be gratifying to discover the reason for considering the country as a democracy or – however unsettling the possible reality might be – a non-democracy and, most probably, a non-democratic oligarchy.

#### **C.1 Democracy Definitions and a Problematic Governance History**

Admittedly, the country has a relatively long tradition of formal democracy confirmed by numerous constitutional and statutory provisions stipulating the character of its political institutions and the processes of governance. Despite this democratic façade, however, the dynamic operations of its politics demonstrably hew closer to oligarchic rather than democratic lines before, during, and even after Marcos.

Earlier in this paper, the author listed several definitions of democracy noted by a highly regarded British political scientist, a popular textbook writer and a political theorist of note (Heywood, 2002).<sup>2</sup> The various meanings ascribed to democracy, he observes, are:

- “a system of rule by the poor and disadvantaged”
- “A form of government in which the people rule themselves directly and continuously without the need for professional politicians or public officials”
- “a society based on equal opportunity and individual merit, rather than hierarchy and privilege”
- “a system of welfare and redistribution aimed at narrowing social inequalities”
- “a system of decision-making based on the principle of majority rule”
- “a system of rule that secures the rights and interests of minorities by placing checks on the principle of majority rule”
- “a means of filling public offices through a competitive struggle for the popular vote”
- “a system of government that serves the interests of the people regardless of their participation in political life”

Plotted against any and all of these meanings, the history of Philippine governance would be hard to justify as a democracy. Looking over the list, however, one can dispense with four as not being central to evaluating democracies in our times: the rule of the poor and disadvantaged, direct rule by the people, unqualified majority rule and the protection of minority interests. These four are either anachronistic (rule of the poor and disadvantaged as contemplated in ancient Athens) or impractical (direct popular rule) or imprecise within a Philippine context that allows for plurality outcomes to control and thus define the legitimacy of most political outcomes (for instance, the people's choice of president and other public officials). The remaining four other senses of democracy could be applicable to the Philippine case and thus merit further discussion. One (elections) is derived from the minimalist position that democracy entails a method of selecting officials through competitive elections. The other three all have to do with a social context within which equality of opportunity, diminishing social inequalities, the recognition of individual merit and quality of life improvements become core concerns of democratic governance.

Let's take on elections first. One cannot argue a minimalist, Schumpeterian defense for democracy in the Philippines based on the record of

past national elections. Most elections to date had been attended by funding and campaign practices mocking existing laws, by extensive cheating and by much violence. "Guns, goons and gold" is a popular refrain describing what people associate with elections by way of critical resources, with the Commission on Elections (COMELEC) – the national agency tasked by law with overseeing Philippine elections – often being added as a crucial fourth element to the corrupting trinity. Honest, orderly, peaceful, lawful and credible elections has not been the rule in the Philippines. Of the four most recent elections, one (that of 2001 installing Estrada as president) is perceived to be generally credible but the two others (2004 and 2007) consolidating Arroyo's political preeminence have spurred a fractious crisis of presidential legitimacy. The latest in 2010 where automated elections resulted in a record quick count of votes, was initially publicly well-received but later made for much suspicion in the possible tampering and manipulation of the automation process, from the programming of its source code to the actual machine count and the verification of the final electoral results. The democratic concern with effective political participation and credible political contestation has not been served well by too many significantly flawed national and local elections.

Beyond the conduct of elections themselves, critical elements of the electoral process are similarly critically flawed. Political parties are one such element. In the Philippines, political parties usually are trans-ideological, personality mechanisms used by leading politicians to secure electoral victory. Lacking programs of governance that are ideologically distinguishable from those of other parties and unable to exact organizational discipline from its transaction ally-oriented, pragmatic members, political parties in the Philippines are a poor copy of those found in other polities. Practically speaking, they do not exist as attested to by the ease with which they could be abandoned, reconfigured or captured by resourceful politicians. At the highest levels, party members and leading functionaries can and do switch loyalties without incurring significant political costs.

Party switching that robs a political party of much of its structural integrity is a normal phenomenon in Philippine politics. It can be highly productive for quick-thinking, strategically-minded political candidates. A quick check will reveal that the majority of elected Philippine presidents have practiced political turncoats with unarguably good results, often at the very moment they make their run for the presidency.

As for the social democratic – some would say economist and general human development – concerns of democracies in Heywood's list, one does not have to trot out the numerous statistical studies showing the enduring

deficits of Philippine governance across the years. All Human Development Reports (HDR), whether it be the global study annually published by the United Nations Development Program or the nationally-focused Philippine Human Development Report (PHDR) of the collaborating Human Development Network, show little progress when critically read. Across the decades, the national economy has grown mostly unimpressively in comparison with its more dynamic vicinal states. Furthermore and much more critically, this growth has not been attended by sufficient improvements in the living conditions of most Filipinos—whether one considers the decades-long patterns of income distribution or people's access to health services, education and even basic nutrition.<sup>3</sup> Poverty incidence has remained quite high and improvements suggested by proportional analysis cannot conceal the fact that the absolute number of poor people had markedly increased in the country. Thus a sense of systemic neglect, of numerous inequities and social injustice is shared by many who have been vulnerable to recruitment in destabilizing armed rebellions (HDN 2002; HDN 2005; HDN 2009). The persistence of Muslim and communist rebellions in the country marking both as among the most enduring insurgencies worldwide, together with periodic coup attempts by disgruntled military elements, testify to the high level of resentment smoldering among many Filipinos. Poverty and inequality, ethnic conflict and an increasingly resentful sense of being left grossly behind even as economies grow are among the reasons identified for why even democracies already in place fail (Kapustin and Converse 2000:60-67). In polities where democracy has not yet established a secure foothold in the body politic, these factors invariably prevent democracy from gaining even the most marginal toehold.

The 2002 PHDR, identifying a core reason for the country's problematic economic growth, underscores the political factor but makes its point using low key language. The 2002 report restrainedly notes that:

*As a final reason for the instability and low level of Philippine growth, one must point to the historical instability of the political process itself. Objectively speaking, formal political processes in the Philippines have been periodically challenged and subverted, for both good reasons and bad. The sources of instability have run the gamut from the usurpation of power by Marcos, to threats of armed rebellion, coups d'état, and, yes, even the two or three EDSAs. Such instances are found to be a powerful discouragement to both domestic and foreign investments since they often raise the prospect of wholesale changes in laws, policies and even individual contracts. At bottom, however, the record of large scale change in the Philippines must be traced to the failure of normal political institutions to accommodate and address what are deemed by significant sectors of the population to be fundamental inequities and injustices. It is this basic institutional failure that gives rise to attempts at redress that are extra-constitutional, at times even violent (HDN 2002:13).*

In 2009, after observing that conditions have not remarkably improved and that attempted reforms appear to mostly fail to transform, the PHDR's phrasing of the institutional problems confronting the country and its reformers markedly changes. Without lapsing into the activist language of ideological speechmakers, the PHDR, in reacting to the country's deteriorated position between 1997 and 2007 as charted by the World Governance Indicators on a range of governance concerns (rule of law, regulatory quality, control of corruption, government effectiveness and voice and accountability), pointedly remarks:

*The drop in the Philippines' ranking in the WGI between 1996 and 2007 is alarming though not surprising. The country has long been described as a 'soft state,' where rules and enforcement are for sale [Fabella, 2008]. There is wide agreement that the weakness of political institutions in the Philippines is a major, if not the **major**, hindrance to its further progress (HDN 2009: 2). [Bold type that of the Report]*

A similar sense of frustration and even cynicism regarding the wardens of political governance is detectible in many parts of the 2009 PHDR. Speaking of key institutions administering the national bureaucracy, exacting political accountability from public officials and overseeing the nation's judicial system, the Report is unable to rule out the political intrusions that would weaken and disable the functional objectives of these critical institutions .

*And there lies the rub. For in all three organizations which concern us – the Civil Service Commission, the Office of the Ombudsman, and the Supreme Court – performance has been affected in varying degrees, and is anticipated to be further affected, by the direct or indirect interference from, or circumvention of rules by, the appointing authority (PHDR 2009: 43).*

Indeed there lies the rub, when economists traditionally known for conservative writing, dramatically start their assessment of national human development in the Philippines with the poetry of the oppressed from another age, when despotism, oligarchy and national plunder made the poet Francisco Baltazar protest more than a hundred years earlier:

*Sa loob at labas ng bayan kong sawi,  
kaliluha'y siyang nangyayaring hari,  
kagalinga't bait ay nalulugami,  
ininis sa hukay ng dusa't pighati (PHDR 2009: 1).*

[In and around my unfortunate nation,  
Deceit and treason reign,  
Virtue and reason are shamed,  
Suffocated in the grave of sorrow and pain.]

A "culture of impunity" is widely acknowledged to overwhelm the country with some regularity (Freedom World 2010). This negative perception is inferable from the perennially poor performance of the Philippines in comparative corruption measures used by the Transparency International (Transparency International 2010), the dubious distinction of being among the world's leading violators of human rights specifically in the case of terminal violence victimizing conscientious journalists, activist community organizers and, in November 2009, even ordinary voters out to register candidates opposing a Maguindanao dynastic politician and his family (Amnesty International 2011; [US]State Department 2010; Freedom World 2010; [UN] Human Rights Council 2008; McIndoe 2009), the persistent inability to rise from Freedom World's ranks of the world's "partially free" nations to those of the "free" (Freedom World 2010) and the grim prospect of becoming a failed state as the country merits a warning from the *Fund for Peace's 2011 Failed State Index* (Fund for Peace 2011). All of these glaring national deficiencies, sustained over a relatively long period of time, militate against a reasonable description of the Philippines as a democratic polity, or a non-democratic but nevertheless seriously democratizing country.

Beyond the weak, even fragile governance institutions and political processes that democracies require in order to operate, the persisting armed challenges to the constitutional order, the relatively poor economic performance and historically problematic inequities, the long demonstrated inability at effecting the delivery of basic services in transport, public safety, health, nutrition and education—indeed a long list suggesting subpar performance in modern governance—another blatant indicator of governance failure in the Philippines cannot be missed: the great number of Filipinos daily leaving their country and trying to find gainful employment abroad.

Roughly one out of ten Filipinos now regularly vote with their feet in seeking a livelihood that their system of governance has failed to provide for at least the past three decades. Scattered in all parts of the world, overseas Filipino workers (OFWs) have been the single most effective buffer keeping the economy of their country afloat. Contributing as much as 10% of the Philippine GNP, they are decisively critical in enabling the nation's real estate and the much bigger final consumer market to survive, most particularly in these times of global economic and financial crises. Not only do OFWs bring in much needed revenue, they also ease the unemployment pressure that increasingly stresses the economy much. The education market too, particularly at the tertiary level, probably is as much indebted for its survival to OFW remittances as the real estate market. Neither would do well without millions of Filipinos leaving their country, finding jobs abroad, sending home a big portion of their foreign earnings and investing much in housing and education.



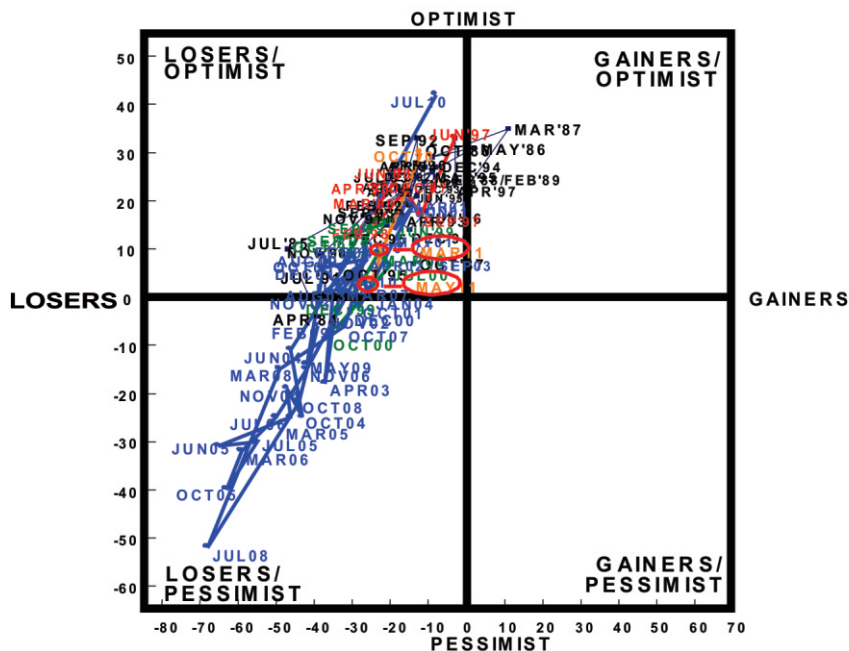
One needs to properly situate the Philippine human condition under its system of governance to understand why an allegedly democratic regime has failed to improve or at least arrest the deterioration of most Filipinos' quality of life. After going through the various statistical indices and the numerous learned, academic treatises analyzing the nation's political, economic and social conditions, there is one final documentation that must be used in clarifying that the arguments for a democratic Philippines are unconvincing and must be abandoned.

That is the Filipinos' own perception of their nation's history in the past decades and what happened to their families' quality of life under a regime that often is popularly described as being of, by and for the people, or, using categorical language, a democracy.

In nationally representative surveys of Philippine public opinion like those of Pulse Asia and the Social Weather Stations, Filipinos are asked whether in the past 12 months their family's quality of life (QOL, left undefined and unoperationalized by the survey designers so that the controlling sense is left entirely to those surveyed) had improved, remained the same or worsened. They are asked a follow-up question regarding what they anticipate it would be in the coming 12 months, whether their family's QOL would improve, remain the same or worsen. The first question generates responses that make them either "gainers" or "losers" or "neither gainers nor losers" and therefore their QOL has remained basically unchanged. The second question allows for the respondents to be described as "optimists" or "pessimists" with those anticipating no change in QOL also comprising a third category. Netting the "gainers"- "losers" proportions and the "optimists"- "pessimists" proportions yield the QOL quadrants' measures in the charts below. Respondents then can be "gainers and optimistic," "gainers and pessimistic," "losers and pessimistic" or "losers and optimistic" in relation to their personally-assessed family QOLs.

As Figure 1 (below) indicates, Filipinos have consistently kept faith with their government and its leaders, liberally trusting their presumed democratic system of governance and willfully optimistic about their future as a people. From April 1984 to May 2011 – for over 27 years or a full generation where confirming survey data exists – Filipinos report worsening rather than improving QOLs virtually all the time. Yet most of the time they were "losers," they stubbornly clung to their optimism – the idea that their lives would make a turn for the better, that they would eventually be "gainers," a hope regularly sustained and also regularly quashed – quarter after quarter, year after year. No political administration has changed this punishing pattern in nearly three decades of documented public opinion.

**Figure 1. CHANGES IN THE RESPONDENTS' PERSONAL QUALITY OF LIFE**  
**April 1984 to May 2011 / Philippines**



Sources:

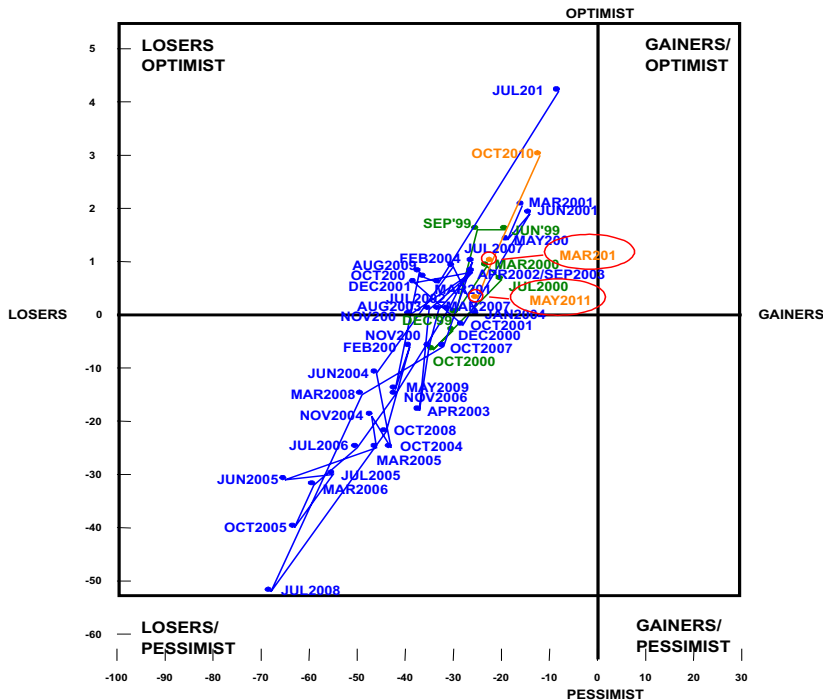
April 1984: Development Academy of the Philippines (DAP); July 1985: Bishop Businessmen Conference (BBC); May 1986 - October 1987: Social Weather Stations/ Ateneo de Manila University (SWS/AdMU); March 1988 - October 1998: Social Weather Stations; June 1999 - May 2011: Pulse Asia, Inc.

In the past 27 years, only two instances are recorded of Filipinos reporting QOL improvements and feeling optimistic for the coming year, once in May 1986 and again in March 1987—both times with Corazon Aquino as newly-installed president. Marcos had just been put to flight in February 1986 and Filipinos were euphoric, gung-ho for what they believed the future would bring; in March 1987, their new, once again democratic constitution had just been adopted and they looked forward to the coming national elections. After these two inspirational moments, Filipinos reverted to being QOL "losers" and to suffering the condition for over two decades to date. The last decade, the Arroyo administration's watch, had been most difficult, with people reaching record depths in July 2008 in both loser status and in pessimism (See Figure 2).

However, the election to the presidency of former President Corazon Aquino's son, Senator Benigno Simeon Aquino Jr., picked up the flagging spirits of Filipinos and they again began to be hopeful. By October, 2010, even as they continued to acknowledge deterioration in their family's QOL, hopes revived and people's optimism registered nationwide. A year after President ("Pnoy") Aquino's electoral victory, net optimism remains but this time - in

May 2011 -- markedly fewer people believed that a second Aquino administration meant QOL improvements were forthcoming. Even congenitally hopeful, perhaps even desperately hopeful, Filipinos do learn from their oft-painful history.

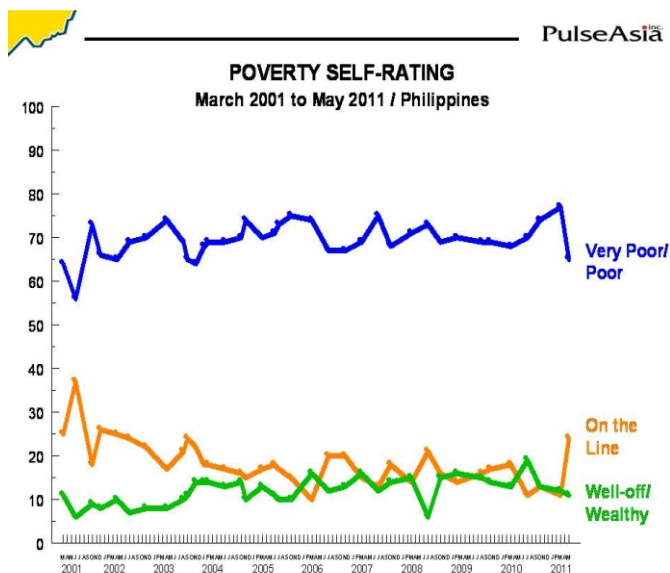
**Figure 2. CHANGES IN THE RESPONDENTS' PERSONAL QUALITY OF LIFE (June 1999 to May 2011 / Philippines)**



Sources: June 1999 - May 2011: Pulse Asia, Inc.

"Democratic" or otherwise, governance regimes in the Philippines had not worked to improve the material life of most Filipinos. Though a lucky few definitely had their quality of life tremendously improved, the great majority remained handicapped by poverty. (This particularly good fortune for a selected few continued whether the national economy was doing well or faring badly.) The same surveys cited above also capture another indicator of failed political and economic "democratic" administration: the huge number of Filipinos who attest to their being "poor" or "very poor." Across the years, roughly 6 to 7 out of 10 Filipinos self-rate themselves as such (see Figure 3). While the chart below shows the record of public perceptions only for the past ten years, other survey data exist showing that this telling statistic has remained virtually the same from Marcos through Aquino to Ramos, Estrada, Arroyo and the present, another Aquino.

Figure 3. Poverty Self-Rating (March 2001 to May 2011/Philippines)



A pragmatic lesson could be learned from this monitoring of the public pulse. If the delineation of a political system must be appreciated beyond its formal attributes, i.e. if the truly defining character of a polity were understood to be its effective, substantive operations over time, then one's view of a "really existing democracy," or an "effective democracy" would have to echo that of Sen's as he approvingly cites former Filipino president, Fidel V. Ramos. Stressing demonstrated performance over the formal dimension of political governance, the latter had pointedly observed: "The political challenge for people around the world today is not just to replace authoritarian regimes by democratic ones. Beyond this, it is to make democracy work for ordinary people (Sen 1999: 158)."

Clearly, by this uncompromisingly operationalizing standard, Philippine governance across the years can no longer be viewed as a working democratic proposition. After decades of development-*bonsaing* if not outrightly development-aborting political and economic underperformance, why must analytically-minded probers, including those who carry professional credentials as governance experts, fail to see that a consistently non-working "democracy" might really be something else, perhaps a successful non-democratic regime, one that is even probably a functional, non-democratic oligarchy? Some of the world's leading democracy researchers have expressed similarly skeptical thoughts and raised timely caveats in assessing current democracy and democratization claims (O'Donnell 2010: 30; Schmitter 2010: 19).

Recapitulating the arguments against a reading of democratic governance in the Philippines, one winds up with the following observations, many already elaborated on in earlier parts of this essay and others more substantively discussed by writers collaborating with the author in the present study:

1. Subversion of the electoral process has been the rule rather than the exception during this period.
2. Oligarchic elites (political families and patrimonial clans) remain in control of local and national politics.
3. The leading formal institutions of governance have not worked to serve democratic ends: progressive constitutional reforms have not been enabled by law (the anti-political dynasty provision of the 1987 Constitution has been zombied by a legislature that after two decades has not passed the required enabling act); the executive's leading authorities have been vulnerable to charges of plunderous corruption and judicial politicization; the judiciary even at the levels of the Court of Appeals and the Supreme Court is much tainted with politicization and corruption.
4. Political parties functionally speaking do not exist; party membership is taken lightly and sanction-free, nominal party-switching occurs with much regularity: clear, alternative party programs of governance have not materialized; personalities rather than issue orientations dominate party politics; party discipline hardly means anything to members of nominal parties.
5. Civil society groups as a whole have not succeeded in gaining enough influence, much less control, over the ruling, non-democratic elites as the latter politically manage the country.
6. Horizontal public accountability has been largely inoperative as indicated by the extent of government graft and corruption and the impressive absence of sanctions being successfully applied to their perpetrators; vertical public accountability is marginally effective as elections have been corrupted with impunity and co-optation of civil society groups has successfully been done by ruling administrations.
7. Human quality of life indicators do not show any marked improvement in the past 50 years; on the contrary, poverty levels remain high and resource distribution remains highly inequitable (the gini coefficient for income distribution has been particularly tacky at 0.445 to 0.465 and points to much inequity continuing whether the national economy had performed well or not).

8. Enduring armed struggle against the government by secessionist and leftist groups indicates that political legitimacy is a serious concern of all the national administrations in the past fifty years.
9. A politicized military has four times defined the ability or inability of a national administration to survive. This central political role of the military in the outcomes of civilian rule is not easily reconciled with the primarily civilian character of democratic governance.

## **C.2 Confounding Political Regimes: The Wherefores of a Persistent Illusion**

One is finally back to the intriguing question of why many social scientists, among them many prominent political scientists, continue to mistake the nature of the Philippine polity and misjudge it as being a democracy? Several reasons might be offered to explain this interesting phenomenon. Some are easily disposed of as probably in error but some are quite provocative and link up with observations made by academics of their professional colleagues' substantive orientations.

- Insufficient familiarity with the history and actual operations of a country's politics may not be the primary reason for this recurring regime misappreciation. If subject-familiarity were the culprit, then the error would not be as prevalent among native academics as among foreign scholars, especially some of the latter who—often as parachuting experts—only occasionally and consequently less reliably read the regime as democratic.
- Professional incompetence must be ruled out as even eminent academics with a well-deserved reputation for competent, scholarly work share the view that the Philippines is indeed a democracy; an error of judgment that even in academe should not be automatically construed as the full equivalent of professional incompetence.

It is probably not professional incompetence that inclines many of the country's political scientists to desist from publicly acknowledging the oligarchic character of their nation's political regime. They are far too intelligent not to appreciate the historical evidence properly. Whether this evidence is processed sociologically, economically and possibly even psychologically, the more probable conclusion would be that oligarchy rather than democracy has been characteristic of this country's governance across the decades. The current state of affairs and the previous national administration's record of impunity, even as they may push academic analysts faster and more strongly towards a conclusion of oligarchic rule, is actually no more than an extension of a

long political tradition that systematically misrepresents the pro-human and therefore essentially compassionate nature of democracy.

It is this natural tendency towards kindness that probably motivates many academics in this country to cloak the brutality of oligarchic rule and pass it off as democratizing albeit feckless governance. If the political reality is far too unsettling, the proffered strategy is to publicly minimize it and then quietly assist in efforts to change it. This alternative becomes even more attractive should the short-term appear to preclude pragmatic possibilities of regime modification or outright progressive change. Many academics, driven by wistfulness and an intense longing for democratic governance can actually liberally respond to oligarchic politics by extending to its practitioners a most liberal benefit of the doubt. They are then vulnerable to being recruited by the powers that be and eventually lend their prestige and expertise to anything but democratic national administrations. (Quite a few of those who served in the Marcos Cabinet as well as many who served the past Arroyo administration are of this liberal mindset. Many like-minded Filipinos are in active service in the present Aquino administration too.)

- Lapses of this variety of professional misjudgment, according to Gunnar Myrdal, author of the classic *Asian Drama: An Inquiry Into the Poverty of Nations*, may be induced by biases deeply rooted in the very psyche of social scientists probing deep into sensitive concerns of highly stressed, often poverty-stricken societies. Civility could block an academic's tendency towards seeking the truth and "blunt truth-speaking." So Myrdal, addressing scholars and not sparing himself, cautions:

*It is the ethos of scientific inquiry that truth and blunt truth-speaking are wholesome and that illusions, including those inspired by charity and good will, are always damaging. Illusions handicap the pursuit of knowledge and they must obstruct efforts to make planning for development fully effective and successful. For this reason the present book [Asian Drama] is intended to be undiplomatic. In our study we want to step outside the drama [of punishing, widespread poverty in most Asian countries] while we are working. We recognize no legitimate demand on the student to spare anyone's feelings. Facts should be stated coldly; understatements, as well as overstatements, represent biases (1968: 23).*

(His own even more straightforward footnote to the passage quoted above also acknowledges the general bias of academics towards optimism in their investigative work. Civility in reading disconcerting



country developments obviously is facilitated by a sense of optimism that in turn enables analysts to be a lot more civil in writing up and reporting on their not too-welcome findings.)

- In the current project on Philippine democratization, one may suspect that the universally iconic stature of democracy helps sway academics towards flawed, wishful readings of Philippine history and the record it offers on the question of democracy in this country. For Filipino social scientists already strongly enamored with democracy in particular, a great temptation exists to believe that the object of their love has already materialized in their own country. There is much truth in the folk saying that "Love blinds" or, at least, that it temporarily disorients. Even top-notch professionals, some high-grade political scientists no less, have actually convinced themselves that their Filipinas is vested not only with the trappings but, even now really, with the full regalia of *Democracy*.

In considering the intellectually and equally emotionally difficult issue of whether there is – or there has been – democracy in the Philippines, one may remember the great social crusader, Dr. Martin Luther King, who spoke of having a dream. He was eminently successful in galvanizing people towards ultimately liberating, democratizing action, all because he and his dedicated followers did not entertain illusions about the nightmare that they first had to survive and then to decisively overcome.

More and more Filipinos – academics included – are definitely beginning to think and act similarly. Because of this singular development, democracy, even as it may take some time nurturing, is a foregone conclusion for this country.

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## Notes

- 1 There are a few interesting exceptions to the academics' popular neglect of the human development perspective in defining democracy; its explicit identification as a core concern and its integration into the meaning of democracy is found in Wetzell (2002), O'Donnell (2004), Sen (2004 and 2009) and where having a political voice is equated with democratic governance, also in Stiglitz, *et al.* (2010).

Similarly, Munck, despite some hesitation in treating "outcomes of the political process" as an integral concern of democracy, relents and conceptually situates human development in democracy's constituent idea of political equality:

*As argued by the proponents of the concept of human development and the capabilities approach such as Amartya Sen (1999 [Development as Freedom]) and Martha Nussbaum (2000 [Woman and Human Development: The Capabilities Approach]), a lack of material resources that are indispensable for an adequate standard of living, access to health, and access to education, is associated with a reduction of human capabilities. And the differential attainment of human capabilities necessarily has ramifications for the political process and, specifically, for the exercise of civil and political rights... Thus, to avoid a strictly legalistic and overly formal conception of what is entailed by an equal opportunity to participate in the political process, what might be tentatively phrased as the attainment of social integration should be included as a defining feature of democracy (2009: 126-127).*

- 2 The citation was made precisely to suggest the wide range of popular meanings for the concept democracy. In a Philippine setting, however, there is another reason for the citation. Heywood's volume is the University of the Philippines' primary textbook in introductory political science and being the country's most prestigious tertiary institution—the premier state university no less—other colleges and universities are likely to adopt it for their own students. Consequently, the foundation knowledge of technical political science and practical politics among the country's professors and students can be greatly influenced by Heywood's text. The present and the next generation of educated Filipinos may well understand the meaning of democracy as Heywood construes it, i.e. a mostly liberal democratic regime, with a strong emphasis on competitive elections or formal political contestation as democracy's definitive *sine qua non*. This orientation does not make it imperative for a regime to be democratic that it also links with and clearly serves human development ends, the primary thesis of the present paper.

- 3 The language itself has captured and currently ironically reflects the deteriorated, poor state of affairs. Filipinos use the term *pagpag* (shake, shaken) in a context not used 15 or 20 years ago; it now refers to left-over, spoiling food retrieved mostly from restaurant dumps and trash cans, literally shaken (*pagpag*) to free it from dirt and other contaminants and recycled to become standard fare for dirt-poor citizens. *Pagpag* was known in the past as *kanin baboy* (pigs' fare), treated even by the poorest of the poor then as unfit for human consumption. Now, a new breed of entrepreneurs work the informal economy by recycling traditional *kanin baboy* into *pagpag*. Their innovative industry – a fast growing, cheap, massive food-feeding program -- makes a singularly patriotic contribution towards improving the country's employment, nutritional and poverty statistics.

## CHAPTER TWO

# In Search of Credible Elections and Parties: The Philippine Paradox \*

Temario C. Rivera

In the highly contested and conflictual process of Philippine democratization, at least two key features stand out: deeply flawed elections dominated by powerful political clans and weakly institutionalized, unstable political parties. Close to three decades after the end of dictatorial rule, these structural features, together with other related problems discussed in this book, stress the difficulty and uncertainty of the democratization process. From a comparative perspective, we know that the process of democratization can be stalled, challenged, and even reversed.

To understand and explain this problem in the Philippine context, this paper examines two major aspects of the democratization process—elections and political parties particularly since 1986. Since elections are commonly accepted as a necessary element of the political process in modern democratic systems, the first part of this study examines whether our electoral practices since 1987 meet what may be considered as the minimum procedural conditions for credible, legitimate elections. Secondly, using official results for Congressional and gubernatorial positions from 1986 to the 2010 elections, this paper identifies the key political families and clans in positions of power and

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explains the extraordinary resilience of these social forces in our political life. Thirdly, the paper investigates the impact on the electoral process and party formation of the key institutional reforms introduced after 1986, particularly the impact of presidential powers, the Party List system and term limits. Finally, consistent with this book's conceptualization and measurement of democracy as a system of governance where rulers are held publicly accountable for their actions by citizens (Schmitter and Karl 1991), this paper evaluates the nature of the accountability process as shown in electoral exercises and results.<sup>1</sup>

### **Flawed Elections and Democratization**

Most academic and journalistic accounts of the electoral and party system in the Philippines describe it as democratic. At times, the same system is conceded to be democratic but qualified as “elitist, weak, flawed, patrimonial, clientelist, unconsolidated, oligarchic, and a host of many other adjectives. This assumes that the country's political system, for all its weaknesses, at least continues to experience reasonably free, fair and competitive elections which are usually accepted as the minimum condition for qualifying a system of rule as a democracy. Relating the country's electoral exercises and its party system with the broader historical, political, and institutional context, this study finds this claim largely unsupported by the historical evidence. There are serious grounds to question the claim that elections in the country have been largely free, fair and competitive and that these practices including its party system can serve as accountability mechanisms in the relations between citizens, representatives and rulers.

Major accounts of the functioning of democratic, representative political systems include at least two main features: a system of free, fair and competitive elections to choose governing officials and a system by which rulers are held accountable for their public actions by citizens. In an often quoted definition of democracy, Schmitter and Karl put it this way:

Modern political democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives. (1991:76)

Elections are the most visible public mechanism for choosing representatives in a democratic system. However, Schmitter and Karl also rightly alert us to the “fallacy of electoralism” in which elections are considered as a sufficient condition for the existence of democracy (1991: 78). Indeed, while

elections may be necessary conditions for the existence of a democratic system, there are all kinds of elections and not every electoral exercise qualifies as free, fair and competitive to make possible some degree of accountability.<sup>2</sup> Moreover, while elections may be one form by which public officials can be made accountable for their public actions, it is not clear how this mechanism can be effective especially in democratizing polities.<sup>3</sup> As explained by O'Donnell:

Elections ...occur only periodically, and their effectiveness at securing vertical account-ability is unclear, especially given the inchoate party systems, high voter and party volatility, poorly defined issues, and sudden policy reversals that prevail in most new polyarchies (1998:113).

The country has one of the longest experiences of electoral politics among developing countries but this history is also steeped in cycles of electoral manipulation involving both fraud and violence. Thus, rather than being "convenient, practicable ways(s) of resolving conflicts without bloodshed and violence" (Przeworski 2003), elections in the country since 1987 have "progressively deteriorated into institutionalized seizures of political power by violence: the violence of money, murder, and deceit" as noted by O.D. Corpuz (1989: vol. 2, 575).

There is wide agreement among various authors about the most intractable problems confronting elections and parties in the Philippines: electoral exercises that have been overwhelmingly dominated by powerful political families (Gutierrez et al. 1992; Rivera 2002; Simbulan 2005); poor electoral governance as shown by the organizational ineptitude and lack of institutional autonomy of the Commission on Elections (Calimbahin 2010; CenPEG 2010); and weakly institutionalized, personalistic, and unstable political parties driven mainly by clientelistic rather than programmatic concerns (Montinola 1999; Hutchcroft and Rocamora 2003; Manacsa and Tan 2005; Teehankee 2002; Velasco 2006; Kasuya 2009).

From the postwar period to the present, elections in the Philippines have suffered from destabilizing cycles of violence, coercion, and organized manipulation and fraud. Timberman summarizes these fraudulent and violence-driven electoral exercises in the postwar period thus:

In the 1946 presidential elections, the supporters of Manuel Roxas threatened an uprising if he lost. After the fraud ridden 1949 presidential elections, in which Jose P. Laurel never conceded defeat to Elpidio Quirino,<sup>4</sup> the government had to suppress a minor revolt of Laurel's supporters in his home province of Batangas. In the wake of the fraud committed in 1949 the military was called out to guard the polling in the 1951 congressional elections. In the

1953 presidential contest Ramon Magsaysay's supporters planned a coup d'etat if he did not win. And in 1961, there was the threat of open violence when the incumbent Carlos Garcia, considered not yielding the presidency to Diosdado Macapagal (1991: 40-41).

Electoral violence and manipulation in the pre-martial law period reached unprecedented heights in the 1969 presidential reelection campaign of Ferdinand Marcos when the full range of the 3-Gs formula – “guns, goons, and gold” – for winning elections was deployed with impunity. Moreover, these flawed electoral exercises were also facilitated by the weakness of the country's institutional electoral governance as shown by the Commission on Elections' (COMELEC) lack of independence and bureaucratic incompetence.<sup>5</sup>

With the dramatic demise of the Marcos dictatorship in 1986, the resumption of electoral contests in 1987 did not put an end to the cycles of electoral crises besetting the country. Reflecting a deeper problem of the state's historic weakness in addressing basic problems of socio-economic development particularly in the face of a politicized military, unresolved armed challenges by communist and Muslim movements, as well as patronage-driven political warlordism, elections since 1987 have continued to show significant levels of violence and coercion, and new forms of vote manipulation and fraud. Undoubtedly in the post-martial law era, the most brazen projects to manipulate electoral results occurred in the 2004 presidential elections and the 2007 senatorial and local elections.<sup>6</sup>

In 2004, the legitimacy of the election of Mrs. Gloria Macapagal- Arroyo as president was widely doubted when she was wiretapped while communicating with one of the COMELEC commissioners, Virgilio Garcillano, in an attempt to ensure her election. Subsequently, she apologized for this act and later faced several failed impeachment proceedings in the House of Representatives. Moreover, the Mayuga Report of the military panel formed to investigate the involvement of military personnel in the 2004 election fraud included testimonies confirming that military officers were either pressured or served as accomplices in some of the fraud committed in Mindanao.<sup>7</sup> These damning testimonies were provided by two high-ranking generals, Lt. Gen. Rodolfo C. Garcia and Brig. Gen. Raymundo Ferrer, and Lt. Col. Victoriano Pimentel.<sup>8</sup> However, the Mayuga panel did not take these revelations seriously and ended up clearing all the top military officers linked to the systematic electoral fraud perpetrated in some of the Mindanao provinces in 2004.

In the 2007 senatorial elections, the systematic vote manipulation in Maguindanao province resulted in none of the opposition candidates making it to the top 12 winning slots in the province. Widely seen as an improbable result,



this vote-tampering in the province and other ARMM areas benefited the candidates of the ruling party. Moreover, the worst election-related violence also took place at Maguindanao province on November 23, 2009 with the massacre of 58 persons including 34 journalists.<sup>9</sup> During election years, more deaths in fact are caused by election-related violence than by the usual encounters between the military and armed guerrillas of either the communist or Muslim insurgencies. Finally, the 2010 automated elections also did not put an end to the country's long history of electoral fraud despite the triumphalist pronouncements of the Commission on Elections.

### **Elections and Accountability**

Accountability is important for the functioning of democratic systems because it “implies an exchange of responsibilities and potential sanctions between rulers and citizens...” (Schmitter 2004: 47). This recognition of an accountability process involving monitoring and sanctioning resources is all the more important in a democratic system where there is no guarantee that citizen's choices and policy preferences would be respected by governing rulers and representatives (Manin, Przeworski, and Stokes 1999: 40).

How are the peoples' interests represented in a democratic system and what role do elections play in this process? Manin et al. provide a succinct explanation (1999: 29):

The claim connecting democracy and representation is that under democracy governments are representative because they are elected: if elections are freely contested, if participation is widespread, and if citizens enjoy political liberties, then governments will act in the best interest of the people.

In this assumed virtuous cycle, what role do elections play? The same authors provide two models for understanding the role of elections. In the first model – a 'mandate' view –

“...elections serve to select good policies or policy-bearing politicians. Parties or candidates make policy proposals during campaigns and explain how these policies would affect citizen's welfare; citizens decide which of these proposals they want implemented and which politicians to charge with their implementation, and governments do implement them.” (Manin et al. 1999: 29).

In the second model, an - 'accountability view' -

“...elections serve to hold governments responsible for the results of their past actions. Because they anticipate the judgment of voters, governments are induced to choose policies that in their judgment will be positively evaluated by citizens at the time of the next election” (Manin et al. 1999: 29).

These authors also agree that these two views of elections are not necessarily exclusive since citizens can use their vote to choose policies and politicians (mandate view), to sanction the incumbent (accountability view) or vote simultaneously in both ways. However, they also concede that both views of elections are problematic. They point out that “representation is an issue because politicians have goals, interests, and values of their own, and they know things and undertake actions that citizens cannot observe or can monitor only at a cost” (Manin et al. 1999: 29).

James Fearon provides a third approach to understanding elections as a mechanism of democratic governance by arguing that these should not be seen as mechanisms of accountability or sanctioning devices. Instead, elections serve simply as “opportunities to choose a 'good type' of political leader, one who would act on their behalf independent of reelection incentives” (1999: 56). As Fearon notes, some examples of this kind of behavior would be the privileging of charisma in the choice of leaders or simply voting on the basis of warm feelings for a candidate. There exists a variety of both objective and subjective signals and measures about candidates in distinguishing between “good and bad types”. Fearon also agrees that viewing elections in terms of selection of good types is not incompatible with the sanctioning perspective since “successfully selecting for good types implies sanctioning bad types”.

These three views on elections all share the assumption that when citizens cast their vote, they are acting largely as free, independent, individuals in processes that are free and fair. However, these views on elections do not systematically take into account the social and political constraints that may in fact deter citizen-voters from expressing their preferred electoral choices or the structural constraints that limit choices to begin with. These constraints on voters' electoral choices are all too real in societies where power relationships are acutely unequal as seen in deeply rooted patronage-client ties or in the use of force and coercion by powerful elites to elicit desired political outcomes. Hence, elections may in fact function primarily to legitimize the rule by powerful elites skilled in the use of material incentives, co-optation and coercion.

## Election-Related Violence and Private Armed Groups

The long history of election-related violence and the proliferation of private armed groups provide the first compelling reason for the failure of elections in the country to meet the minimum test of procedural fairness and credibility. Table 1 provides an accounting of election-related violence and deaths. While the figures show declining cases of election-related violence and deaths from 2004 to 2010, the reality is that many cases committed outside of the regular election period (120 days before election and 30 days after) are not included in the tally although these are clearly related to the electoral process. One recent study that examined cases of endemic electoral violence comprising 9 provinces and regions (Maguindanao, Abra, Lanao del Sur, Eastern Visayas, Sulu, Tawi-Tawi, Basilan, Nueva Ecija, and Masbate) referred to this cycle of violence as “Democracy at Gunpoint” (Chua and Rimban 2011). But the more disturbing question is how we can even refer to our system as a “democracy” when much of its electoral contests continue to be perverted by outright violence and coercion.

**Table 1: Election-Related Violence in the Philippines, 1986-2010.**

Type of Election	Year	Violent Incidents	Deaths
Snap Presidential	1986	364	153
Local	1988	405	188
National & Local	1992	157	89
Congress & Local	1995	244	108
National & Local	1998	322	77
Congress & Local	2001	152	98
National & Local	2004	249	468
Congress & Local	2007	229	297
National & Local	2010	180	155

*Source: Patino and Velasco 2004 (1986-2001 data); Vera Files 2011/Philippine National Police, 2004-2010 data.*

Another glaring evidence of the difficulty of ensuring free and fair elections in the country lies in the proliferation of active private armed groups (PAGs) directly controlled by political clans. While these PAGs are known by the local authorities, the deep ties of patronage and clientelism that bind national and local politicians and their networks in the local military and police have enabled these groups to operate with impunity. A dreadful example of these patron-client ties that have nurtured and protected local warlords and their private armies is the Ampatuan clan's rise to power in Maguindanao. As a

government militiaman and paramilitary unit commander in the 1970s, Andal Ampatuan, Sr., the clan patriarch, rose to power initially through local positions as municipal officer-in-charge of his hometown during the Corazon Aquino administration and later as elected mayor. Having accumulated economic power “through the forcible and violent acquisition of land” and with his political network and the military's support, Ampatuan won the governorship of the province in 2001, getting reelected, unopposed, in 2004 and 2007. In the war against the Moro Islamic Liberation Front (MILF) whose main support base is in Maguindanao, the government treated the Ampatuans as an ally, further expanding the clan's private armed groups (Arguillas 2011: 17-41). Demonstrating its ability to defy laws with impunity, the Ampatuans orchestrated the country's worst cases of electoral fraud and manipulation in the 2004 and 2007 elections, benefitting the ruling party and Mrs. Arroyo who ran for the presidency in 2004.

The pervasiveness of private armed groups in the country is documented by the findings of The Independent Commission Against Private Armies, a special government fact-finding body headed by Justice Monina Arevalo-Zeñarosa, retired associate justice of the Court of Appeals. In its 2010 report to President Arroyo, the Zeñarosa commission identified the PAGs active in each region and province and also provided estimates of loose, unlicensed firearms in each region. (See Table 2). However, the official data also underreports the number of PAGs since many of the official civilian groups armed by the military for counterinsurgency purposes often end up effectively under the control of powerful local politicians and can be activated for their private ends. Moreover, in some municipalities and provinces even the local police forces may actually function as PAGs or activated as such by powerful politicians who can buy their support or acquiescence in illegal operations through patronage networks.

Only two regions (NCR and Region 11) were reported not to have PAGs but the National Capital Region had the highest concentration of loose firearms (315,127) while Region 11 also had a significant amount at 49,178. The official data on loose firearms also tend to be on the low side since it cannot take full account of firearms controlled by armed groups and movements operating outside the pale of law. One significant information that emerges from these data is that the NCR rivals the ARMM in terms of the distribution of loose firearms relative to the population, with the former accounting for one firearm per 37 persons while the latter has one firearm per 36 persons. Not surprisingly, these deadly combination of PAGs and huge numbers of loose firearms are ready-made ingredients not only for election violence but also for ordinary criminality in the face of a weak state.

**Table 2. Private Armed Groups and Loose Firearms by Region as of April 22, 2010.**

Region	Number of Private Armed Groups	Number of Active Members	Estimate of Loose Firearms
NCR			315,127
Region 1	12	53	26,928
Region 2	6	65	32,168
Region 3	7	70	78,166
Region 4-A	9	45	101,758
Region 4-B	4	69	8,779
Region 5	15	146	28,587
Region 6	8	42	52,759
Region 7	2	17	52,727
Region 8	6	73	43,409
Region 9	4	49	45,969
Region 10	8	200	42,229
Region 11			49,178
Region 12	1	10	62,719
Region 13 (CARAGA)	1	7	43,957
CAR	4	77	11,628
ARMM	20	2856	114,189
<b>Total</b>	<b>107</b>	<b>3,779</b>	<b>1,110,277</b>

Source: PNP Reports as cited in *The Independent Commission Against Private Armies, Report to the President, 2010*. [also referred to as the Zeñarosa Commission]

In its report to the president, the Zeñarosa commission also identified the provinces with the highest number of PAGs and the leaders of such groups. (See Table 3). Predictably, the provinces with the highest number of active PAG members were in the five ARMM provinces (Maguindanao, Basilan, Sulu, Tawi-Tawi, and Lanao del Sur). Moreover, the poorer provinces and those with lower HDI (Human Development Index) rankings also harbor more PAGs as again illustrated by the ARMM situation. Reflecting its longer history of violent warfare and the special clientelist-patronage accommodations made by national politicians with the local warlords in the region, the ARMM, not surprisingly, continues to have the greatest concentration of PAGs.

In the crucible of war between the government and various armed groups in the region, old and new local politicians continue to nurture their own private armies with impunity. As also supported by the findings of the Zeñarosa commission, the worst situations are those in provinces where a number of rival political clans have their own PAGs and easy access to firearms, oftentimes facilitated by patronage ties with powerful national politicians. This situation is seen not only in the ARMM provinces but also in Abra, Camarines Sur, Samar, Zamboanga Sibugay, Cagayan, Masbate, Iloilo, Palawan, and Nueva Ecija.

**Table 3: Provinces with the Highest Number of Private Armed Groups (PAGs) as of April 2010.**

Province	Estimated Members of Active PAGs	PAG Leaders
Maguindanao	1,496	Ampatuan, Mangudadatu, Sumagka
Basilan	700	Akbar, Maturan, Kallahal, Hataman
Sulu	420	Tan, Loong, Abdurajak, Anni, Tulawie, Arbison, Daud
Lanao del Norte	180	Lantod, Mansueto, Macabangon, Alingan, Cabahug, Limbona, Palao
Tawi-Tawi	140	Sahali, Ali, Lee, Masdal, Asmah, Gogo
Lanao del Sur	100	Salic
Abra	77	Valera, Luna, Crisologo, Guzman
Camarines Sur	77	Villafuerte, Alfelor
Samar	63	Uy, Grey
Zamboanga Sibugay	49	Jalosjos, Famor, Lagas
Cagayan	43	Mamba, Fausto, Antiporda
Masbate	42	Seachon-Lanete, Kho, Bravo, Yuson, Bunan, Maristela, Abapo, Corpus
Iloilo	42	Mosqueda, Alipao, Malaga, Cordero, Lopez
Palawan	40	Reyes
Nueva Ecija	39	Joson, Gamilla, Salonga

Source: Adapted from Apendix F in *A Journey Towards H.O.P.E. (The Independent Commission Against Private Armies, Report to the President, 2010 [the Zeñarosa Commission]*

Another disturbing fact emerges from the commission data: PAGs continue to exist even in richer provinces with high human development rankings. However, political clans in these richer provinces have more varied resources other than the use of guns and brute power to pursue their electoral goals. The following provinces in the top 20 ranking for HDI in 2006 (human development indicators) had the following number of active members of PAGs: (see Table 4).

**Table 4: High HDI-Ranked (Human Development Index) Provinces with Private Armed Groups as of April 2010.**

Province	Number of Active Members of PAGs	HDI Rank (2006)
Cavite	34	3
La Union	18	10
Bulacan	20	11
Iloilo	42	12
Pangasinan	35	20

Source: Adapted from the Zeñarosa Commission (2010) and the Philippine Human Development Report 2008/2009.

Aside from the continuing cases of electoral violence, the endemic flaws in the electoral system are further seen in the rampant practices of vote-buying, vote-padding and shaving (*dagdag-bawas*), voters' list rigged with ghost voters or double registrants, and overall weak electoral governance by the COMELEC.<sup>10</sup> For instance, in 2011 Governor Esmael Mangudadatu of Maguindanao estimated that in his province “about 40-60 percent of the current number of registered voter registrants are either ghost voters or double registrants” (Quiros 2011: A17). COMELEC data also indicate unusually large increases in the numbers of registered voters in the ARMM and Lanao del Sur from 2007-2010 with the former showing an increase of 42 percent and the latter, 83 percent. As for the well-established practice of vote-buying, NAMFREL observed that in the automated 2010 elections “the going rate for vote-buying ran from a low of P500. to occasional reports of up to P5,000. The high rates were attributed to multiple candidates trying to buy a vote from a single voter.” (NAMFREL 2010)

### **Election Automation**

Pursuant to a new law (Republic Act No. 9369) approved in 2007 that sought the automation of elections in the country, the COMELEC put in motion an automated election system (AES) in the May 2010 simultaneous national and local elections. With a bidding process marked by controversy involving disqualification of bidders and reconsiderations by COMELEC, the joint venture firm, Smartmatic-TIM, won the contract for the automation project after being initially disqualified. A Barbados-registered company, Smartmatic, in partnership with another company, SAHI Technology, Inc., also won the bid for the 2008 ARMM election automation project. While deemed a success by the COMELEC and government officials, the automated elections in 2008 at the ARMM was given an overall assessment rating of “Poor” by the Asian Network for Free Elections (ANFREL), an independent, international elections monitoring group. ANFREL noted rampant electoral fraud, including among others, pervasive vote-buying, casting of multiple votes and phantom votes, appointing relatives of local officials as Board of Election inspectors, cases of voters being confused by the new technology, and an overall atmosphere of fear with the pervasive presence of local officials in the voting precincts and restricted movement of people days immediately prior to the election (ANFREL 2010). Local civil society organizations such as the Center for Peoples' Empowerment in Governance (CenPEG) and the Legal Network for Truthful Elections (LENTE) which sent observation teams to the 2008 ARMM elections also shared this negative overall assessment of the process (CenPEG 2008).



The radical shift to an automated election system on a national scale starting with the 2010 elections faced numerous problems ranging from legal and constitutional questions to procedural and technical ones. With its poor historical record of electoral governance, the COMELEC was widely seen as lacking the overall institutional and technical capability to successfully carry out its mandate under the law. For instance, the COMELEC never allowed the review of the program's source code by any interested political party or group even while this was mandated by the law itself and with a number of groups demanding such a review.<sup>11</sup> In spite of several technical problems attending the automation process including the malfunctioning of compact memory flash cards in a field test case made a week before election day, automated voting took place as scheduled on May 10, 2010. With the speedy counting and tabulation in which votes tallied for national positions reached about 90 percent of the clustered precinct totals in less than 48 hours, the COMELEC declared the automated elections a success. There was general public acceptance of the election results because these matched to a great degree the pre-election survey readings and exit polls at the national level, particularly for the presidential contest.<sup>12</sup>

However, an assessment of the automated election system by civil society groups that closely monitored the entire process ranged from qualified endorsement to highly critical evaluations. In its terminal report on the May 2010 elections, NAMFREL noted that the “automated election system employed by the Commission on Elections and provided by Smartmatic is in serious need of review and remedial measures before it is to be used for future elections.” (NAMFREL 2010: 1) Among the specific problems in the process, NAMFREL identified the following:

The mismatching of time and date stamps, the lack of digital signatures, the lack of a complete inventory of PCOS (Precinct Count Optical Scan) machines (including spares) and CF (Compact Flash) cards (including all replacements), lack of disclosure of source codes and hash codes, the incompleteness of the Random Manual Audit, the incompleteness of electoral counts on servers of PPCRV, KBP, COMELEC, and the political parties form just a partial list of deficiencies of the overall system. Collectively, these deficiencies led to the lack of traceability and auditability of the process from the time a ballot is inserted into a PCOS machine until it is ultimately counted and canvassed. Had results not matched public expectation, these elections may have been questioned and chaos may have resulted. (NAMFREL 2010: 1)<sup>13</sup>

With its core of IT consultants and networking with like-minded groups formed in the Automated Election System (AES) Watch, the research and advocacy NGO, the Center for Peoples' Empowerment Governance (CenPEG)

conducted a systematic evaluation of the entire automation process and came out with the following conclusions:

The high incidence of technical hitches, blunders, voting procedural errors, and other operational failures throughout the country during the May 10, 2010 automated elections can be attributed to the defective automated election system adopted by the COMELEC. Among others, the AES was defective because it was not properly tested, its software programs were proven to contain many bugs and other deficiencies, and the infrastructures for a successful automated election (from transmission to road networks and power systems) were not ready. Moreover, it was aggravated by the lack of safeguards, security and reliability measures, as well as timely and effective continuity/contingency measures.

Among CenPEG's findings were: mismatched time and date stamps on all PCOS machines; transmission failures; erroneous COCs (certificates of canvass) in at least 57 provinces and cities; ballots and CF cards delivered manually for canvassing; discovery of the console port in all machines making the PCOS vulnerable to tampering; erroneous entries of total number of voters and votes cast in the national canvassing center and Congress; near anarchy at the clustered precincts; and, not to forget, the pre-election incidence of defective CF cards. (The CenPEG Report on the May 2010 Automated Elections in the Philippines 2010: 289)

Further casting doubts on the integrity of the May 2010 automated elections, the Philippine Computer Society (PCS) observed that the process was mismanaged because the COMELEC and Smartmatic-TIM did not follow technical requirements, including security features, mandated by the automation law and the terms of reference of the bidding for the automated system. Among the problems cited by PCS president Nelson Celis and director Edmundo Casino were: delays in the preparations of a process that normally takes about 18 months compared with less than a year for the COMELEC; lack of certification attesting to the 99.995 percent accuracy of the system [an American firm, SysTest Lab, Inc., provided a certification but called for compliance with many "compensating controls" not met by COMELEC]; removal of security safeguards such as digital signatures and UV security mark sensors; and no independent review of the hash/source code. (Ubac 2010: 1-A12)

With its long history of institutionalized violence, systematic fraud and manipulation, and clientelist-patronage ties between national and local politicians and bureaucrats, electoral processes in the Philippines can hardly be considered as free and fair, a necessary procedural requirement of functioning democratic regimes. As can be seen more specifically in electoral contests since

1986---signifying the formal end of authoritarian rule in the country---elections have also failed to overcome significantly its old afflictions. In short, the overall integrity and legitimacy of electoral processes, including their latest incarnation in automation schemes, cannot be isolated from the broader processes of state-building and democratization in the country. When a situation as basic as the Hobbesian problem is not decisively resolved in many parts of the country, the proliferation of private armed groups deploying violence with impunity during elections becomes unsurprising. When significant segments of the population remain poor, uneducated, and disempowered, a culture of vote-buying is bound to persist. When national institutions of governance such as the COMELEC continue to be embedded in debilitating networks of patronage that mock the rule of law, elections become transformed into grand schemes of subverting the peoples' choices. Elections are necessary features of modern, democratic systems but the structures, institutions, and practices that make these exercises truly free and fair have to be systematically constructed and consolidated.

### **Who gets Elected? Political Families and the State**

An understanding of the politics and electoral exercises of the country demands a careful analysis of the resilience of powerful families who have consistently monopolized various national and local positions in the country.<sup>14</sup> This is not surprising since the evolution of the political and economic system of the country revolved around a core of notables made up of the educated elite (*ilustrados*), landlords, and oligarchs historically empowered and legitimized by the system of elections institutionalized by the American colonial order. (Rivera 1994; Hutchcroft 2000; Cullinane 2003; Simbulan 2005). What needs to be understood more systematically is why such political clans have proven to be an enduring feature of the country's social structure and political system and the impact of this structure on state-building and democratization. A better understanding of the political and electoral dynamics of the country is gained by studying these powerful clans rather than, for instance, overly focusing on the country's largely unstable and weakly institutionalized party system. Unlike the political parties which are largely loose, unstable coalitions of elite families activated only during elections, powerful clans are enduring structures of economic and political power.

Modernization theory assumes the breakdown of traditional and particularistic anchors of social coherence and loyalties such as the family, village, and tribe, and the growth of "nation-states" and democracy. However, in many developing societies, such exclusivist and particularistic social

groupings have persisted and the predicted outcomes of stable democratic systems remain problematic.<sup>15</sup> Thus, in this context, state formation and democratization become complex and contentious processes of struggle, accommodation, and domination between two analytically separate but mutually linked spheres of activity: society and the state. One approach that captures this process well, says it thus:<sup>16</sup>

States are parts of societies. States may help mold, but they are also continually molded by, the societies within which they are embedded. . . . there is no getting around the mutuality of state-society interactions: Societies affect states as much as, or possibly more than, states affect societies. (Migdal 1994: 2)

As further explained by Migdal, this process of struggles and accommodation between the state and social forces may yield at least four ideal-typical outcomes: 1) total transformation by the state where its penetration leads to the "destruction, co-optation, or subjugation of local social forces;" 2) "state incorporation of existing social forces . . . in order to establish a new pattern of domination;" 3) "existing social forces' incorporation of the state . . . as to harm significantly the state's overall chances of achieving integrated domination in society;" and 4) state failure in its attempt at penetration resulting "in little transformative effect on the society --- and limited effects of the society on the state." (Migdal 1994: 24-26)

In its broad outlines, a "state in society" framework for understanding state formation and democratization in the Philippines may be summed up as follows: The state and its central elites engage in a continuous, conflictual process of struggle and accommodation with various social forces to ensure public order and security, preserve territorial integrity, define cultural markers, and decide on the distribution of power and resources. In the Philippine context, such social forces necessarily include powerful political clans and local strong men, social classes such as landlords and capitalists, workers and peasants, the Catholic Church, various civil society organizations, and the armed movements. Among these social elements, this paper focuses on the role of political clans as the major social force in this state-society engagement. The historian McCoy provides an apt summary of the enduring salience of the family and its kinship network for the entire range of activities in the country's political, economic and cultural life: "In the century past, while three empires and five republics have come and gone, the Filipino family has survived. It provides employment and capital, educates and socializes the young, assures medical care, shelters its handicapped and aged, and strives, above all else, to transmit its name, honor, lands, capital, and values to the next generation" (1993: 7). But a state that is anchored on families and clans with narrow and

exclusivist interests and loyalties is bound to create difficult problems for state formation and democratization, particularly in the absence of strong national political institutions. As sub-ethnic groupings, families and clans are “less likely to foster broad ethno-national movements or nation-state identities” (Collins 2004: 234). Moreover, the accountability mechanism that forms a key aspect of the democratization process becomes short-circuited by narrow kinship loyalties rather than legitimized by broad citizens' choices. In the Philippine context, a key political mechanism used to negotiate contentious state-society linkages driven by powerful family and clan interests has been an electoral process fuelled by a pervasive system of patronage linking national and local political elites.

In the same manner that state-building in a “state in society” framework is to be explained by its engagement with social forces, the process of democratization is likewise to be seen in the same way. Thus state formation may or may not be accompanied by democratization or result in a democratic regime. A democracy is a specific type of regime that requires its rulers to be held publicly accountable by its citizens. One can have a strong and capable state that is undemocratic or a democratic regime in a weak state. However, in the process of modernization, societies with weak state institutions face the risk of being overwhelmed by a multitude of popular demands, and lack the political institutional capability to effectively address such claims.<sup>17</sup> As the political scientist Alfred Stepan argues, “... democracy is impossible without a 'usable state' (2007: 422).

Reflecting the “state in society” framework, this study systematically examines the electoral outcomes from 1987 to 2010 covering the positions of Congressional representatives and provincial governorships. Political families that have won these seats may be considered to be the most influential in the country since these positions serve as the nexus between national and local power by facilitating patronage flows and rent-seeking activities. Needless to say, political families that also win the apex of national positions such as the presidency, vice-presidency, and senatorial positions are able to best maximize their positions of power and authority.

In this study, a political family is deemed to exist if at least two members of the same family (typically up to the third degree of consanguinity) have won a congressional and/or gubernatorial seat between 1987 and 2010. An individual who has won at least three times as representative and/or governor during the same period and who has a family member who had served as president, vice-president, senator, representative or governor during the postwar election years is also deemed to belong to a political family. These definitions actually

underestimate the actual reach of a family's power and influence since these do not include family members elected to lower positions in local governments such as those of city and municipal mayors and members of provincial, city, and municipal boards. However, by concentrating on congressional and gubernatorial positions, the study is able to identify the most powerful and influential political families.<sup>18</sup> This research also uses data drawn from the human development index studies published in the *Philippine Human Development Report 2008/2009* to probe into possible relationships between electoral outcomes and three indicators of human development: income, health, and education.

Not surprisingly, the elections between 1987 and 2010 provide a dramatic proof of the continuing dominance and resilience of "political families" in the country. Of the 77 provinces included in this study, 72 provinces or 94 percent have political families as defined in this study. (see Appendix 1 for the provincial and regional distribution). The average number of political families per province is 2.31 and the median is two. For the 13 landlocked provinces, the average number of political families is 1.69 with a median of 1.<sup>19</sup> For the 17 "island provinces", the average is 1.65 families and also a median of 1.<sup>20</sup> Thus for both landlocked and island provinces, the number of political families tend to be smaller. Considering the more strict definition of a "political family" adopted in this chapter, these results still show a large number of such dominant political players. This study has also identified a total of 178 dominant political families of which 100 or 56 percent are old elites and 78 or 44 percent are new ones. The old political families trace their power base to the electoral politics of the postwar era, and sometimes to as far back as the colonial era. The new ones have emerged and prospered after the restoration of elections in 1987.

In terms of regional distribution, the biggest number of political families are in Regions III, IV-A, and XI (the three Davao provinces) with an average of at least three dominant political families per province. Except for Nueva Ecija, Quezon, and Davao Oriental, all the other 11 provinces in these three regions belong to the upper half of the best performing provinces using human development indicators in 2006.<sup>21</sup> In fact, seven of these provinces (Rizal, Cavite, Bataan, Pampanga, Bulacan, Batangas, and Tarlac) ranked within the top 20 provinces on human development indicators. Many of the oldest and most resilient political families in the country (such as the Josons of Nueva Ecija, the Cojuangcos and Aquinos of Tarlac, the Nepomucenos and Lazatins of Pampanga, the Gordons and Magsaysays of Zambales, Laurels and Rectos of Batangas, San Luis and Chipecos of Laguna, Alcalas and Envergas of Quezon, and the Rodriguez family of Rizal) come from these regions. The data suggest that the richer and more populous provinces with at least two congressional

districts have been more conducive to the emergence and consolidation of dominant political families. (see Table 5)

In contrast, the Cordillera provinces of Abra, Apayao, Benguet, Ifugao, Kalinga, and Mt. Province have the smallest number of political families with a regional average of 0.83. Abra has two dominant political families but Apayao, Benguet and Mt. Province have only one each while Ifugao and Kalinga have no dominant political players. With the exception of Benguet which had the highest HDI rank in 2006 and Abra ranked at 24, the other provinces had low HDI outcomes with Apayao and Kalinga ranked at 64 and 65 respectively out of 77 provinces. Moreover, except Benguet, the other five provinces are also among the least densely populated in the country with an average population density of 54 persons per square kilometer (NSCB 2010). Finally, all the provinces except Benguet have only single congressional districts which means that there is less leeway for competing political families to establish and consolidate their own electoral turfs. These data suggest that poorer and less populated provinces in single congressional districts have more difficulty generating and sustaining bigger numbers of political families. (see Table 6)

**Table 5: Regions with the Biggest Number of Political Families.**

Region	Number of Political Families	Mean per Region	Human Development Index Rank (2006)	Major Political Families
<b>Region III</b>	<b>24</b>	<b>3.43</b>		
Aurora	2		37	Angara, Ong
Bataan	2		4	Roman, Garcia
Bulacan	3		11	Silverio, Sy-Alvarado, dela Cruz/Mendoza
Nueva Ecija	4		44	Joson, Lorenzo-Villareal, Violago, Umali
Pampanga	6		6	Bondoc, Lapid, Arroyo, Nepomuceno, Lingad, Lazatin
Tarlac	5		16	Aquino, Cojuangco, Yap, Teodoro, Lapus
Zambales	2		22	Gordon, Magsaysay
<b>Region IV-A</b>	<b>18</b>	<b>3.6</b>		
Batangas	4		15	Laurel, Recto, Perez, Ermita
Cavite	3		3	Remulla, Revilla, Abaya
Laguna	3		5	Chipeco, San Luis, Joaquin
Quezon	5		58	Alcala, Enverga, Tañada, Punzalan, Suarez,
<b>Region XI</b>	<b>11</b>	<b>3.67</b>		
Davao del Norte	3		33	Sarmiento, del Rosario, Florendo/Lagdameo
Davao del Sur	4		14	Almendras, Bautista, Llanos, Cagas
Davao Oriental	4		66	Almario, Dayanghirang, Palma-Gil, Lopez



**Table 6: Region with Smallest Number of Political Families**

Region	Number of Political Families	Regional Mean	Human Development Index Rank (2006)	Major Political Families
<b>CAR (Cordillera Administrative Region)</b>	<b>5</b>	<b>0.83</b>		
Abra	2		24	Valera, Bersamin
Apayao	1		64	Bulut
Benguet	1		1	Cosalan
Ifugao	0		45	
Kalinga	0		65	
Mt. Province	1		48	Dominguez

Out of the 77 provinces examined, only five ( Ifugao, Kalinga, Nueva Vizcaya, Catanduanes, and Eastern Samar) had no dominant political families as defined in this study (see Table 7). These provinces with no political families share two things in common: single congressional districts and low HDI rankings, except for Nueva Vizcaya which showed a high HDI. Catanduanes, Kalinga and Eastern Samar are in the bottom 20 of the provincial HDI rankings while Ifugao is in the lower third of the list. Moreover, Kalinga used to be part of the old province of Kalinga-Apayao and started electing its own set of officials only in 1998.

**Table 7: Provinces with No Dominant Political Family, 1987-2010**

	HDI Rank 2006	No. of Congressional Districts
1.Nueva Vizcaya	9	1
2.Ifugao	45	1
3.Catanduanes	59	1
4.Kalinga	65	1
5.Eastern Samar	70	1

The poorer economic status of these provinces, except for Nueva Vizcaya, suggest that the local elites may have less resources and capabilities to expand their power bases and enable their family to win the peak electoral positions. Interestingly, in all of these provinces there have emerged strong individual politicians who have served at least three terms as governor or representative, laying the foundations for the possible rise of new dominant political families.

On the whole, provinces with better income, health and education indicators (HDI) show a higher number of political families. Thus, the top 20

provinces on HDI performance in 2006 had an average of 2.8 political families while the lowest 20 provinces had 2.0 families per province. (see Table 8)

**Table 8: Political Families by Provincial Human Development Index (HDI) Rank: Top 20 and Lowest 20 Provinces**

	Top 20 Provinces, HDI 2006	Lowest 20 Provinces, HDI 2006
No. of Political Families (1987-2007)	56	40
Average per Province	2.8	2.0
Provinces without a Political Family	1.0	3.0

Of the fourteen provinces with the highest number of political families, six are in Luzon, four in the Visayas, and four in Mindanao (see Table 9). Seven of these provinces belong to the top 30 percent of HDI performers (Pangasinan, Tarlac, Batangas, Cebu, Iloilo, Negros Occidental, and Davao del Sur), four to those with mid-level HDI rankings (Nueva Ecija, Camarines Sur, Leyte, and Surigao del Norte) and three (Quezon, Surigao del Sur, and Davao Oriental) to the lowest 30 percent on HDI rankings in 2006. The list includes the country's three most populated provinces, Cebu, Negros Occidental and Pangasinan, each with six congressional seats.<sup>22</sup>

Majority of the political families listed for the Luzon and Visayas-based provinces come from the older and traditional political names while the Mindanao provinces of Surigao and Davao show a greater mix of old and new families, partly reflecting their "frontier" origins. Not surprisingly, the provinces in the Luzon and Visayas regions in this list have also been the traditional centers of landed and business power, the export crop economy, and favored access to national state resources. Many of the elites in these provinces trace the origins of their power back to the colonial era and the postwar years when their forebears commanded the most influential elective and appointive positions in government.

Since the restoration of elections in 1987, the most dominant of these political families have succeeded in winning all elections for governors and congressional contests. Six provinces have been monopolized by a single family since 1992 (see Table 10). Three of these provinces have high income, health and education indicators while the three others have low HDI scores. Such overpowering dominance by these families is exemplified by the Ortegas of La Union. One of the most dominant political families in the country, the Ortegas have won all gubernatorial contests since 1988 and the congressional elections in the first district of the province from 1969 to the 2010 elections .

Tracing their political lineage all the way to the early American colonial era when the clan patriarch, Partido Federal member Joaquin Ortega was first appointed as La Union's governor in 1901, the family has become a permanent fixture in the political life of the province.<sup>23</sup>

**Table 9: Provinces with Highest Number of Political Families, 1987-2010**

	No. of Political Families	HDI Rank 2006	No. of Congressional Districts	Major Political Families
1.Pangasinan	7	20	6	Agbayani, Estrella, Bengson, Perez, de Venecia, Celeste, Cojuangco
2.Leyte	7	49	5	Apostol, Loreto, Veloso, Locsin, Romualdez, Petilla, Cari
3.Cebu	6	21	6	Osmeña, Durano, Gullas, Garcia, Kintanar, Martinez
4.Negros Occidental	6	26	6	Marañon, Alvarez, Lacson, Yulo, Ferrer, Arroyo
5.Tarlac	5	16	3	Aquino, Cojuangco, Yap, Teodoro, Lapus
6.Quezon	5	58	4	Alcala, Enverga, Punzalan, Suarez, Tañada
7.Iloilo	5	12	5	Garin, Lopez, Syjuco, Defensor, Tupas/Suplico
8.Surigao del Sur	5	60	2	Ty, Murillo, Pimentel, Falcon, Pichay
9.Davao del Sur	4	14	2	Almendras, Bautista, Llanos, Cagas
10.Davao Oriental	4	66	2	Almario, Lopez, Palma-Gil, Dayanghirang
11.Batangas	4	15	4	Laurel, Recto, Perez, Ermita
12.Camarines Sur	4	36	4	Alfelor, Andaya, Fuentebella, Villafuerte
13.Nueva Ecija	4	44	4	Joson, Violago, Lorenzo/Villareal, Umali
14.Surigao del Norte	4	46	2	Ecleo, Navarro, Matugas, Barbers

**Table 10: Governorships Ruled by a Single Political Family, 1992-2010.**

	HDI Rank, 2006	Political Family
1.Rizal	2	Ynares
2.La Union	10	Ortega/Orros (1988-2010)
3. Lanao del Norte	23	Dimaporo
4. Camarines Sur	36	Villafuerte (1988-92; 95-2010)
5.Leyte	49	Petilla
6.Agusan del Sur	57	Plaza

Among congressional districts, there are 19 families all over the country that have exclusively controlled elections in their respective congressional constituencies since the 1987 congressional elections (see Table 11). Suggesting an alternation rule, Przeworski et al. define a country as undemocratic when the same party wins three consecutive elections (2000).

**Table 11: Congressional Districts Ruled by a Single Political Family, 1987-2010.**

	<b>Political Family</b>	<b>Province HDI Rank, 2006</b>
1.D4-Pampanga	Bondoc	6
2.D1-Tarlac	Cojuangco-Teodoro	16
3.D3-Tarlac	Aquino-Lapus	16
4.D1-La Union	Ortega	10
5.D2-Ilocos Sur	Singson	19
6.D1-Isabela	Albano	27
7.D1-Albay	Lagman	32
8.D1-Sorsogon	Escudero	51
9. Lone District-Quirino	Cua	18
10.D1-Iloilo	Garin	12
11.D5-Iloilo	Tupas-Suplico	12
12.D5-Cebu	Durano	21
13.D3-Negros Oriental	Teves	63
14.D5-Leyte	Loreto-Cari	49
15.Lone District-Siquijor	Fua	31
16.D2-Davao Oriental	Almario	66
17.D2-Davao del Sur	Bautista	14
18.D3-Bukidnon	Zubiri	28
19.Lone District-Camiguin	Romualdo	34

If political families can be considered as the functional surrogate of political parties in the country, then one has to be alarmed by the same families winning elections for no less than 8 consecutive terms or 24 straight years! For instance, at least six of these permanently controlled congressional districts show relatively low to very low achievements in HDI ( Siquijor, Albay, Camiguin, Sorsogon, Negros Oriental, Davao Oriental) and yet the ruling political families have managed to get themselves perpetually elected in these depressed areas. Following the same alternation rule suggested by Przeworski, the undemocratic outcomes for governorships is also indicated by the fact that for the eight elections between 1988-2010, fifty one provinces out of 77 or 66 percent, had a political family winning gubernatorial elections for at least three consecutive terms.

Another indicator of the political power and reach of the political families has been their ability to control the two top positions in the province: the governorship and congressional district(s). In the hierarchy of power and

patronage flows, controlling these two elective positions ensures easier access to national resources while at the same time facilitating control on the ground. When these two positions are not controlled by the same family, intense factional struggles oftentimes ensue. It is not surprising therefore that political families aim to control these two pivotal positions. Of the 77 provinces in this study, 46 or 60 percent had families that were able to win these two positions at various times from 1987-2010 (see Table 12).<sup>24</sup>

Congressional representatives receive institutionalized funding through the priority development assistance fund (PDAF) which now amounts to P70 million per year for each member of the House of Representatives. This excludes additional allocations that they may be able to access through their congressional committee positions and related congressional initiative allocations. On the other hand, local government officials enjoy institutionalized funding through the internal revenue allotments (IRA) as provided for by the Local Government Code (LGC). While its amount depends on the revenues collected by the Bureau of Internal Revenue and the standardized distribution formula provided by the LGC, the IRA constitutes a significant financial resource for local politicians, especially in the face of weak accountability mechanisms for the expenditure of such resources. For instance in 2008, the highest IRA went to Pangasinan at P1,324,000,000. while Batanes received the lowest at P167,000,100. (NSCB 2008)

**Table 12: Political Families with Gubernatorial and Congressional Positions, 1987-2010.**

Province	Political Family	Province	Political Family
1.Ilocos Norte	Marcos	24.Cebu	Garcia
2.Ilocos Sur	Singson	25.Negros Occidental	Marañon
3.La Union	Ortega	26.Leyte	Petilla
4.Pangasinan	Agbayani	27.Southern Leyte	Mercado
5.Isabela	Dy	28.Siquijor	Fua
6.Aurora	Angara-Castillo	29.Western Samar	Tan
7.Bataan	Roman, Garcia	30.Northern Samar	Daza, Ong
8.Tarlac	Yap, Cojuangco	31.Misamis Occidental	Ramiro
9.Zambales	Magsaysay	32.Biliran	Espina
10.Nueva Ecija	Joson, Umali	33.Bukidnon	Zubiri
11.Bulacan	Sy-Alvarado	34.Agusan del Norte	Amante
12.Cavite	Remulla, Revilla	35.Surigao del Norte	Ecleo, Barbers, Matugas
13.Laguna	San Luis	36.North Cotabato	Piñol
14.Batangas	Recto	37.Davao del Norte	Del Rosario
15.Quirino	Cua	38.Davao del Sur	Cagas
16.Camarines Norte	Padilla	39.Zamboanga del Sur	Cerilles
17.Quezon	Suarez, Enverga	40.Zamboanga del Norte	Amatong
18.Palawan	Mitra, Socrates	41.Sultan Kudarat	Mangudadatu
19.Masbate	Espinosa, Kho, Lanete	42.Lanao del Sur	Adiong
20.Marinduque	Reyes	43.Lanao del Norte	Dimaporo
21.Iloilo	Defensor, Tupas	44.Maguindanao	Ampatuan/Datumanong, Matalam
22. Antique	Javier	45. Basilan	Akbar
23. Guimaras	Nava	46. Sulu	Loong

The most powerful families are able to capture both gubernatorial and congressional positions in their provinces during the same election year (see Table 13). For instance, in the 2010 elections, 34 out of 77 provinces or 44 percent had the same political family winning the governorship and at least one congressional district. Such concentration of political power becomes most acute in provinces with lone congressional districts.

**Table 13: Political Families with Governors and Representatives in 2010 Elections.**

Province	Political Family	Province	Political Family
1. Ilocos Norte	Marcos	18. Antique	Javier
2. Ilocos Sur	Singson	19. Negros Occidental	...
3. La Union	Ortega	20. Siquijor	Fua
4. Isabela	Dy	21. Cebu	Garcia
5. Quirino	Cua	22. Biliran	Espina
6. Bataan	Garcia	23. Southern Leyte	Mercado
7. Tarlac	Yap	24. Leyte	Petilla
8. Aurora	Angara-Castillo	25. Northern Samar	Daza
9. Bulacan	Sy-Alvarado	26. Zamboanga del Sur	Cerilles
10. Nueva Ecija	Umali	27. Camiguin	Romualdo
11. Cavite	Remulla	28. Lanao del Norte	Dimaporo
12. Quezon	Suarez	29. Davao del Sur	Cagas
13. Oriental Mindoro	Umali	30. Davao del Norte	Del Rosario
14. Camarines Sur	Villafuerte	31. Sultan Kudarat	Mangudadatu
15. Masbate	Seachon-Lanete	32. Agusan del Norte	Amante
16. Guimaras	Nava	33. Agusan del Sur	Plaza
17. Iloilo	Defensor	34. Surigao del Norte	Matugas

Thus in the same election year, eight provinces had the same political family controlling both the gubernatorial and lone congressional district (Quirino, Aurora, Guimaras, Siquijor, Biliran, Camiguin, Antique, and Sultan Kudarat). In fact, the congressional districts of Quirino, Siquijor, and Camiguin have always been controlled by the same families (Cua, Fua, and Romualdo, respectively) from 1987-2010. Further dramatizing this monopolization of power, the Singsons of Ilocos Sur and the Dimaporos of Lanao del Norte captured both the governorship and the two congressional positions in their respective provinces. Even in the multi-congressional district of Cebu (six districts), the Garcia family won two districts in addition to the governorship.

### Turnover Rates for Governors and Representatives

Turnover rates for political families provide us a firm data base for determining how often are they replaced or how long they are able to hold on to their elective positions. While this data base does not provide the reasons why politicians get re-elected or replaced so many number of times, it serves as another indicator of the degree of dominance and resilience of political families. Consistent with the findings of the study about the continuing dominance of

political families in most of the provinces, the turnover rates for political family members running for governors and representatives on the average are equally low: 2.16 for governors and 1.84 for representatives (See Appendix B).<sup>25</sup> With eight electoral cycles for the period being studied, the maximum turnover rate is seven if incumbent officials were replaced every election year.

The data show that for eight election contests for governors between 1988 and 2010, one province (La Union) did not experience any turnover since the governorship was controlled by just one family (Ortega/Orros). There were 20 provinces with single turnovers, meaning that the governorship was dominated by only two families (see Appendix B). The province of Occidental Mindoro registered the highest turnover rate at five, while eight provinces (Benguet, Ifugao, Romblon, Catanduanes, Bohol, Eastern Samar, Misamis Occidental and Misamis Oriental) had four turnovers.

Region 1 and Region 13 (CARAGA) show the lowest turnover rates for governors at 1.25 and 1.5 respectively (see Table 14). The La Union governorship has been controlled by one family, the Ortegas, for the entire period under study. Predictably, Ilocos Norte and Ilocos Sur have also been controlled by dominant families: the Marcoses in the former and the Singsons in the latter. While Pangasinan has the country's biggest number of political families at seven, it could only manage three turnovers for its governorship with the Agbayani family having served the longest at four terms.

In Region 13, one finds some of the country's most dominant political families including the Plasas of Agusan del Sur who have controlled the governorship of the province from 1992 to the 2010 elections. In the other three provinces of the region, there have been only single turnovers for governorships from one family to the other for the same 21 year period. Thus, in Agusan del Norte, the Amante family has been dominant for the last 18 years; in Surigao del Sur, the Murillo and Pimentel families have shared control over the governorship; and in Surigao del Norte, the Matugas and Barbers family have dominated.

The regions with the highest turnover rates for governors include Region 4-B (Mimaropa) at 3.0 and the Cordillera Administrative Region (CAR) at 2.67. (see Table 14) Region 4-B is made up of five island provinces ( Marinduque, Occidental Mindoro, Oriental Mindoro, Palawan, and Romblon) with relatively few established political families with the provincial mean at 1.4. All the five island provinces had poor HDI records in 2006 with Romblon ranked among the lowest 10. The CAR has the smallest number of political families with a regional mean of 0.83 and two of its provinces (Apayao and Kalinga) had no established political family. With the exception of Benguet, all the CAR provinces also had poor indices for income, health and education in 2006.



**Table 14: Average Turnover Rates for Governors and Representatives by Region, 1987-2010.**

	Turnover Rate for Governors, 1988-2010	Turnover Rate for Representatives, 1987-2010
CAR	2.67	2.17
Region 1	1.25	1.38
Region 2	2.00	1.60
Region 3	1.86	1.30
Region 4-A	2.60	2.00
Region 4-B	3.00	2.20
Region 5	2.33	2.39
Region 6	2.00	1.78
Region 7	2.50	1.21
Region 8	2.17	1.85
Region 9	2.00	1.59
Region 10	2.60	1.80
Region 11	2.00	1.50
Region 12	2.25	1.88
Region 13	1.50	2.13
ARMM	1.80	2.70
<b>National Average</b>	<b>2.16</b>	<b>1.84</b>

Shifting to the congressional representatives, the regions showing the lowest turnover rates include Regions 7 and 3 (see Table 14). The long dominance of powerful families in their respective districts in Cebu and Negros Oriental and the complete control of the Fua family of Siquijor's lone district largely account for the low turnover rates in the region. Thus, the Negros congressional districts show an average turnover rate of only 1 while Cebu is at 1.5. However, Bohol shows a higher turnover rate of 2.33. On the other hand, Region 3 hosts some of the country's longest established political families such as those in Tarlac, Pampanga, Zambales, and relatively newer but stable families in Aurora, Bulacan, and Bataan. While it has the country's biggest concentration of political families, inter-elite competition is moderated at the congressional districts because each family has developed its own turf and power base.

The regions which show the highest turnover rates for congressional districts are the ARMM and Region 5 (see Table 14). Sharing some common structural features, the provinces in both regions are some of the poorest in the whole country. Using HDI rankings, the ARMM provinces show the worst outcomes in the country while four of the six provinces in Region 5 (Camarines Norte, Catanduanes, Masbate, and Sorsogon) cluster in the lowest one third of

of the same list. The ARMM provinces show extreme variations in turnover rates with Basilan having 5.0, Sulu with 3.5, Lanao del Sur at 2.5, Maguindanao at 1.5 while Tawi-Tawi only had one. Moreover, the long history of violence and the proliferation of loose arms in the ARMM may have contributed to a much more unstable situation for elite consolidation.

On the possible relationship of turnover rates with HDI outcomes, the study suggests that turnover rates for governors in the richer provinces show virtually no difference with those of the poorer provinces as measured by HDI rankings in 2006 (see Table 15). This implies that established political families in the poorer provinces have as much capabilities of retaining power as their counterparts in the richer provinces. Moreover, the greater political competition that is assumed to exist with more political players in the richer provinces does not seem to have significantly dented the resilience of these established families. When some of these established families do suffer electoral defeats they get replaced by families that soon consolidate into new centers of political dominance.

**Table 15: Average Turnover Rates for Governors : Top 20 and Lowest 20 Provinces by HDI Rank**

	Top 20 Provinces, HDI 2006	Average No. of Political Families per province	Lowest 20 provinces, HDI 2006	Average No. of Political Families per province
Governors' Average Turnover Rate (1988-2007)	1.6	2.8	1.65	2.0

Probing into the impact of good governance on electoral outcomes, a study of the 2004 elections by a team of researchers from the National Statistical Coordination Board (NSCB) also showed conflicting results (Virola et al. 2004). Using the Good Governance Index (GGI) to classify the best and worst provinces, Virola et al. found out that 8 out of the 10 incumbent governors from the 10 best provinces in 2004 (Laguna, Batanes, Rizal, Benguet, Cavite, Bulacan, Bataan, South Cotabato, Batangas and Siquijor) who ran for reelection as governor or congressperson won, while two lost.<sup>26</sup> But a surprisingly similar result was obtained in the 10 worst provinces (Masbate, Sulu, Maguindanao, Romblon, Northern Samar, Surigao del Sur, Lanao del Norte, Sultan Kudarat, Camarines Norte and Sorsogon) when 8 out of the 10 incumbent governors who ran for reelection won, while two lost (one ran for Congress).

Further probing into the impact on electoral outcomes of socio-economic indicators based on the HDI rankings of provinces in 2006, this study also shows that incumbent reelectionist governors win not only in high HDI

provinces but also in the worst provinces. For instance, in the 2007 gubernatorial elections, eight out of the ten incumbent governors in the ten top-ranked provinces by HDI won their reelection bids (one ran for Congress). These top ten provinces were Benguet, Rizal, Cavite, Bataan, Laguna, Pampanga, Ilocos Norte, Batanes, Nueva Vizcaya, and La Union. But as in the 2004 study by Virola et al., eight out of the 10 incumbent governors also won reelection in the worst 10 provinces by HDI ranking (Sulu, Tawi-Tawi, Maguindanao, Basilan, Lanao del Sur, Masbate, Sarangani, Eastern Samar, Zamboanga del Norte and Romblon).

The study of electoral outcomes between 1987 and 2010 show little evidence that elections have served as accountability mechanisms either from a “mandate” or “sanctions” point of view. A mandate system of accountability assumes that citizens can use elections to select “good policies or policy-bearing politicians”. On the other hand, a “sanctions” view means that voters use elections “to hold governments responsible for the results of their past actions”. However, the low turnover rates for representatives and governors across all provinces, regardless of socio-economic conditions, suggest that neither of these accountability mechanisms seems to work. Moreover, the ability of incumbent political families to win even in the provinces with the worst governance and socio-economic outcomes stress the fact that there are deep-seated structural problems (such as poverty and lack of education) and backward political-institutional practices (such as patronage networks, unregulated use of violence and coercion, and electoral manipulation) that systematically undermine the potential of elections to serve as accountability mechanisms.

### **Elections, Political Parties and Democratic Accountability**

Electoral practices in normally functioning democratic systems are usually complemented by a party system that enhance the accountability process and help in more effective governance. As Hagopian points out, “political parties are the most important agents of political representation in modern democracies” (2007: 582). The comparative literature on elections and parties, for instance in Latin America, show that institutionalized party systems facilitate effective governance by providing structure to democratic politics in the electoral arena and the legislature (Mainwaring and Scully 2008: 119).<sup>27</sup> Drawing on their studies of various Latin American countries, the same authors argue that “without a reasonably institutionalized party system, the future of democracy is bleak.” (1995: 473-4).

As shown earlier, our electoral politics continue to be dominated by powerful families typically pursuing narrow and fragmented interests primarily dictated by clan and local district considerations. Under these conditions, there has not emerged any effective national party system that can function to aggregate these extremely diverse, oftentimes conflicting local interests. In the absence of such a party system that can offer coherent, programmatic policy packages around which like-minded politicians and citizens can organize, elections and political parties can hardly be expected to serve as mechanisms of accountability. Not surprisingly therefore, what purport to be political parties have functioned mainly as convenient, temporary alliances by elites to win elections but lacking any internal dynamic for long-term institutionalization. Grossholtz's observation in 1964 that the country's parties are "but coalitions of factions put together largely for electoral purposes and characterized by constantly shifting loyalties to men, not issues" has not lost its relevance for our time (1964: 136).

But why have national programmatic parties capable of mediating and aggregating the diverse and conflicting interests of clans and citizens failed to develop? The first explanation lies in the social and historical roots of party formation in the country. In countries that developed strong and stable parties, party formation emerged from deeply embedded societal cleavages (class, religious, rural vs. urban, worker vs. capitalist) and parties institutionalize themselves precisely to "represent" and advance such interests (Lipset and Rokkan 1967). An alternative reading argues that parties, in fact, deliberately shape and provide identities to such cleavages and it is this systematic party intervention that makes such cleavages politically salient (Sartori 1969). In both readings of the origins of stable party formation, however, there exists an organic linkage between the party and specific social constituencies and both are locked into a mutually reinforcing system of loyalties and obligations leading to institutionalization. In the more stable democratic systems, in fact, the contending parties have succeeded in channeling deep cleavages "into open and organized class conflict" through the electoral system (Heller 2000).

The Philippines, of course, suffers from deep cleavages especially along class and identity issues as witness the continuing armed and contentious struggles waged to articulate such concerns. However, the first political parties formed under American colonial rule derived their legitimacy precisely by co-opting the local elites away from the revolutionary struggle that in various ways sought to address these cleavages. Thus, the Partido Federal and later the Nacionalista party ended up essentially as parties of the local municipal and provincial elite families sustained by their American patrons and with no accountability to well defined social constituencies.<sup>28</sup>

Reflecting the deep seated class cleavages of the colonial order, new political parties firmly built on these concerns emerged later. Thus, the Socialist Party, the Communist Party and the Sakdal Party were deliberately founded to represent the interests of specific constituencies made up primarily of the peasantry and the workers. In fact, these parties participated in various election contests and the peasant-worker base of the Socialist and Communist Party provided the main electoral constituency of the Democratic Alliance that participated in the 1946 national elections.<sup>29</sup> However, the vicissitudes of the Second World War and the Cold War, the perception of elite domination of the electoral contests, and the systematic persecution and harassment of the leaders and supporters of these parties pushed them to abandon the parliamentary struggle.

The main lesson here is that the origins and social bases of a political party matter in determining its degree of institutionalization and responsiveness to a programmatic platform. Parties consciously built to represent the interests of specific social constituencies, particularly to address deep-seated cleavages and conflict are more likely to be institutionalized and stable because of the cycle of representation and accountability built into the relationship between the leaders and their followers. In fact, the strongest impetus for reforming the country's party system will most likely come from the pressures exerted by well-disciplined mass-based parties, a process that is now unfolding in our electoral system, partly through the Party List system, notwithstanding its many institutional infirmities.<sup>30</sup> Toward this end, the challenge is to construct a political and electoral system that allows for "open and organized conflict" such that even parties articulating alternative ideologies are fully encouraged to participate in elections and parliamentary struggles.

The second factor that determines the nature of the party system lies in the set of institutions and electoral rules that enable or constrain the way the parties operate. What has been the impact of some of the institutions and rules under our presidential system, especially those that have been adopted since 1987? By its nature, a presidential system, in contrast with a parliamentary system, is a "divided government" with the presidency and Congress enjoying "dual legitimacies" through elections. As pointed out by the political comparativist Juan Linz, presidentialism may also "generate its own distinctive anti-party sentiment" since parties in this system are less likely to articulate government programs and broad public policies ---functions which are more likely to be performed by presidents" (2002: 292). Moreover, as further stressed by Linz, presidential elections also "tend to weaken the standing of parties since the president is not elected as a leader of a party and might even be outsiders with

no links to parties" (2002: 292). In the Philippine presidential system, the nationwide electoral mandate enjoyed by the Senate further complicates the problems of representation and governmental efficiency.

In presidential systems, there is an inherent tension between national and particularistic representation, with the executive generally addressing broader national policy matters and the legislature usually tied down to parochial district interests (Shugart and Carey 1992). One institutional response to this tension has been the practice of endowing the executive with significant legislative and related powers vis-à-vis the legislature. In the absence of a strong and stable party system, this is a convenient mechanism to address the competing demands of governmental efficiency and representation but is also fraught with a lot of problems. The key problem lies in how to check the overly strong powers of the presidency once the executive is allowed to act as the surrogate legislator to solve the problems of collective action embedded in the naturally particularistic legislature.

It is in this context that the role of a well-institutionalized and stable party system can best be appreciated as an important mediating and aggregating mechanism for the competing demands of district interests and national policy concerns. Without this important institutional mechanism of a party mediating between the president and the legislature and local officials and also attending to intra-party affairs, presidential powers become heightened and prone to abuse.

One major rule that has had a direct bearing on the party system since 1987 concerns the one-term limit imposed on the presidency. A one-term rule can weaken the president's incentive to strengthen parties because the sanctioning or disciplining effect of prospective elections is lost. In short, if the incumbent president is not qualified for reelection, the same official faces no strong pressure to strengthen the party to win prospective elections.<sup>31</sup> Moreover, a one-term rule for the presidency lowers the entry barrier for prospective candidates for the next round of elections resulting in the proliferation of candidates and their ephemeral parties (Kasuya 2009). This has been validated by the big number of presidential candidates in every presidential election since 1992: 7 candidates in 1992; 10 in 1998; 5 in 2004; and 9 in 2010; or an average of 8 candidates during the last four presidential elections. Each presidential candidate not affiliated with any of the established parties normally creates a new party just for the election contest and which disappears with the defeat of the candidate.

However, there is a counter-argument in support of term limits for the presidency. First, the incumbent normally cannot use the powers of office to commit fraud on his behalf (although it can be done to favor his party). Second, with reelection not an option, the incumbent's fear of being prosecuted for illegal activities once out of office may keep the executive more honest (Fearon 1999:62). It appears that the Philippine experience does not strongly support these arguments. The present study has shown that political families have easily bypassed the term limits imposed on incumbents by relying on family members to continue contesting elections.

The separate election of the president and the vice-president, instead of being chosen as a team representing the same party, also weakens the process of party building. Moreover, the present system of electing senators as individuals rather than as a team representing political parties with coherent policies and programs encourages intra-party competition among the party members particularly for the hotly contested tail-end positions.

Do synchronized elections, as mandated by R.A. 7166 and implemented since 1992, lead to more efficient governments and stable parties? There are at least two contrasting views on this matter. One view argues that such elections “weaken party links between national and local candidates” as each set of leaders focus on fighting their own electoral battles at the expense of greater party unity and coherence (Velasco 2006: 100). A related view also agrees that synchronized elections are detrimental to party formation since “it puts a lot of premium on name recognition and recall rather than issue positions” (Manacsa and Tan 2005: 757). Sartori explains that synchronized and staggered elections have their own strength and weakness. He points out that staggered elections “keep the polity in tune with shifts in popular opinion and enhance the responsiveness of politicians” but it also makes the construction of legislative majorities more difficult to satisfy (1997: 178-9). He adds that synchronized or simultaneous elections allow for the easier construction of majority blocs and concludes that if the priority is for “performing and responsible governments”, then synchronized elections should be favored (1997: 179). However, in the Philippine context with its weak legislature vis-à-vis the presidency and weak party system, the construction of “legislative majorities” is derived not so much from elections but from the post-electoral realignments that normally follow the election of a new president. Such presidential-driven party realignments dictated by legislators' desire to have easy access to the enormous resources and perks of the presidency naturally further weaken the party system.

Another major electoral institutional innovation of the 1987 constitution concerns the Party List (PL) system. This paper will concern itself with major



issues that have not been well addressed in existing studies about the PL system.<sup>32</sup> The first major issue about the PL system is how strictly the government will implement the Supreme Court ruling (*Bayan Muna vs. Comelec*) that only citizens belonging to “marginalized and underrepresented” sectors, organizations and parties shall be allowed in the PL election. In practice, however, the Comelec has exercised a lot of leeway in implementing the law and has allowed the participation of several parties and individuals whose credentials will not pass a strict rendering of the court's ruling. Alarmed by this development, former Supreme Court Chief Justice, Reynato Puno, asserted in his concurring and dissenting opinion in *Banat vs Comelec, BM et al vs Comelec*, that allowing major political parties to participate in the party list process “will surely suffocate the voice of the marginalized, frustrate their sovereignty, and betray the democratic spirit of the constitution” (cited in Tuazon 2011: 25).

The actual implementation of the PL system has resulted in an extreme fragmentation of the political parties running under this system. This has exacerbated the problems of a divided government and the aggregation of interests in a presidential system with weak parties to begin with. The PL law elects candidates under a system of proportional representation but imposes at the same time a 3-seat cap and a 2 percent minimum vote threshold for winning candidates. To fill up the constitutionally mandated 20 percent seats in the House of Representatives for PL parties, the Supreme Court decision on April 21, 2009 (*Banat vs. Comelec, BM et al vs Comelec*) declared as unconstitutional the two percent threshold in the distribution of additional party list seats but retained the three-seat cap for each winning party. The Supreme Court justifies the retention of the three-seat cap as a “valid statutory device that prevents any party from dominating the party list elections” but this fear has no empirical basis. For instance, in the last four elections, no party has received more than 11 percent of the total votes cast for the party list as shown in the following results by first ranked parties: 2001, Bayan Muna, 11%; 2004, Bayan Muna, 9%; 2007, BUHAY, 7%; and 2010, AKO Bicol Political Party, 4%. Moreover, the aggregate votes cast for the single largest bloc of party list organizations (Makabayan) comprising Bayan Muna, Anak Pawis, Gabriela, Kabataan, and Act Teachers also do not exceed 10 percent of the total votes cast for the PL system. But at the same time, parties that do well in the party list system are always penalized by the three-seat cap, a clear violation of the principle of proportional representation which is recognized as one of the “four inviolable parameters of the Philippine party list system”. What are the effects of these rules on interest representation and party formation?

From the point of view of representation, it appears that a wider set of interests are indeed represented in the PL system but this practice also magnifies the problem of too many particularistic and narrow interests being represented with no established mechanism for aggregating such interests. An examination of the parties running under the PL system reveals a bewildering array of organizations representing diverse interests including mainly ethnic and religious concerns and all kinds of fly-by-night dummy organizations opportunistically set up by powerful vested interests to win congressional seats. In fact, these narrow interest groups undermine the legitimacy of the truly programmatic parties running under this list which could gain more seats and exert a stronger impact on the legislative process in a truly proportional system of voting without seat caps.

Thus, the current PL system has actually aggravated the problem of multipartism in presidential systems which could accentuate "immobilism" in the relationship between the executive and legislature or result in "purely opportunistic negotiated deals, wheeling and dealing, legislative log-rolling, etc." (Sartori 1997). In short, the PL system as it has actually been implemented has resulted in a false sense of democratic representation which may in fact further strengthen presidential powers at the expense of the legislature. If a PL system with proportional representation (PR) is to be combined with presidentialism, already a problem by itself, it would be better to abide by the strict logic of the PR system of election by doing away with the seat caps but retaining a reasonable minimum winning threshold to control the excessive party fragmentation at work in the present system. Side by side with these reforms, it is also worthwhile looking into the possibility of increasing the seats allocated for the party list system to help balance the entrenched oligarchic power of the dominant political families in Congress. These rules would be an incentive for the programmatic parties representing broader interests as they can win more seats proportional to their actual strength while discouraging those identified with the narrowest interests and constituencies.

## **Conclusion**

With its long and continuing history of electoral violence and coercion, fraud and manipulation, and poor electoral governance, elections in the Philippines can hardly qualify as "free, fair, and competitive" processes, widely seen as necessary for any successful democratization. Through a confluence of deep socio-economic structural problems and political-institutional infirmities, the country has also entrenched through its electoral exercises, an oligarchy of powerful political families, remarkable for their

resiliency and adaptability since the colonial era. Moreover, with their local political dominance and natural linkages with national elites, these families have been largely insulated from accountability mechanisms, already ineffective to begin with, in the context of a weak state tradition. Not surprisingly, electoral exercises in the country have largely failed as disciplining or accountability mechanisms. Thus, given their dismal record as instruments of vertical accountability, elections and parties in the country have failed to advance the process of democratization.

Shaped by the needs and adaptations of the American colonial order, political parties in the country originated as vehicles to co-opt local elites from the anti-colonial revolutionary movement and later developed as convenient alliances of *ilustrado* politicians and municipal and provincial elites to legitimize their power and consolidate access to national patrons and resources. Divorced from any effective linkages and relationships of accountability with distinct social constituencies, the traditional parties remain as convenient electoral alliances, weakly institutionalized, and devoid of programmatic governance agenda. While not forsaking the need for institutional reforms to strengthen the party system as in the Party List, the greater push for strengthening the party system lies in giving full play to the development of alternative parties articulating distinct interests of social constituencies and challenging the traditional parties inside and outside the legal institutional arenas in open and protected forms of organized conflict.

Naturally contentious and oftentimes protracted, the democratization process must establish predictable procedures and mechanisms for political engagement while ensuring a core set of human development outcomes for enhancing both individual and social welfare. Working for credible elections and parties is a necessary step in this direction but this daunting challenge remains unresolved and requires the collective participation and vigilance of the country's leaders and people.

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## Notes

- 1 For a full discussion of this book's conceptualization and measurement of democracy, see the chapter by Miranda above.
- 2 Schmitter makes the important clarification that even in democratic systems, public officials need not always be elected since alternative ways of choosing rulers or representing interests are possible (such as through lottery and rotation) as long as such practices have public consent (2004: 47).
- 3 In the literature on democratic governance, elections constitute a form of "vertical accountability" between citizens, representatives, and rulers. In contrast "horizontal accountability" refers to interactions such as "checks and balances" among the different branches of the regime and state acting according to constitutional and legal rules (Schmitter 2004: 52-3). For horizontal accountability, see Guillermo O'Donnell (1998).

- 4 However, while Laurel did not formally concede defeat he pacified his supporters for a truly patriotic reason and pointed out the greater danger of civil war in the country. This was pointed out by Felipe B. Miranda in a written commentary to the author.
- 5 As the constitutional body for overseeing electoral governance in the country and for its dismal track record in performing its mandate, the COMELEC deserves a separate study. For recent studies on the COMELEC, see Calimbahin 2010 and 2011.
- 6 In 2011, in the aftermath of the trial of the accused in the Maguindanao massacre, former ARMM Governor Zaldy Ampatuan and Atty. Lintang Bedol, Maguindanao COMELEC election supervisor in 2007, both admitted to the widespread vote manipulation in the 2004 and 2007 elections in their province. Also in 2011, PNP Senior Superintendent, Rafael Santiago publicly admitted to having led a Special Forces Action team in early 2005 allegedly on orders of then PNP chief, Hermogenes Ebdane, Jr., to replace original election returns with manufactured ones at the Batasan Pambansa complex (House of Representatives building complex). This operation was in anticipation of the recounting of ballots in the face of an election protest filed against Gloria Macapagal Arroyo by the widow of the late Fernando Poe, Jr., who ran for the presidency in 2004. For a study of the systematic electoral fraud perpetrated in 2004, see Bobby M. Tuazon, ed., *Fraud: Gloria M. Arroyo and the May 2004 Elections* (Quezon City: CenPEG Publications 2006). For the role of COMELEC and NAMFREL in the 1953, 1986 and 2004 elections, see Cleo Calimbahin (2010).
- 7 Charged of conducting an investigation whitewash by independent observers, election monitoring bodies, and the political opposition, the government military panel was headed by Vice-Admiral Mateo Mayuga, inspector general of the Armed Forces of the Philippines.
- 8 Lt. Gen. Rodolfo C. Garcia served as the commander of Task Force Hope which was formed to help the Commission on Elections in conducting honest, orderly, and peaceful elections in 2004. Brig. Gen. Raymundo Ferrer was the commanding general of the Army's 103<sup>rd</sup> infantry brigade based in Basilan province. Lt. Col. Victoriano Pimentel was assigned in Sulu during the 2004 elections. (Cabacungan, Jr. and Esguerra 2011: 1)
- 9 The Ampatuan political clan of Maguindanao province was held responsible for the massacre and its leaders (former Gov. Andal Ampatuan Sr., and his two sons, former ARMM governor, Zaldy Ampatuan, and former Mayor Andal Ampatuan Jr.) had been detained and undergoing trial.
- 10 For a comparative study of the causes and consequences of vote buying, see Schaffer 2007.
- 11 The source code is the human readable set of instructions that define what the computer will do. For a comprehensive assessment of the May 2010 automation project by COMELEC and Smartmatic-TIM, see "The CenPEG Report on the May 2010 Automated Elections in the Philippines," by the Center for Peoples' Empowerment in Governance (CenPEG) 2010.

- 12 The decision to concede defeat made by former Senate President Manuel B. Villar, Jr., a day after the automated counting showed him losing to Senator Benigno Simeon “Noynoy” C. Aquino III also helped defuse the electoral tension and firmed up the acceptability of the results.
- 13 There were many electoral protests mounted by losing candidates especially at the House of Representatives and local government level. The most notable election protest was filed by losing vice-presidential candidate, senator Manuel Roxas II against winning candidate, Makati city mayor, Jejomar Binay.
- 14 For a discussion of the dynamics of state and family relations, see Alfred W. McCoy, ed., *An Anarchy of Families: State and Family in the Philippines*. University of Wisconsin, Center for Southeast Asian Studies, 1993.
- 15 A classic discussion of this problem in the political science literature is by Samuel P. Huntington. *Political Order in Changing Societies*. New Haven: Yale University Press, 1968.
- 16 The “state in society” approach as exemplified in the book edited by Migdal, Kohli and Shue (1994), as well as earlier “state-society” approaches run the risk of neglecting international forces and actors that heavily impinge on the process. As conceded by co-authors Kohli and Shue themselves, the role of international factors need to be integrated in the analysis to provide a comprehensive understanding of the process. Like many developing states, the Philippine experience has been necessarily shaped to a significant extent by international factors whether in its colonial or post-colonial manifestations. Whether international forces have strengthened or weakened state-building and democratization processes need to be better understood in specific historical contexts. For a systematic use of the “state in society” framework that also incorporates global forces for understanding Philippine history, see Patricio N. Abinales and Donna J. Amoroso, *State and Society in the Philippines*. Pasig City: Anvil Publishing, Inc., 2005.
- 17 See Huntington (1968).
- 18 However, political families elected in key city centers all over the country such as those of Manila, Makati, Quezon City, Cebu, and Davao, that may even be more powerful and influential than some governors and representatives are also not included in the current study.
- 19 The 13 landlocked provinces include Benguet, Abra, Apayao, Ifugao, Kalinga, Mt. Province (all in the Cordillera Administrative Region), Nueva Vizcaya, Quirino, Nueva Ecija, Tarlac, Bukidnon, North Cotabato, and Agusan del Sur.
- 20 The “island provinces” include: Batanes, Oriental and Occidental Mindoro, Marinduque, Romblon, Palawan, Catanduanes, Masbate, Guimaras, Cebu, Bohol, Siquijor, Biliran, and Camiguin, Basilan, Sulu, and Tawi-Tawi.

- 21 Unless otherwise stated, all human development indicators used in this study are drawn from the *Philippine Human Development Report 2008/2009* published by the Human Development Network (HDN) in cooperation with the UNDP and the New Zealand Agency for International Development (NZAID), 2009.
- 22 In 2007, Cebu, Negros Occidental, and Pangasinan were ranked numbers one, two, and fifth, in terms of population (NSCB 2010).
- 23 For data on Joaquin Ortega, see Michael Cullinane, *Illustrado Politics: Filipino Elite Responses to American Rule, 1898-1908*. Ateneo de Manila University Press, 2003, p. 97.
- 24 In this listing, the same individual who succeeds in occupying both positions is excluded since the person does not qualify as a “political family” as defined in this study. Only families who have at least two different members occupying these positions are included in the table.
- 25 In coding for the turnover rates for governors and representatives, members of the same political family are coded similarly to capture the strength and continuity of these elites. For instance, in a province where the governorship is occupied singly by the same family but by various family members( say spouses or children) at different times throughout the period being studied, the turnover rate is coded as zero. The same coding procedure applies to congressional districts occupied by similarly situated family members.
- 26 The Good Governance Index (GGI) used by the NSCB is computed for each province as the unweighted arithmetic average of the Economic Good Governance Index (EGGI), the Political Good Governance Index (PGGI), and the Administrative Good Governance Index (AGGI) (Virola et al. 2004)
- 27 The reference to Latin America is deliberate and instructive since the Philippines shares some of the most significant features of Latin American political systems especially the tradition of strong presidents, weak legislatures and powerful political families.
- 28 For the historical formation of the Partido Federal and the early years of the Nacionalista Party, see Cullinane (2003) and Ruby R. Paredes, ed., *Philippine Colonial Democracy*. Quezon City: Ateneo de Manila University Press, 1989.
- 29 Six of the candidates of the Democratic Alliance won congressional seats in the 1946 elections but were unseated by the Roxas-led Congress on alleged charges of electoral fraud and terrorism. The DA congresspersons had to be unseated to guarantee the passage of the Parity Amendment in Congress. For a study of the impact of American rule over elite continuity in the Philippines in the aftermath of the 2<sup>nd</sup> world war, see Rivera (2011).
- 30 In the May 2010 elections, the two biggest left-leaning party list formations, Makabayan and Akbayan, entered into electoral alliances with the major presidential candidates. For a discussion of the working relations between Akbayan and the Liberal Party, see Teehankee 2009.

- 31 Perhaps this should be qualified in the case of incumbent presidents who fear legal sanctions for abuses committed while in office.
- 32 For a recent collection of various works on the Party List System, see, Tuazon 2011.

## Appendix A: Political Families by Province and Region, 1987-2010.

	No. of Political Families	Mean per Region	Major Political Families
<b>CAR</b>	<b>5</b>	<b>0.83</b>	
Abra	2		Valera, Bersamin
Apayao	1		Bulut
Benguet	1		Cosalan
Ifugao	0		
Kalinga	0		
Mt. Province	1		Dominguez
<b>Region I</b>	<b>11</b>	<b>2.75</b>	
Ilocos Norte	1		Marcos
Ilocos Sur	1		Singson
La Union	2		Ortega, Dumpit
Pangasinan	7		Agbayani, Estrella, de Venecia, Celeste, Cojuangco, Bengson, Perez
<b>Region II</b>	<b>7</b>	<b>1.4</b>	
Batanes	2		Abad, Gato
Cagayan	2		Enrile, Mamba
Isabela	2		Dy, Albano
Nueva Vizcaya	0		
Quirino	1		Cua
<b>Region III</b>	<b>24</b>	<b>3.43</b>	
Aurora	2		Angara, Ong
Bataan	2		Roman, Garcia
Bulacan	3		Silverio, Sy-Alvarado, dela Cruz/Mendoza
Nueva Ecija	4		Joson, Lorenzo/Villareal, Violago, Umali
Pampanga	6		Bondoc, Lapid, Arroyo, Nepomuceno, Lingad, Lazatin
Tarlac	5		Aquino, Cojuangco, Yap, Teodoro, Lapus
Zambales	2		Gordon, Magsaysay
<b>Region IV-A</b>	<b>18</b>	<b>3.6</b>	
Batangas	4		Laurel, Recto, Perez, Ermita
Cavite	3		Remulla, Revilla, Abaya
Laguna	3		Chipeco, San Luis, Joaquin
Quezon	5		Alcala, Enverga, Punzalan, Suarez, Tañada
Rizal	3		Duavit, Ynares, Rodriguez
<b>Region IV-B</b>	<b>7</b>	<b>1.4</b>	
Marinduque	1		Reyes
Occidental Mindoro	1		Villarosa
Oriental Mindoro	2		Leviste, Umali
Palawan	2		Mitra, Socrates
Romblon	1		Madrona
<b>Region V</b>	<b>14</b>	<b>2.33</b>	
Albay	2		Imperial, Lagman
Camarines Norte	3		Unico, Padilla, Pimentel
Camarines Sur	4		Alfelor, Andaya, Fuentebella, Villafuerte
Catanduanes	0		
Masbate	3		Espinosa, Kho, Seachon-Lanete
Sorsogon	2		Escudero, Lee
<b>Region VI</b>	<b>18</b>	<b>3.0</b>	
Aklan	1		Quimpo
Antique	2		Javier, Zaldivar-Perez
Capiz	2		Roxas, Castro
Guimaras	2		Lopez, Nava
Iloilo	5		Garin, Lopez, Syjuco, Defensor, Tupas/Suplico
Negros Occidental	6		Marañon, Alvarez, Lacson, Yulo, Ferrer, Arroyo
<b>Region VII</b>	<b>12</b>	<b>3.0</b>	
Bohol	2		Chatto, Jala
Cebu	6		Osmena, Durano, Gullas, Kintanar, Martinez, Garcia

Negros Oriental	3		Macias, Teves, Paras
Siquijor	1		Fua
<b>Region VIII</b>	<b>13</b>	<b>2.17</b>	
Biliran	1		Espina
Eastern Samar	0		
Leyte	7		Apostol, Loreto, Veloso, Locsin, Romualdez, Petilla, Cari
Northern Samar	2		Daza, Ong
Samar (Western)	1		Tan
Southern Leyte	2		Mercado, Lerias
<b>Region IX</b>	<b>4</b>	<b>2.0</b>	
Zamboanga del Norte	3		Amatong, Carloto, Jalosjos
Zamboanga del Sur	1		Cerilles
Zamboanga Sibugay*			
<b>Region X</b>	<b>10</b>	<b>2.0</b>	
Bukidnon	3		Fortich, Zubiri, Acosta
Camiguin	1		Romualdo
Lanao del Norte	2		Dimaporo, Badelles
Misamis Occidental	2		Ramiro, Clarete
Misamis Oriental	2		Baculio, Emano
<b>Region XI</b>	<b>11</b>	<b>3.67</b>	
Compostela Valley*			
Davao del Norte	3		Sarmiento, del Rosario, Floirendo/Lagdameo
Davao del Sur	4		Almendras, Bautista, Llanos, Cagas
Davao Oriental	4		Almario, Dayanghirang, Palma-Gil, Lopez
<b>Region XII</b>	<b>5</b>	<b>1.25</b>	
North Cotabato	1		Piñol
Sarangani	2		Chiongbian, Dominguez
South Cotabato	1		Antonino-Custodio
Sultan Kudarat	1		Mangudadatu
<b>Region XIII</b>	<b>11</b>	<b>2.75</b>	
Agusan del Norte	1		Amante
Agusan del Sur	1		Plaza
Surigao del Norte	4		Ecleo, Navarro, Matugas, Barbers
Surigao del Sur	5		Ty, Murillo, Pimentel, Falcon, Pichay
<b>ARMM</b>	<b>8</b>	<b>1.6</b>	
Basilan	1		Akbar
Lanao del Sur	1		Adiong
Maguindanao	3		Datumanong, Ampatuan, Matalam
Sulu	1		Loong
Tawi-Tawi	2		Jaafar, Matba
<b>Total No. of Political Families</b>	<b>178</b>		
<b>Provincial Mean</b>	<b>2.31</b>		

- The provinces of Compostela Valley and Zamboanga Sibugay are not included because of their more recent establishment as separate provinces.



**Appendix B: Turnover Rates of Governors and Representatives, 1987-2010.**

	<b>Turnover Rate, Governors (1988- 2010)</b>	<b>Turnover Rate, Reps (1987-2010)</b>
<b>CAR</b>	<b>2.67</b>	<b>2.17</b>
Abra	1	3
Apayao	1	1
Benguet	4	3
Ifugao	4	3
Kalinga	3	1
Mt. Province	3	2
<b>Region I</b>	<b>1.25</b>	<b>1.38</b>
Ilocos Norte	1	1
Ilocos Sur	1	1
La Union	0	1
Pangasinan	3	2.5
<b>Region II</b>	<b>2.0</b>	<b>1.6</b>
Batanes	1	2
Cagayan	3	2
Isabela	1	2
Nueva Vizcaya	2	2
Quirino	3	0
<b>Region III</b>	<b>1.86</b>	<b>1.3</b>
Aurora	2	1
Bataan	1	1
Bulacan	2	2.25
Nueva Ecija	1	1.5
Pampanga	3	1.5
Tarlac	2	0.33
Zambales	2	1.5
<b>Region IV-A</b>	<b>2.6</b>	<b>2.0</b>
Batangas	3	2
Cavite	3	3.33
Laguna	3	1.75
Quezon	3	1.75
Rizal	1	1
<b>Region IV-B</b>	<b>3.0</b>	<b>2.2</b>
Marinduque	1	1
Occidental Mindoro	5	3
Oriental Mindoro	2	1.5
Palawan	3	2.5
Romblon	4	3
<b>Region V</b>	<b>2.33</b>	<b>2.39</b>
Albay	3	2
Camarines Norte	3	3
Camarines Sur	1	2.5

Catanduanes	4	3
Masbate	2	2.33
Sorsogon	1	1.5
<b>Region VI</b>	<b>2.0</b>	<b>1.78</b>
Aklan	2	3
Antique	2	1
Capiz	3	2
Guimaras	1	2
Iloilo	2	1
Negros Occidental	2	1.67
<b>Region VII</b>	<b>2.5</b>	<b>1.21</b>
Bohol	4	2.33
Cebu	2	1.5
Negros Oriental	2	1
Siquijor	2	0
<b>Region VIII</b>	<b>2.17</b>	<b>1.85</b>
Biliran	2	1
Eastern Samar	4	3
Leyte	1	1.6
Northern Samar	2	1.5
Samar (Western)	2	3
Southern Leyte	2	1
<b>Region IX</b>	<b>2.0</b>	<b>1.59</b>
Zamboanga del Norte	2	1.67
Zamboanga del Sur	2	1.5
Zamboanga Sibugay*		
<b>Region X</b>	<b>2.6</b>	<b>1.8</b>
Bukidnon	3	2
Camiguin	1	0
Lanao del Norte	1	2
Misamis Occidental	4	1.5
Misamis Oriental	4	3.5
<b>Region XI</b>	<b>2.0</b>	<b>1.5</b>
Compostela Valley*		
Davao del Norte	2	3
Davao del Sur	2	0.5
Davao Oriental	2	1
<b>Region XII</b>	<b>2.25</b>	<b>1.88</b>
North Cotabato	3	3
Sarangani	2	1
South Cotabato	3	1.5
Sultan Kudarat	1	2
<b>Region XIII</b>	<b>1.5</b>	<b>2.13</b>
Agusan del Norte	1	2
Agusan del Sur	1	3

Surigao del Norte	2	2
Surigao del Sur	2	1.5
<b>ARMM</b>	<b>1.8</b>	<b>2.7</b>
Basilan	1	5
Lanao del Sur	2	2.5
Maguindanao	3	1.5
Sulu	2	3.5
Tawi-Tawi	1	1
<b>Governors' Turnover Mean</b>	<b>2.16</b>	
<b>Representatives' Turnover Mean</b>		<b>1.84</b>

- The provinces of Compostela Valley and Zamboanga Sibugay are not included because of their recent establishment as separate provinces.

# CHAPTER THREE

## The Never Ending Democratization of the Philippines<sup>1</sup>

Malaya C. Ronas

### Introduction

A glimmer of European liberalism reached our shores in the 19<sup>th</sup> century when Napoleon annexed Spain as part of the French Empire. Napoleon made his brother Joseph the King of Spain. This led to a civil war. The anti-French rebels, supported by the British, sought sanctuary in Cadiz. There they wrote the Cadiz Constitution of 1812. Before the proclamation of the constitution, the “Spanish government at that time issued a decree granting all of its colonies representation as provinces in the Spanish Cortes through deputies chosen by the various capital cities” (Pedrosa 2011). This representation was short-lived. But it was this shining moment that had inspired the Filipinos in their quest for equality and freedom. Their quest found expression in the Propaganda Movement and later, the Philippine Revolution of 1896. This dream was aborted by the Americans when they conquered our newly proclaimed Republic in their drive for imperialist expansion.

Democratization in the Philippines started with the liberalization of the American colonial government which aimed to institute “a 'colonial democracy' ran by Filipinos under American sovereignty” (Abueva in Miranda 1997: 6). The authoritarian rule of the military governor-general was replaced by the civilian Philippine Commission in 1902. In 1902, the first ever local elections under American tutelage were held. The first Philippine Assembly composed of elected Filipino representatives was convened in 1907. The first

Filipino Chief Justice of the Supreme Court, in the person of Cayetano Arellano, completed the presence of Filipinos in the high councils of the American colonial government.

The American Governor-General headed the executive branch, while the legislative assembly and judiciary were headed by Filipinos. This process was called the Filipinization of the colonial government. The prominent government leaders were Manuel Quezon, Sergio Osmena, Cayetano Arellano and Jose Laurel, among others. The process of self-government proceeded with the enactment of the Jones Law, and culminated with the passage by the American Congress of the Philippine Independence Act. This law called for the convening of a constitutional convention for the purpose of formulating the Constitution of the Philippines. The law also envisioned the establishment of the Commonwealth of the Philippines as the ten-year transition period between the colonial and independent status of the Archipelago. The constitutional convention adopted the Presidential form of the American government. The Commonwealth government was established based on this constitution, now called the 1935 Constitution of the Philippines. The Commonwealth was inaugurated in 1935 and ended in 1946, after the inauguration of the Republic of the Philippines. From 1941 to 1944, the Commonwealth was superseded by the Japanese occupation. The American offensive in the Pacific theater militarily defeated the Japanese in the Philippines and proceeded to force the unconditional surrender of Japan by the dropping of atomic bombs in Hiroshima and Nagasaki. The American occupation of Japan ended the nightmare of World War II.

### **Democratization – Reversal – Redemocratization and What Lies Beyond**

As envisioned in the Independence Act, the Republic of the Philippines was inaugurated on July 4, 1946. Manuel Roxas was elected the first President. Periodic Presidential elections were held every four years from 1946 to 1969. The Quirino, Magsaysay, Garcia, Macapagal and Marcos administrations were installed in office via the electoral procedure stipulated in the Constitution. The Marcos administration is unique because his was the only administration that had served a second term. This succession of elected administrations showed that the Philippines appeared to have, a democratic government. But even at that time, the domination of the economy and politics by the elites, graft and corruption, and abuse of authority, had raised serious questions about our country's democratic façade. The political system seemed democratic in form because periodic elections had been held. However, the people were by and large excluded from governance after these elections. The competing factions of

the economic elite, mostly regional dynasties, dominated politics (Caoili in Morada and Encarnacion Tadem 2006: 264-65). This phenomenon has been called “feckless pluralism” (Carothers 2002: 11).

On September 21, 1972, nine months before the expiration of his second and last term as President, Marcos proclaimed Martial Law. This reversed our democratization and allowed Marcos to establish an authoritarian regime. Congress was abolished and the Supreme Court lent judicial legitimacy to his authoritarian government. For 14 long years, Marcos ruled the country by decree. The long dark night of authoritarianism was actually an “executive coup”, or as Marcos described his regime, a “constitutional authoritarianism”. He abolished Congress and turned the legislative building into the National Museum. He imprisoned his political enemies, notably Senators Jose W. Diokno and Benigno S. Aquino Jr. When Senator Aquino Jr. was found to be suffering from a heart ailment, Marcos allowed him to leave the country and seek medical attention in the United States.

Marcos' firm grip on the levers of government power gradually loosened. The economic privileges of his cronies slowed the inflow of foreign direct investments. The consequent unemployment was addressed through the export of manpower. Foreign borrowings became an alternative source of revenues of the country whose tax collection base is among the lowest in the region. In the 1980s the Philippines joined Mexico in calling for a moratorium on foreign debt payment. At this juncture, Senator Aquino Jr. decided to return home from his political exile to unite the opposition. He was assassinated at the Manila International Airport on August 21, 1983 while under the custody of the Aviation Security Command. This triggered a nationwide outrage which galvanized the anti-Marcos opposition.

The assassination of Senator Aquino Jr. intersected with the economic crisis. These were aggravated by the fractious military and created serious instability in the Marcos government. A faction in the military was disgusted by the perceived discrimination against them. They publicly articulated their grievances. But this made Marcos suspicious, who eventually ordered the arrest of the discontented soldiers. Their protest against discrimination, however, was seen as a mere symptom of the deadlier struggle for power between factions maneuvering to succeed Marcos.

On February 25, 1986, Marcos was ousted and his authoritarian regime ended. The military mutiny from the faction called Reform the Armed Forces Movement (RAM) supported by civilian and religious groups ushered what is now called People Power Revolution. This followed the “snap elections”

foisted on Marcos because of questions about the legitimacy of his martial law regime. When the National Assembly proclaimed Marcos the winner, civilian and religious groups insisted on the electoral victory of Corazon Aquino, and mounted a campaign of civil disobedience – non-payment of taxes and boycott of products of companies owned by the cronies of Marcos. Seemingly by design, the division in the military surfaced. In response to an arrest order for Defense Minister Enrile and the leaders of RAM, the rebel group holed up in Camp Aguinaldo and vowed to fight to the last man. General Fidel Ramos, from his headquarters in Camp Crame, declared his support for the rebel soldiers. Heeding the call of Cardinal Sin, civic and religious groups converged at Camp Aguinaldo and Camp Crame and formed a “human shield” to protect rebel soldiers from the military forces loyal to Marcos. These historic images along Epifanio de los Santos Avenue 25 years ago started another democratic transition of our country.

### **The Stalled Democratization**

The main problem of this research is to understand why the democratization since 1986 under the Presidential, formally democratic government in the Philippines has been stalled, and has not transformed into a substantive, much less a consolidated democracy. The nearly successful coup d'état of 1989, extra-constitutional transfer of power in 2001, the Oakwood mutiny in 2003, the insubordination of the Marines at Fort Bonifacio and the Scout Rangers in the attempted military withdrawal of support in 2006, and the “rebellion” at the Peninsula Hotel in 2007, show that the elected civilian government has remained vulnerable to military intervention. Moreover, during the campaign season of the periodic national elections, the uncertainty of the electoral process is heightened by the dissemination by mass media of rumors about the “Noel” or “Noproc” scenarios. “Noel” is the abbreviation for no election or failure of election, while “Noproc” is the abbreviation for no proclamation of winning candidates. Both scenarios picture the conspiratorial political coalition in power as being out to abort the scheduled election and prolong its stay in power. In 2004, the alleged rigging of the canvassing of votes in the Presidential election seriously jeopardized the legitimacy of the electoral process. These threats of military intervention and the skepticism about the certainty and legitimacy of elections are symptomatic of the fragile transition of our political system. Added to these are the two longest direct challenges to the Philippine government: the Communist insurgency and the Moro secessionist movement.

The literature on the comparative experiences with democracy of developing countries identifies 12 factors that either facilitate or obstruct



democratic consolidation (Diamond, Linz and Lipset 1995: 1-66). These factors range from the economic, political, and social structures to the political leadership of a country. Specifically, among these factors, are: legitimacy and performance, political parties, political culture, social structure and socioeconomic development, socioeconomic inequality, constitutional structure and civil society. The process is complex as there are no acknowledged deterministic patterns for democratization. There are observed commonalities among consolidated democracies that are instructive. But these are not easily replicated because each democratizing state evolves its own path toward a consolidated democracy.

The focus of this research is on the constitutional structure of the Philippines. In particular it looks at the formal political rules, the country's constitutional framework, and its actual practice, in the last 25 years. This period covers the ouster of the Marcos authoritarian regime in 1986 up to June 2010, end of the Arroyo administration. It covers four administrations—Aquino, Ramos, Estrada and Arroyo. The Benigno Simeon Aquino III administration, only one year old as of this writing, has sparse reference in this study. The focus on constitutional structure accepts the premise that political rules influence the economy and society. In other words, “political institutions matter”. Institutions include informal and formal rules. The enforcement or revision of formal rules through reward or punishment shapes the patterns of interaction which are internalized. These patterns develop or change informal rules or norms, actor identity and interest (Wendt 1999: 224-33). Informal rules cover norms and traditions, while formal rules “include political (and judicial) rules, economic rules, and contracts. The hierarchy of such rules, from constitutions, to statute and common laws, and finally to individual contracts defines constraints, from the general rules to particular specifications” (North 1990, 2009: 47). Political rules are closely examined in this study. North broadly defines political rules as the hierarchical structure of the polity, its basic decision structure, and the explicit characteristics of agenda control (North *Ibid.*: 47). The Human Development Network in its *Philippine Human Development Report 2008/2009* employed the institutional approach to analyze in detail the impact of the bureaucracy, budget management, and the enforcement of rules about checks and balances and accountability on human development. The report says: “There is wide agreement that the weakness of political institutions in the Philippines is a major, if not *the* major hindrance to its further progress” (*Philippine Human Development Report 2008/2009*: 2; see also Arugay 2005: 63-88). Moreover, the country has long been described as a “soft state,” where rules and enforcement are for sale (Fabella, 2008 cited in *Ibid.*: 2).

In this study, the emphasis shifts to the interactions of the three branches of government in the context of separation of powers and the system of checks and balances and how these interactions affect horizontal accountability. The study follows the observation which states that: "In the case of the Philippines' post-EDSA democratic (?)<sup>2</sup> government, scholars would have to be more detailed in their understanding and analysis of institutions..." (Pilapil 2006: 105). This observation resonates with the view that studies about the "struggle for a fuller democracy" in the Philippines are sparse (Tria Kerkvliet 2005: 22). However, this study does not cover some aspects of the concept of political institution, such as political parties and electoral system that deal with vertical accountability (see Pilapil *Ibid.*:\_93). This study is limited to horizontal accountability. Professor Temario Rivera discusses political parties and electoral system in another chapter of this volume.

The emphasis on political rules about horizontal accountability might not enable us to tell the whole story, but it could help us understand a significant part of it. This is an acknowledgment of the fact that there are doubts about the significance of the institutional approach (See for example Gasiorowski and Power 1998: 740-771). Moreover, in a comprehensive listing of the problems of democratic transition, Professor Jose V. Abueva identified 24 issues that have to be addressed, and many of them are society-oriented issues (Abueva in Miranda *op.cit.*: 10-48). It should also be noted that other society-oriented analysis of the Philippine polity has pointed to its "patrimonial" or "personalistic" or even the "predatory nature of the elite" as the most important factor that affects the democratization process (Budd 2004: 1-6; see also Yuko Kasuya and Quimpo 2010: 1-6). Another society-oriented study sees the weak Philippine state as showing potency in the civilian supremacy over the military and electoral politics (Abinales 2005: 27-62). In the context of institutionalism, however, the sharp focus on institutional flaws and reforms can help move the transition to substantive democracy. The study of Ethan B. Kapstein and Nathan Converse asserts this view. They say that their data suggest that political institutions, "the institutions that place effective constraints on executive power, play a crucial role in democratic consolidation" (Kapstein and Converse 2008: 57).

Discussions of democratic constitutional structure cover the Presidential, parliamentary and hybrid forms of government. In comparative politics, the usual example of the Presidential form of government is that of the United States of America, while the common example of the parliamentary form is that of the United Kingdom. The French Fifth Republic is an example of the hybrid form of Presidential and parliamentary government. The parliamentary form of democracy appears to be the favored constitutional structure over the

Presidential form for democratizing countries (Stefan and Skatch 1993 cited in Abad; Linz in Diamond and Plattner 1996: 124-42). Many stable democracies have adopted the parliamentary form of government while new democracies that have followed the presidential form of government are deemed unstable.

The Presidential form of government in Latin America and Asia appears to be unable to transform into consolidated democracies. A specific type of Presidential government in Latin America and Asia which is unable to graduate into a consolidated democracy has been called by Guillermo O'Donnell as "delegative democracy". Wolfgang Merkel asserts that this is one of the subtypes of defective or embedded democracy. The others are "exclusive, domain and illiberal democracies" (Merkel 2004: 33-54). The delegative type of transitioning Presidential government fits the Philippines in one important sense; it has what might be called executive hegemony relative to the legislature and judiciary as well as other constitutional bodies. This weakens horizontal accountability and enables leaders who adhere to the delegative notion of political authority to distort the principle that public office is a public trust (O'Donnell 1998: 117). The strong president is able to engage in clientelism, corruption and patrimonialism. The vast powers of the executive enable him to encroach on the authority of the other branches and bodies of government.

This paper acknowledges that accountability has three aspects—transparency, answerability, and controllability (Gloppen, Gargarella, and Skaar 2004: 1). Transparency and controllability are emphasized in this study. The aspect of answerability could be reinforced by transparency and controllability because the rigid standard of due process could be better served. Weak horizontal accountability leads to bad governance—opaque, unanswerable, and uncontrollable governance. This hinders the development of effective political institutions needed to address the country's chronic economic and social problems.

Hence an emphasis of this study is to see how the constitutional principles separation of powers and the system of checks and balances are practiced. Applicable laws implementing relevant provisions of the constitution will be looked into. Illustrative cases will be examined to find out how constitutional principles have been modified in practice that consequently weakened horizontal accountability. In particular, the executive's military power, the power over the budget, and the appointing power, among others, will be examined.

The systemic reforms pushed by advocates of charter change need to be examined carefully. We must be aware of the consequences, most especially of the unintended ones, of the proposed fundamental revision of our charter.

Hence, it is deemed in this study that the more prudent approach of incremental change through a more modest legislative agenda should be pursued instead.

### Analyzing the Impact of Executive Hegemony

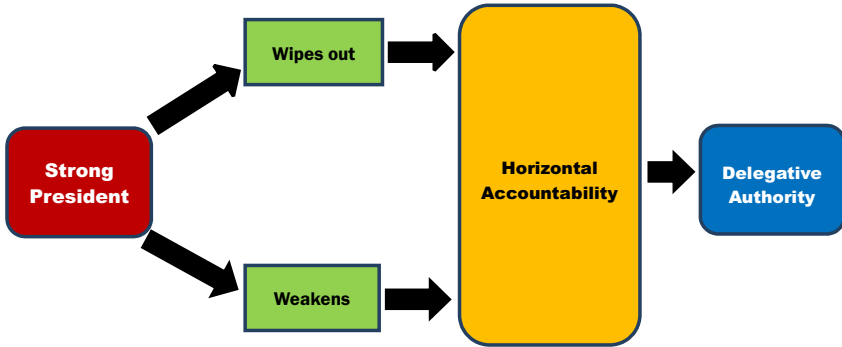
This paper argues that the strong position of the president or the executive hegemony relative to the legislature and the judiciary in the presidential form of government weakens horizontal accountability and even threatens the very existence of this accountability such as in the case of executive coups (Diamond, Linz and Lipset, *op.cit.*: 39-42; also O'Donnell in Diamond and Plattner 1996: 94-108). The strong president has military powers enabling him to rule by decree. Even in times when the executive is not exercising his military powers, his other powers enable him to encroach and diminish the authority of other state bodies which are unable to enforce accountability (O'Donnell 1998: 120). His other powers are not only legislative powers (see Croissant 2003: 68-98 for the analysis of his legislative power), but include the power over the budget, and appointment power, among others. These powers have made the president's authority nearly ubiquitous in the entire state apparatus. The difficulty of impeachment and the immunity from suits have placed him almost above the law. Moreover, the president and his political coalition employ the vast powers of the executive to pursue self-interest masked as the public good (O'Donnell *op.cit.*). Guillermo O'Donnell calls this as "delegative authority".

When these powers are combined with the notion of "delegative authority" – the subordination of public good to private gain of the president, his relatives, friends and political allies; clientelism, corruption, and patrimonialism become intrinsic to a transitioning polity. These intrinsic features of the polity adversely affect its legitimacy and performance and provide an insight about the failure the president to implement his socio-economic programs within his or her fixed term of office. The failures continue into the next administration which institutionally would meet the same fate. Hence, the transition to substantive democracy is stalled. The chronic economic and social problems are not effectively addressed, and the transition is unable to progress into a substantive democracy, much less a consolidated democracy.

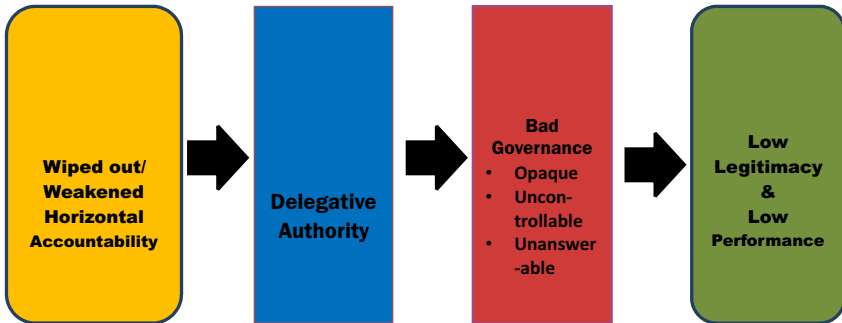
The political development of the Philippines since 1986 can be analyzed from this perspective of a stalled democratic transition. It should be emphasized however, that the transition discussed here is the transition towards substantive democracy from an essentially non-democratic polity. The Philippines is far removed from the consolidated democracy attained by Western polyarchies.

The cases of the “Fertilizer Scandal”, NBN-ZTE controversy, and the recent expose about the armed forces' questionable budget item Provisions for Command Directed Activities; illustrate the corruption resulting from weak horizontal accountability. These cases also illustrate the employment of delegative notion of authority.

**Figure 1: DIAGRAM OF THE ANALYTICAL FRAMEWORK**



Source: Guillermo O'Donnell, “Delegative Democracy” in Larry Diamond and Marc F. Plattner (eds.) *Democracy: A Reader* (Baltimore: Johns Hopkins University Press, 2009) pp. 32-46.



Source: Guillermo O'Donnell, “Horizontal accountability in new democracies”, *Journal of Democracy*, 9:3, 1998.

**Key Concepts**

The concepts employed in the above thesis need to be defined. The most basic concepts of this study are “democracy”, “democratization” and “consolidated democracy”. There are two schools in comparative politics about the notion of democracy: the “procedural” and “substantive” notions. The procedural notion which is the dominant view emphasizes the electoral system as the essential feature of democracy. This is the view of Joseph Schumpeter (1954: 269-83) and Samuel Huntington (1991: 5-13). This view is claimed to be the minimalist definition which avoids the fuzziness of the concept and had thus won a wide acceptance by the 1970s (Huntington *Ibid.*).

The substantive notion of democracy expands the procedural notion that is mainly focused on the electoral system. The substantive notion argues to include the outcomes of the democratic procedure and the broader social values associated with democracy (Whitehead 2002: 12). Democracy in this sense is seen as both a means and an end. It is not only a description of a political system but also a statement of its values. Democracy is not merely about the method of choosing the leaders, but should also yield policies or outcomes that would “expand freedoms” (Sen 1999: 35-53). In the view of Amartya Sen it should be able to address the social and economic problems of poverty, ignorance and disease. These outcomes are closely linked to what was referred to as the factor of legitimacy and performance (Abueva in Miranda 1997: 44). The conception of democracy as a political method would be empty if it is not linked to outcomes that advance human development (Munck 2009: 126-27). Beyond its procedural characteristics, democracy is “ultimately about individual dignity and collective decency” (Reynolds in Diamond and Plattner 2009: 224).

In this context, the definition of “modern democracy” by Professor Felipe B. Miranda, because it conjoins the procedural and substantive notions of democracy, is taken by this study as the appropriate meaning of democracy. He defines it as follows:

Modern political democracy is a system of governance in which the authorities or rulers are held accountable for their actions in the public realm by citizens acting mostly indirectly through (1) the competition and cooperation of their elected representatives and (2) their involvement in politically active civil society groups. As a system of governance, it demonstrably promotes—however slowly or gradually and even allowing for occasional, temporary reverses—a progressively human quality of life for its citizens within fifty years of a regime's formal, democratic initiation (Miranda 2011:2).

The concept “democratization” is associated with the dismantling of an authoritarian regime and its adoption of democratic political structures. This concept refers to the transition of an authoritarian regime into a “consolidated democracy”. The process of democratization is facilitated or hindered by many factors, as mentioned above. In this study, the focus is the constitutional structure of the Presidential form government, in particular the “species” of Presidential government called “delegative democracy” (O'Donnell in Diamond and Plattner 1996: 94-110). This kind of democratization “rests on the premise that whoever wins the election to the presidency is thereby entitled to govern as he or she sees fit, constrained only by hard facts of existing power relations and by a constitutionally limited term of office” (O'Donnell *Ibid.*).

What is common among these democratizing polities is that their transition appears to have been halted, and worse, they appear to be stuck in that condition with little prospect of attaining the status of substantive democracy.

“Democratic consolidation” is the culmination of the process of democratic transition. These are the established democracies of Western Europe and North America. Representation and accountability characterize consolidated democracies, i.e., the elected officials are accountable to the electorate through periodic elections and are also accountable to other state agencies for their indiscretions while in office. O'Donnell calls these as “vertical” and “horizontal” accountability. These two accountabilities are well-established in consolidated democracies or representative democracies.

In the Philippine context, democratic consolidation could be indicated, from the perspective of this study, by the following benchmarks: a Congress and Supreme Court and other constitutional bodies that can truly check the President's employment of delegative authority, and most importantly by legitimacy and performance, i.e. poverty alleviation and economic development. These are more demanding standards when compared to the minimalist view of two or three constitutional transfers of power under the procedural notion of democracy (Thompson 1996: 13).

Juan J. Linz and Alfred Stefan, offering another definition of consolidated democracy, hold that: “if there is a functioning state, five other interconnected and mutually reinforcing conditions must also exist or be crafted for a democracy to be consolidated” (Linz and Stefan 1996: 7). These are: “The conditions must exist for the development of a free and lively civil society; there must be a relatively autonomous and valued political society; there must be a rule of law to ensure legal guarantees for citizens' freedoms and independent associational life; there must be a state bureaucracy that is usable by the new democratic government, and there must be an institutionalized economic society” (Linz and Stefan *Ibid.*:7).

The absence or weakness of accountability among delegative democracies is primarily due to the stronger power of the President relative to the powers of the legislature and the judiciary (Jurgen Puhle 2005: 12). The powerful President could erode the capability of the legislature and the judiciary to control the President and punish him or her in case of abuse of power. Answerability is the common understanding of accountability (Arugay 2005: 64-65, see also *Philippine Human Development Report 2008/2009*.) However, the executive also needs to be transparent, another aspect of accountability, to enable the legislature and the judiciary to make the executive answerable and



controllable. As Philippe C. Schmitter says, "Horizontal accountability is a matter of interaction, not between rulers and ruled, but between the arms and branches of the regime and state acting according to preset constitutional or legal rules" (Schmitter 2004: 53). Outside the executive-legislative-judicial nexus, horizontal accountability is also served through the constitutional bodies, e.g., Commission on Audit, the Ombudsman, Commission on Human Rights and Civil Service Commission (Schmitter *Ibid.*: 53). The inability of these bodies to control or make the executive answerable for abusing his powers is what the weakness of "horizontal accountability" means. In case of an "executive coup", the President assumes unlimited power for life, which makes him unaccountable to the electorate regarding his term office and program of government. This is what the absence or weakness of "vertical accountability" means. Effective horizontal accountability is not the product of isolated agencies but of a network of agencies (up to and including high courts) committed to upholding the rule of law (O'Donnell 1998: 119). It may even involve civil society if we accept the possibility of Schmitter's "oblique accountability". As earlier noted, accountability is often associated with answerability for violations of law. In this study, the transparency and controllability aspects of accountability are emphasized rather than its answerability aspect. These are what could be considered the preventive rather than the punitive elements of accountability.

In a Presidential system where horizontal accountability is weak, the executive is uncontrollable and unanswerable. When the vast powers of his office are employed for self-interest, the so-called checks on the executive are not able to stop it. This employment of power is called "delegative authority". Guillermo O'Donnell defines it as:

For those who hold political authority that I call "delegative", the republican notion of restraint is counterintuitive. Why recognize power other than one's own when one is striving for the public good? Why not help your self, your relatives, and your associates while in office, if at the same time (at least notionally) you are aiming at some aspect of the public good? (O'Donnell *Ibid.* 118).

Moreover, his immunity from suits and the rigid impeachment process make him virtually above the law. With this near guarantee of executive immunity, the President has tended to abuse his powers. The economic and social programs of government have suffered as a result of clientelism and corruption engendered by weak horizontal accountability. The policies of a democratic polity, where horizontal accountability is effective should be for the public good. The policy outcomes should lead to the "expansion of freedom",

i.e., the development of capabilities (Sen 1999: 36). These capabilities should improve the quality of life of the people marked by longevity, knowledge, and better standards of living (Dimensions of the UNDP's Human Development Index. (See *Philippine Human Development Report 2008/2009*: 101).

### **The Rationale of Separation of Powers and System of Checks and Balances**

The core of the Presidential form of government is the co-equal branches of government—the executive, legislative and judicial. By vesting separate powers to each of them, no branch of government could dominate the others. Through the system of checks and balances, “power is checked by power that is meant to prevent the rise of tyranny” (Montesquieu, 1748: 69). In this scheme, each branch of government is vested with exclusive power. The boundaries of these powers, however, are not definite. In many cases, executive power is limited by legislative power. Some common examples include the executive power to appoint which must be confirmed by Congress' Commission on Appointments. Another is the power of the President to enter into a treaty that has to be ratified by the Senate. The legislative power of Congress, on the other hand could be limited by executive power to veto a bill. And the Supreme Court, in accordance with its power of judicial review, could nullify and declare unconstitutional a statute or an executive order. This interaction of check and balance is the distinctive characteristic of our country's constitutional structure. This dynamic could lead to impasse and inaction, a common criticism against Presidentialism. But in an influential decision of the American Supreme Court, the rationale of separation of powers is described thus:

The doctrine of separation of power was adopted by the Convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but by means of the inevitable friction incident to the distribution of powers among three departments, to save the people from autocracy. (Justice Brandeis, *Myers v. United States*, 272 US 52 293 in *Sinco* 1962: 129).

Separation of powers was never meant to provide governmental efficiency because it is designed to create friction among the departments of government. This friction, even if it leads to impasse or inaction, should not be avoided. It is this friction among the branches of government that shield the people from abuse of power. But once a policy decision is reached through the dynamic of checks and balances, the efficient implementation of policies becomes the task of the professional civil service.

In a Presidential government with a functioning separation of powers and system of checks and balances, no branch or agency of government encroaches on the domain of another, the executive is checked by the other branches of government, and the abuse of power is prevented or punished. These features of Presidential government should be the hallmarks of a democratizing polity moving towards consolidation, the transition into a mature democracy.

In the Philippines, the President is the most powerful official in relation to members of Congress and the justices of the Supreme Court. The executive powers that make him or her most powerful include the military power, the power to prepare the budget as the basis of national appropriations, the power to appoint, the power to disapprove bills passed by Congress, and the power to chart the country's foreign policy. The framers of the 1935 Constitution established "a strong President". The Presidential system is described by the framers of the constitution, thus:

There you have the separation of powers and the strong executive. Moreover, the necessary adjunct of interdependence and interrelation—the theory of checks and balances—is apparent. (*Proceedings of the Constitutional Convention 1934-35*, November 12, 1934: 239).

The commissioners of the 1986 Constitutional Commission followed this view about the need for a strong executive. It was argued that the President is "responsible for everything that happens in the country" and hence, deserves to be given the powers to be able to meet this expectation (Commissioner Regalado, *Records of the 1986 Constitutional Commission*). This view articulates the basis of the powers of the executive in both the American Constitution and the 1935 Constitution of the Philippines.

Both the 1935 and 1987 Constitutions envisioned a strong President. This strong President is supposed to be subject to the Congressional and Judicial constraints to his power. These constraints are meant to limit the executive's powers and make the system of checks and balances operational. O'Donnell argues that ironically, the strong executive, from the delegative view of authority, sees these limitations as mere hindrances for the attainment of his mandate from the people (O'Donnell 1998). The executive employs his powers to encroach on the authority of other government bodies and uses these powers to advance his interests, his relatives, friends and political allies. In transitioning polities like the Philippines, the strong President has the vast powers of his office to encroach on the authority of the other branches of government. He assumes such dominance that weakens horizontal accountability.

## **The Practice of Separation of Powers and System of Checks and Balances in the Philippines**

The adverse effects of the strong President on horizontal accountability are manifested in at least three ways—the wiping out of accountability as when the President abolishes the legislature and places the judiciary under his control; or in ordinary times, the weakening of horizontal accountability through the encroachment of the authority of the other branches of government; and the inability to check the President's employment of delegative authority likely resulting to corrupt practices. These adverse effects on accountability are shown in the actual practice of the President's military power, power over the budget, and power to appoint.

### **A. Wiping Out Horizontal Accountability**

#### **Executive Coup/Constitutional Authoritarianism**

The unilateral proclamation of Martial Law by Marcos under the military power of the President in case of invasion, insurrection and rebellion or danger thereof, is the clearest instance why the vast powers of the President is a threat to horizontal accountability. This power allowed Marcos to rule by decree. This does not only encroach on the powers of Congress but actually added the legislative power to the already formidable powers of the executive. As we all know, the horizontal accountability meant to be established by the constitutional structure of check and balance collapsed in September 1972. With one stroke of the pen through Proclamation 1081, Ferdinand Marcos ruled the Philippines by decree during the martial law period from 1972 to 1986.

In a series of cases brought before the Supreme Court questioning the constitutionality of Proclamation 1081 which placed the entire country under martial law, the court ruled that it is a political question, and hence outside the highest court's power of judicial review (*Aquino v. Enrile*, G.R. No. L-35546, 59 SCRA 183). While there were separate opinions written by the justices of the high court, majority of them emphasized the political nature of the President's decision to declare martial law. The high court argued that its decision is based on American jurisprudence, and the principles of international law. In fact a number of justices even acknowledged that the reasons stated in the proclamation are factual and of common knowledge. In this instance, the Supreme Court's ruling conferred legitimacy to the President's rule by decree. To retired Associate Justice Isagani Cruz, the imposition of martial law began the most shameful period in the history of the Supreme Court (cited by Atienza and Baylon in *Morada and Encarnacion Tadem* 2006: 350).

Marcos' main instrument in implementing his authoritarian rule was the military and the national police (Hernandez 2002: 27-28). He had to hold its support and extended favors and privileges to the organization particularly to the military leadership. It became a rather common practice to extend the term of office of the chief of staff beyond his retirement age. The military organization was restructured to accommodate the promotion of a growing number of officers to the various grades of the rank of general. The established rules on the appointment to executive positions of the civil service were in effect revised to appease the military establishment and the police organization. The policy appeasement led military officers to be appointed to positions in the civilian bureaucracy – bureau of customs, bureau of internal revenue, government owned and controlled corporations, the Foreign Service corps, and local government units, among others. The domain of military authority has expanded into the civilian bodies of the government.

It was not very difficult for military leaders to see that Marcos depended on the armed forces for the continued survival of his authoritarian rule. It was not also difficult for the military leaders to infer that they themselves, even without Marcos, could also employ the same military force and install a military junta. Indeed history has many examples of military leaders who grabbed political power from the civilian leaders. Perhaps Julius Caesar and Napoleon Bonaparte are the most well-known among them. The military adventurism in our country can be seen in this light, although admittedly, there are other important specific reasons behind this phenomenon in our democratic transition (*The Final Report of the (Davide) Fact-Finding Commission* October 1990: 16-19). Moreover, the military establishment, as a whole, had been observed as supportive of the democratic transition. In times of the deep division in the military such as during the coups of the 1980s, the majority of the officers and men manifested their constitutionalist orientation by fighting the rebel soldiers (see Abueva in Miranda 1997: 54).

Notwithstanding this reassuring characteristic of the military establishment, its interventionist tendency has made it the gatekeeper in the extra-constitutional transfer of Presidential power from Estrada to Arroyo when it withdrew its support from Estrada. Moreover, recent incidents of military adventurism indicate that the military has not returned and stayed in the barracks. These incidents include the Oakwood mutiny in 2003, the break with the chain of command of some Marines and Scout Ranger units in 2006, and the 2007 attempt of the rebellious soldiers with some civil society personalities to dramatize their demand for President Arroyo to resign. The proclamation of a state of emergency in 2006, and the government's warrantless

arrests are reminders of the potency of the military power against civil and political liberties. The institutionalization of the constitutional principle of civilian supremacy over the military continues to be a formidable challenge of the post-EDSA transition to substantive democracy.

Recent disclosures in the Senate hearings on the plea bargaining agreement between the Ombudsman and retired Major General Carlos Garcia revealed that the budget item called Provisions for Command Directed Activities is under the control of the chief of staff (Testimony of Retired Lt. Col. George Rabusa, Senate Blue Ribbon Committee Hearing on the Plea Bargain Agreement with Retired Major General Carlos Garcia, January 27, 2011). From 2000 to 2002, this item came from the unused funds for salaries of personnel of the armed forces and UN funds for Philippine peacekeeping units. These funds were “converted” into intelligence fund which is exempt from auditing. This converted fund was used for questionable purposes like the “pasalubong” and “pabaon”, including the unauthorized monthly allowances for the chief of staff and other officials of the armed forces (Ibid). Rabusa said that “pasalubong” is the cash gift for the incoming chief-of-staff, while “pabaon” is the cash gift for the outgoing chief-of-staff. These cash gifts ranged from PHP 10 million to 120 million.

The unilateral power of the President to proclaim martial law in the 1935 Constitution has been limited by the 1987 Constitution. Many members of the 1986 Constitutional Commission were evidently conscious of what they consider grave abuse of discretion by Marcos. Hence they saw to it that the military power of the President should not be left completely upon the President's discretion. The commissioners discussed the preconditions that would authorize the President to use his power to call out the troops to suppress lawless violence, suspend the privilege of the writ of habeas corpus and proclaim martial law. In the considered opinion of the Commission's Committee on the Executive, the phrase “imminent danger thereof” should be deleted. This means that the President could exercise his power only in the case of actual invasion, lawless violence and rebellion. Insurrection was also removed as a precondition for the exercise of the power because it is covered by “lawless violence”. Moreover, the Committee proposed that the President must secure the concurrence of the majority of both houses of Congress in the exercise of this power. The experience of 1972, which commissioners think as an abuse of power should be prevented through the required concurrence of Congress. The commissioners also believed that the exercise of the power should have a limited time frame of sixty days, and its extension beyond sixty days should be approved by the majority of both houses of Congress. In the period of amendments, however, the commission considered the proposal to

delete the required concurrence of the majority of the members of Congress because in the case of actual invasion or rebellion, the President might be hindered in effectively dealing with the crisis. This proposal was eventually approved, in spite of a significant number of commissioners who opposed it. Among those who opposed the proposal was the President of the Commission, former Justice Munoz Palma. She said:

I am voting no because this has been a promise that I had personally made during the time of the Marcos regime, the promise to the people that if ever the Opposition comes to power, this will be one of the things that we will do; that is to limit the power of the President in suspending the privilege of the writ of habeas corpus and declaring martial law. (*Records of the Constitutional Commission*, vol. 2 1986: 486)

After the decision not to require the concurrence of the majority of the members of Congress for suspending the writ of habeas corpus and the proclamation of martial law, the interpretation of "majority of the members of Congress" required for their revocation was discussed by the Commission. It turns out that the reference to "Congress" in this stipulation, the Commission referred to a unicameral congress. However, after this proposed provision was approved, the Commission modified the structure of congress and made it bicameral – 250 members of the House of Representatives elected by districts and 24 senators elected nationally. In view of this change, Commissioner Monsod proposed the amendment, to wit: "The Congress, by a vote of at least a majority of all its members VOTING JOINTLY shall revoke" (*Records of the Constitutional Commission*, vol. 2, 1986, 497). The reason offered for this amendment is that since the concurrence of Congress is no longer required for the suspension of the writ of habeas corpus and the proclamation of martial law, its revocation should be vested with Congress in joint session. The Commissioners who opposed the amendment argued that the two chambers might disagree on their assessment about the factual bases of the Presidential action which would lead to gridlock and virtually allow the President to continue with martial law unchecked.

The revised provision of the 1987 Constitution is noteworthy. It has addressed directly the unchecked power of the President to suspend the writ of habeas corpus and proclaim martial law. The Constitution itself limits the power of the President and protects Congress from being abolished. The Constitution also empowers the Supreme Court to review the factual basis of the proclamation of martial law or the suspension of the privilege of the writ of habeas corpus. The other limitations of this power apply to the observance of the privilege of the writ of habeas corpus in spite of its suspension (1987 *Constitution of the Philippines*, Article VII, Section 18).



This is a crucial reform that had been undertaken. But this is just the core of what is now referred to as the security sector reform for countries that are transitioning to democracy or is in the process of peace-building. In her paper on security sector reform/security sector governance in the Philippines, Carolina Hernandez describes the country's security sector as being composed of 1) the core security forces (AFP and PNP, intelligence services and CAFGUs), 2) the security management and oversight bodies (the President as commander-in-chief, the national security council, national intelligence and coordination agency, congressional committees, executive departments (DND, DILG and office of the Presidential adviser on the peace process), justice and law enforcement bodies, and societal institutions (Hernandez 2009).

Her study examined five dimensions as part of the Security Sector Reform Index, namely: 1) principles of democratic governance; 2) extent of knowledge and awareness, and capacity of oversight institutions; 3) performance record of the security sector; 4) SSR programs and initiatives; and 5) contribution to conflict prevention and peace building (*Ibid*). Her study shows that the core and oversight bodies of the security sector are vested with powers and duties. Their lack of material and competent manpower, however, hamper these bodies in the performance of their duties. The work of the legislative, executive, and judicial oversight bodies are below standard. "There are far too many instances of abuse, misuse, and lack of observance of applicable law, rules and regulations in the exercise of these powers" (*Ibid.*)

### **B. Weak Horizontal Accountability and Employment of Delegative Authority**

It has been observed that the restoration of democratic institutions in our country's "redemocratization" has been superficial (Rebullida in Morada and Encarnacion Tadem 2006: 208). Indeed, contrary to the belief that the presidential government organizes three co-equal and coordinate branches of government, the President is actually dominant vis-a-vis the Congress and the Supreme Court and other state bodies. O'Donnell describes the features of delegative democracy to include the direct election of the president by the people, giving him or her mandate to rule as he or she sees fit.

Given this mandate, the president is supposed to rise above partisan politics and unite the fractious groups that divide the country under his or her popular movement. In this context, the president is the epitome of the entire country who should be given free rein in formulating and implementing his or her program of government. The other branches of government like the legislature and the judiciary are mere obstacles to his mandate. O'Donnell



declares that “accountability to such institutions appears as a mere impediment to the full authority that the President has been delegated to exercise” (O’Donnell in Diamond and Plattner 2009: 37). The experience of Chile is illustrative of this assertion. The intense rivalry between the presidency and the legislature was addressed by giving more powers to the President. Ironically, however, this resulted in weakening the legislature and the absence of broad support for the President’s programs. As Arturo Valenzuela, a professor of government at Georgetown University and former Deputy Assistant Secretary for Inter-American Affairs of the U.S. Department of State, observed:

“In Chile, there was an inverse correlation between the power of the presidency and the success of Presidential government. The stronger the President, the weaker the Presidential system—a perverse logic that came to a head in the Allende years” (Valenzuela in Diamond, Linz and Lipset 1995: 97).

In the Philippines, the strong President enables the executive to encroach the authority of the Congress and the Supreme Court as well as the authority of other state bodies thus weakening horizontal accountability. Moreover, these same powers encourage employment of delegative authority and their abuse, thus placing the rule of law in jeopardy. In this section, the actual practice of separation of powers and system of checks and balances show executive encroachment on the power of other government bodies as well as the employment of delegative authority and the consequent abuse of power. The power over the budget is constitutionally vested in Congress which in practice is exercised by the President.

### **Power over the Budget**

“The power of the purse” is vested in the House of Representatives under the 1987 Constitution. Article VI, Section 24 of the constitution states that:

All appropriation, revenue or tariff bills, bills authorizing increase of public debt, bills of local application, and private bills, shall originate exclusively in the House of Representatives, but the Senate may propose or concur with amendments. (1987 Constitution of the Philippines, Article VI, Section 24).

This constitutional power of the House of Representatives is supposed to vest it the principal role in the budget process. However, as observed by the *Philippine Human Development Report 2008/2009*, it is the executive and not Congress that, by law and practice, actually wields effective power over the purse (p. 31) This practice which started in the era of Martial Law has been

incorporated in the Revised Administrative Code and has institutionalized the executive's power to prepare the budget which has allowed the President to control the strategic steps of the process, i.e., budget preparation and execution (*Philippine Human Development Report 2008/2009*). In the case of *Pimentel v. Carague, et al.*, the question about the rules on budget preparation and execution are deemed by the Supreme Court as a political question. Congress has the power to repeal the Presidential Decree which encroached on its power of the purse (*Pimentel v. Carague, et. al. G.R. No. 94571, April 21, 1991*).

At present, the extent of the formal power of Congress is only to decrease the budget proposed by the President. The moment Congress approves the national appropriations law, the President takes over its execution. Congress does not share this power with the executive. In implementing the approved budget, the President exercises line-item veto, realignment of the budget, and build up reserves. Here we see that the President has encroached on the House of Representatives' power over the purse. This encroachment, formalized during the authoritarian rule of Marcos, endures in the Revised Administrative Code and other statutes (*Philippine Human Development Report 2008/2009*).

The release of the legislators' Development Fund, more commonly called the pork barrel, is also subject to the approval of the President. It has been publicly admitted by congressmen, particularly those from the opposition, that their share of the development fund had been withheld by the President. This has been a compelling reason why legislators switch party affiliation whenever a new President is elected and assumes the presidency (see Yuko Kasuya 2009). This is an essential aspect of what has been called the politics of patronage.

The politics of patronage disperses the limited budget of the national government too thinly. The wide discretion enjoyed by legislators aligned with the executive in the implementation of their development fund presents the opportunity for corruption (Martinez 1999: 4) Former Senate President Ernesto Maceda now a columnist for the *Philippine Star* stated that "it has been known for decades that the pork barrel funds are a major source of corruption here and in the United States" (Maceda December 23, 2010) In his listing of the sources of pork barrel, the funds come from "the Priority Development Assistance Fund (PDAF), the Road Users Tax fund, and other congressional insertions" (Maceda *Ibid.*). The pork barrel may be explicit or embedded in the budget of Department of Public Works and Highways and Department of Transportation and Communication (*Philippine Human development Report: 39*). The highest levels of pork barrel occurred in the election years of 2004 and 2007, P8.3 billion and P11.4 billion respectively (*Ibid.*) Maceda says that the budget for 2011 has increased the pork barrel for elective national officials. He lists them as follows:

“For the President – P12 billion in addition to the Pagcor Social Fund, the contingent fund, and PCSO fund  
 For the vice-President – P200 million  
 For the senators – P200 million plus P100 million on insertions plus P15 million each for the Members of the Commission on Appointments (CA)  
 For Congressmen – P70 million plus P50 million per congressional district from the DPWH funds plus P15 million for CA members”.

He also listed the sources pork barrel for governors, vice-governors, mayors, vice-mayors councilors.

According to Maceda, “the accepted practice is for the pork barrel sponsor to designate the contractor in a rigged bidding procedure”. The sponsor of the project is expected to receive “kickback” or “tongpats” from the contractor ranging from 20% to 30% of the total project cost. “*Walang tuwid na daan dito*”, Maceda concludes.

Scandals, highlighting the weakness of horizontal accountability, had marked the administrations of Ramos, Estrada and Arroyo. The Ramos administration was tainted by the Amari and Centennial Expo controversies. The Estrada administration had the *jueteng* payola, insider trading and ghost projects scandals. The Arroyo administration had the Fertilizer Scam and NBN-ZTE scandal.

The scandalous “Fertilizer Scam” is another instance where the executive power to execute the budget had been abused. The Philippine Center for Investigative Journalism bared the huge disbursements of the Department of Agriculture shortly before the May 2004 elections. The Center alleged the funds were supposed to be fertilizer subsidies for farmers but were actually diverted to the political allies of President Arroyo because the supposed beneficiaries complained that they did not receive the subsidy from the Department of Agriculture (Philippine Center for Investigative Journalism cited in the *Senate Committee on Agriculture and Food Report*). The Senate Blue Ribbon Committee and the Committee on Agriculture conducted an investigation to get into the bottom of what is now called the Fertilizer Scam. The Senate issued subpoenas to public officials implicated in the scandal. Private individuals, in their capacity as officers of corporations implicated in the scam were also invited to the public hearings. The Senate report states that the administration raised funds for the election campaign by illegally diverting the Department of Agriculture's fertilizer subsidies to the farmers. This sizeable fund of about P728 million was disbursed to the national and local elective officials who composed the political coalition of the administration.

The top officials of the Department of Agriculture led the questionable implementation of its fertilizer subsidy program. The department disbursed funds meant to buy fertilizers. Cooperatives and foundations were supposed to be the recipients. In the Senate hearings, the supplier admitted to overpricing the fertilizers. Worse, the fertilizers were so diluted and were practically useless. This was only a part of the impunity with which the procedures were bent to suit the self-interest of the President's political coalition. It was also admitted in the hearings that there was an illicit group of brokers who were ready to facilitate the paper work, like providing ghost cooperatives and foundations, for the illegal transaction. This group of fixers also helped the recipient politician by facilitating the release of the subsidy.

In addition to the appropriated monies, the President also has authority over official development assistance. The National Broadband Project to be financed by the government of the People's Republic of China is another instance of the employment of delegative authority. The Senate Blue Ribbon Committee could have very well described accurately the definition of delegative authority. In its Senate Committee Report 743 dated November 11, 2009, the committee says:

This is a story of how people in high places – the relatives of the most powerful men and women in government – took advantage of their relationships, either with their parents or spouse, to cajole the Executive into entering a national broadband contract that would obtain something our country does not need and which is manifestly disadvantageous to the Filipino people. It is about the war of the most powerful, most influential and most organized syndicates in government, some members of which are public officers, who were at each other's throats because of an alleged double-cross. It is about the never-ending battle among the political elite for economic power, domination and control. (*Senate Committee Report 743* November 11, 2009: 4).

Unlike the fertilizer scandal which was implemented with impunity, the National Broadband Project was cancelled by President Arroyo during the hearings conducted by the Senate. The important lesson that should not be missed here is: the execution of a questionable project can be stopped by a timely exercise of Congress of its functions of oversight and investigation in aid of legislation.

The disbursement of the legislators' development fund, and the executive power over the execution of the expenditure program as well as the official development assistance, show how the powers of the executive could employ delegative authority. The challenge in these cases is how to make the executive accountable for this self-interested exercise of his powers. This

challenge is exasperating in view of the fact that in 2001, the government with the support of civil society and the World Bank launched an action plan to combat corruption amid the optimism and hope for the new administration installed through EDSA 2 ("Combating Corruption in the Philippines: An Update" *World Bank* September 30, 2001). The anti-corruption action plan failed to stop the Fertilizer Scam and the NBN-ZTE scandal.

## Appointment Power

Another power of the President that has been employed as delegative authority and hence abused is the power to appoint high officials in government. Executive power carries with it the power to appoint. The President is given free rein in bringing his trusted aides to serve with him in government. Members of his cabinet who are the extension of his official personality are appointed or removed from office at his sole discretion. This rationale has been extended to include the other high-ranking officials in the executive branch of government. These officials include undersecretaries, assistant secretaries, regional directors, bureau directors, assistant directors, military officers, Foreign Service officers and the chief executive officers as well as the board members of government-owned and controlled corporations, and government financial institutions. Specifically, the Constitution states:

The President shall nominate and, with the consent of the Commission on Appointments, appoints the heads of the executive departments, ambassadors, other public ministers and consuls, or officers of the armed forces from the rank of colonel or naval captain, and other officers whose appointments are vested in him in this Constitution. He shall also appoint all other officers of the Government whose appointments are not otherwise provided by law, and those whom he may be authorized by law to appoint. The Congress may, by law, vest the appointment of other officers lower in rank in the President alone, in the courts, or in the heads of departments, agencies, commissions or boards. (1987 *Constitution of the Philippines*, Article VII, Section 16).

The President needs the assistance of officials who enjoy his trust and confidence. His official family, the cabinet should be persons loyal to him and his policies. As the officials who help him formulate and implement his program of government, his inner circle of cabinet members should be trustworthy. Hence the President is given full discretion in regard to the appointment of his cabinet. However, this power extends to other high public officials who can no longer be considered part of his cabinet. The appointment of regional and provincial bureau directors, assistant directors, chief executive

officers and board members of government-owned and controlled corporations, prosecutors, judges, and justices are also appointed by the President. The number of Presidential appointees is estimated to total 4,237 officials (Commissioner Alexander Magno, *2005 Preparatory Commission to Propose Revisions to the 1987 Constitution*). These officials constitute what Commissioner Magno calls the “bureaucratic aristocracy”. Implied in this description is autonomy of the executive branch of government in the planning and implementation of its priority programs.

This practice has adversely affected the development of a professional civil service. It has politicized the appointment process and opened it to abuse. A manicurist and beautician of a President can be appointed member of the board of trustees of PAG-IBIG. Bureaucrats hoping to land choice positions in the civil service need connection, the rules on merit promotion are ignored in favor of personal connections. The goal of developing a career civil service is waylaid by the vagaries of clientelism.

### **Immunity from Suits and Rigid Impeachment Process**

The weak horizontal accountability which allows the President to dominate the legislature and the judiciary is further reinforced by his immunity from suits during his term of office and the rigid process of impeachment. The weak horizontal accountability makes the President uncontrollable, in other words, the other state bodies cannot check his employment of delegative authority. His immunity from suits and the rigid impeachment process make him virtually above the law. But nobody should be above the law, remember?

A formidable barrier in removing the President before the end of his term is the rigid impeachment process. It has served as an impenetrable shield even for a President who had abused his power. The procedure for impeachment requires that a petition to remove the President from office should be reviewed by the House of Representatives and found to be adequate in “form and substance”. After this determination, the House meets in plenary and votes on the complaint. If one-third of the 250 members favor the complaint, it is elevated to the Senate for trial. The Senate then convenes itself as an impeachment court to try the President. The Chief Justice of the Supreme Court presides over the impeachment court, and after the trial gives a verdict of guilty or not guilty. If the President is found guilty, he is removed from office and the vice-President assumes the presidency. The 1987 Constitution states:

A verified complaint for impeachment may be filed by any member of the House of Representatives or by any citizen upon the resolution or endorsement by any member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter.xxx

A vote of at least one-third of all the members of the House shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee, or override its contrary resolution. xxx

The Senate shall have the sole power to try and decide cases of impeachment.xxx No person shall be convicted without the concurrence of two-thirds of all the Members of the Senate. (1987 Constitution of the Philippines, Article XI, (2, 3, and 6).

This seemingly judicial process is actually highly political. Scholars of constitutional law observe that the influence of the President over Congress had blocked efforts to impeach President Quirino (Sinco 1962: 377-79). Both houses of Congress are composed of political leaders. The speaker and senate President are supported by the majority of the members of Congress, usually through a coalition of parties. This coalition is generally aligned with the President. It is this coalition which shields the President from impeachment.

The aborted impeachment of President Estrada in just a little over two years into his term of office showed that he had initially the support of the members of the House of Representatives. The damning revelations of his inner circle, like Governor Chavit Singson and Atong Ang, together with the earlier expose of the Center for Investigative Journalism, shaped the public perception that he received *jueteng* payola, manipulated the stock market through government financial institutions, and received money from ghost projects in Ilocos Sur. This formidable public perception apparently gained the required number in the House of Representatives to declare that the complaint sufficient in form and substance, and sent to the Senate for trial. In the Senate, the prosecution was in the process of establishing its case by presenting the witnesses against Estrada. The trial got stalled when the defense questioned the acceptability of a sealed envelope, purportedly to establish the alias used by the President in laundering the bribes he received from *jueteng*. The Senate vote on this issue showed that there was no 2/3 votes of the members of the Senate that are required to convict him. The most likely outcome of the trial, the not-guilty verdict, became plain for everyone to see. The prosecution panel walked out of the trial. The Senate President resigned. And these events threw the impeachment process in disarray and aborted the trial. The institutional framework failed to perform its function. Through text messages and cell



phone calls, different groups, civic, business and religious, converged at EDSA protesting the prejudgment by the Senate and calling for the ouster of Estrada. After days of demonstrations at EDSA, the military again intervened and “withdrew its support” for the administration.

The impeachment complaint against President Arroyo also dramatized the inability of the impeachment process to make the President accountable. In the first impeachment complaint, she was accused of cheating in the 2004 elections. The evidence was the infamous “Hello Garci” tape where the President allegedly asked “Garci”, Commissioner Virgilio Garcillano of the Commission of Elections, if she could lead her closest rival in the Presidential election by one million votes. The conversation was supposed to prove that President Arroyo manipulated the outcome of the elections.

Again, the civic, business and religious groups demonstrated their disgust and called for her resignation. Even the icons of “People Power” – Corazon Aquino and Cardinal Sin – lent their influential voices against President Arroyo. But their call for resignation went unheeded. Moreover, her coalition among the members of the House of Representatives, led by Speaker De Venecia, threw out the complaint by rejecting the tape as illegally obtained and hence, inadmissible as evidence. The call for her resignation from civil society groups continued. Again, in 2006, a faction of the military intervened. Elite units from the Marines and the Scout Rangers Regiment planned to join the march to the EDSA Shrine and announce their “withdrawal of support” from President Arroyo. The group was apparently expecting the surge of civilian support to their cause, reminiscent of EDSA 1 and 2. But the National Capital Region Command of the Armed Forces and the National Police confined them to quarters, and prevented their civilian supporters from converging at the EDSA Shrine through the dispersal of the marchers and the warrantless arrests of their leaders. This was justified by the government by declaring a state of emergency. No impeachment complaint against President Arroyo ever prospered because of her solid support from the majority of the members of the House of Representatives.

### **Weak Horizontal Accountability and Dominant Delegative Authority: Their Negative Impact on Legitimacy and Performance**

This study believes that a democratic polity is not limited to “electoral democracy”. While this conceptualization is widely accepted, the significance of policy outcomes which improve the economic and social well-being of the people should be acknowledged as a vital element of the concept (Miranda



2011). In this context, the developmental role of the state should be geared towards improving the quality of life of the people. Sen calls this the "expansion of freedom". The United Nations Development Program calls it "human development". The link between good governance and human development has long been recognized by the United Nations. Good governance has been a high priority of international financial institutions. The World Bank, for example, has supported anti-corruption programs to help member-states to more efficiently utilize development assistance. This is also a priority of donor countries like Japan, Australia, Canada, New Zealand and the United States. In the Philippines, the anti-corruption programs launched by both the government and civil society groups have not significantly curbed the perceived corruption in government. It continues to be a serious challenge which has in fact become the clarion call of the Aquino III administration. Former Ombudsman Simeon Marcelo estimated that the government loses 20 billion pesos annually to graft and corruption.

It is not surprising at all to see that research organizations rank our country below the regional East Asian average in World Governance Indicators, particularly in regard to control of corruption and political stability (Appendix A). This measure has been cited by credible research undertaken by the UNDP and the Human Development Network. This finding supports the observation of this study that executive hegemony of our Presidential system weakens horizontal accountability and encourages a dominant delegative authority and leads to the poor performance of the Presidential system in the Philippines. The World Governance Indicators also shows the declining percentile rank of the Philippines from 1996-2009 in all of the indicators (Appendix B). The biggest decline however can be seen in political stability and control of corruption. This measure further strengthens the empirical basis of poor governance in the country. The importance of good governance to social and economic development cannot be overemphasized. It is an imperative for the vision of a substantive democracy. Reforms aimed at strengthening horizontal accountability through transparency are imperative to minimize the employment of delegative authority for better governance.

The United Nations is not only pushing for good governance. It has also pushed, in the last six decades of its existence, the agenda of economic and social development. Due to its limited financial resources, the efforts of the world body in this aspect of its functions have been deemed a mixture of successes and failures (Henderson 1998: 405-08). But the United Nations is unrelenting. In 2000, it launched the "Millennium Declaration" which aims to "wipe out poverty and the worst forms of human deprivation by the year

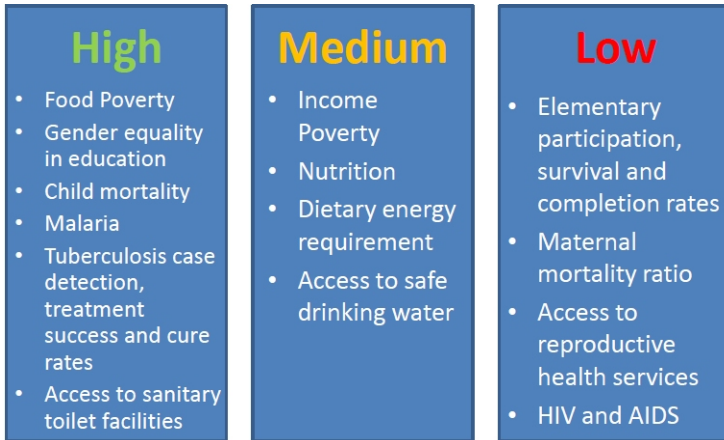
2015". A total of 189 member-states agreed to commit to its goals. Our country has acceded to these goals and has now incorporated them in our 2004-2010 Medium Term Development Plan. Hence, the performance of our country's economic and social programs can be tracked through the Millennium Development Goals.

### Box 1. Millennium Development Goals

<b>Goal 1:</b>	<b>Eradicate extreme poverty and hunger</b>
<b>Goal 2:</b>	<b>Achieve universal primary education</b>
<b>Goal 3:</b>	<b>Promote gender equality and empower women</b>
<b>Goal 4:</b>	<b>Reduce child mortality</b>
<b>Goal 5:</b>	<b>Improve maternal health</b>
<b>Goal 6:</b>	<b>Combat HIV/AIDS, malaria and other diseases</b>
<b>Goal 7:</b>	<b>Ensure environmental sustainability</b>
<b>Goal 8:</b>	<b>Develop a global partnership for development</b>

As is widely known, the Philippines' economic performance is lagging behind many countries in Southeast Asia. The 2010 Philippines Progress Report for the Millennium Development Goals states that our GNP grew at an average of 5% from 2000-2009 (Appendix C). The report cites the global financial crisis and natural calamities as factors behind the decline of our GNP to 3% in 2009. The government is optimistic that as the global economy recovers and the remittances from OFWs continue to increase, the macroeconomic indicators will improve in 2010 and beyond (*Philippines 2010 Progress Report on the Millennium Development Goals*: 32). In fact our GDP increased to 7.3% in 2010, the highest in the last 24 years. This appears ephemeral in view of the brinksmanship of the Republican majority in the US House of Representatives on the issue of raising the deficit ceiling supposed to lapse on August 2, 2011. This very deep division between the American political parties makes the feared "double dip", another global recession, closer to reality. At the very least, the current administration's optimism about the short-term economic prospect of the country is doubtful.

The government report also says that the country's achievements in regard to the MDG are mixed. According to NEDA Director General Cayetano Paderanga, the country's chances of achieving the goals by 2015 are as follows:

**Figure 1. Probability in meeting the MDGs**

Source: Cayetano Paderanga, *Stakeholders' Step-Up Campaign Forum on the Millennium Development Goals*, 8 September 2010, Dusit Thani Manila, Makati City, p. 31.

The Report listed many challenges ahead and how to proceed forward. Among these challenges are sustained economic growth, better population management, greater focus on underserved areas, adequate safety nets, improved governance and transparency, peace and security, improved targeting, education, maternal health, and resources (*Ibid.* 275-78). Indeed, improving the quality of life of a people is a comprehensive and multifaceted endeavor. Many of these challenges are not covered by this study. It is to be hoped, however, that it can contribute to the challenge of improving governance and transparency.

The Philippine Human Development Network, in its latest 2008/2009 report, has focused on the role of institutions in describing and explaining why the country's development has been nearly static in spite of reform programs undertaken by the government. One senses from the report an exasperation over the state of human development in the country. It aptly describes the government efforts as "reforms that don't transform". The report stresses the principal role of political institutions in the push for development:

Greater progress in human development, therefore, requires one to focus on rules and norms that affect the performance of government organizations or agencies. The most important of those rules and norms that directly motivate government employees, that determine the level and management of agency funds, and that enforce other rules, provide checks and balances, and exact accountability. (*Philippine Human Development Report 2008/2009*: 10).

The above recommendations of the Philippine Human Development Network are significant in pursuing the country's development. However, this

study focuses on the actual executive-legislative-judicial interactions that show how the executive hegemony dominates the other branches of government. This dominance weakened horizontal accountability making the employment of delegative authority virtually unchecked. Moreover, the study emphasizes the transparency and controllability aspects of accountability rather than the answerability aspect which is very challenging because of the strict procedural requirements of due process. This study believes that horizontal transparency and controllability would help attain answerability or to exact accountability. It is to be hoped, therefore, that this study will contribute to the policy thrusts of the Human Development Network.

In regard to the perennial problem of poverty, the National Economic and Development Authority recommends that “the government's anti-poverty strategy must focus on agriculture and rural development through asset reforms (agrarian reform, urban land reform and ancestral domain reform) accompanied by reforms in the agricultural sector, such as investments in productivity improvements and supporting infrastructure. The government also should address; (a) poor governance of support services, e.g., lack of accountability (Fertilizer scandal)” (*Philippine Mid-Term MDG Report 2007: 2122*).

The largely discouraging policy outcomes and the scandals that wracked the post-EDSA administrations could be seen as the main reason why their public satisfaction ratings declined from the hopeful expectation of the people at the start of their terms of office. Indeed, there are time-specific contexts for each of the administrations, but their inability to improve significantly the economy and the quality of life of the people, tend to be the common factors that help explain their ratings. The trend for the Aquino, Ramos and Estrada administrations is to begin with a satisfaction rating of about 75 percentage points and decline to around 10 points by the end of their term. The Arroyo administration is the least satisfactory which started with 25 percentage points satisfaction rating and declined to -38 points by December, 2009. The SWS comparison of the satisfaction ratings of the Aquino, Ramos, Estrada and Arroyo (1986-2009) is in Appendix D. It should be noted that *Philippine Star* columnist William Esposo observed that there is double counting of the dissatisfied responses. He made this observation in connection with the declining net satisfaction of President Aquino III.

### **Towards a Stronger Horizontal Accountability through Transparency**

The revisions made by the 1986 Constitutional Commission which limited the military powers of the President are very instructive. These revisions

suggest that the President should not be dominant relative to Congress and the Supreme Court in what used to be deemed as an exclusive Presidential power—proclamation of martial law and suspension of the writ of habeas corpus. Following this lead, the direction of the agenda for institutional reforms should be to strengthen Congress and the Supreme Court in order to check the vast powers of the President. The powers of the executive should be more effectively checked by the legislature. M. Steven Fish asserts that the strength of national legislature may be a—or even *the*—institutional key to democratization. Stronger legislatures served as the weightier check on Presidents and thus a more reliable guarantor of horizontal accountability than did weaker legislatures (M. Steven Fish in Diamond and Plattner 2009:20).

Specifically, these agenda for institutional reforms includes pushing for legislation that will restore Congress' power of the purse, improve the oversight function of Congress, enable the existing executive-legislative and executive-legislative-judicial collaboration as the core mechanisms for transparency and control of abuse of authority, and strengthen the fiscal independence of the judiciary.

A significant initial step is to attempt to democratize public finance in the country by trying to restore Congress' power over the purse. The executive has encroached on this power during the authoritarian regime of Marcos through Presidential Decree 1177—Institutionalizing Budgetary Reforms (Boncodin 2008: *Philippine Human Development Report 2008/2009*). It provides for the automatic appropriation for the payment of the foreign debts incurred by the government of the Philippines. This automatic appropriation removes from the Congress the power to decide on the matter of payment for the country's foreign debt.

This questionable provision of the Decree has been a bone of contention between Congress and Malacañang. At the start of the Aquino revolutionary government in 1986, the President decided to honor the foreign debts incurred by Marcos. The automatic appropriation provided for in the decree was adopted. The alternative policy of trying to negotiate for a condonation of the debts with foreign governments, international financial institutions and multinational banks was shelved. Hence, the budget process established during martial law persisted, and reinforced the authoritarian mindset of the executive and legislators as regards public finance.

Senator Aquilino Pimentel petitioned the Supreme Court to declare Presidential Decree 1177 unconstitutional. The Supreme Court ruled that this is

a political question and should be decided by the Congress itself. If Congress does not agree with this decree, then it could repeal or revise it by crafting a revised statute (*Pimentel v. Carague et. al.* G.R. No. 94571 April 21, 1991) Members of both chambers of Congress had filed bills seeking to repeal the automatic appropriation for the payment of foreign debts. In the previous Congress, Senators Pia Cayetano and Trillanes filed bills to repeal the automatic appropriation.

In the current 15<sup>th</sup> Congress, several house bills have been submitted to the Committee on Appropriations for the purpose of restoring to Congress the power to appropriate for the payment of the country's foreign debts. Congressmen Casino, Ejercito, and Palatino have filed bills to repeal or revise the Decree. Even in the past Congresses, bills and resolutions were also submitted in the Senate. But these legislative proposals did not prosper. It is evident that these proposals were not supported by the majority coalition in both chambers of Congress. It is also evident these proposals had not been endorsed by the President and certified as urgent. The initiatives to reform public finance have not gained the support of legislators belonging to the majority coalition probably because of patronage politics. The release of "pork barrel" is at the sole discretion of the President. If the legislators cross the President on this matter, they risk losing their "development fund" and the prospect of reelection. The chief executive could not part with his power over the budget because it is instrumental in keeping the legislative coalition behind him. The transactional politics between the President and legislators of the majority coalition is a major obstacle to democratizing public finance.

The democratization of public finance could be aided by the revision of Republic Act 7640—An Act Constituting the Legislative-Executive Development Advisory Council (LEDAC). The Council should be strengthened in terms of more meaningful interaction between the executive and legislative branches by way of providing all members of the House of Representatives and the Senate quarterly expenditure programs of the different departments under the President. This could be accomplished through the creation of a subcommittee on budget (Rule VII, Implementing Rules and Regulations of RA 7640). The minority in Congress should be represented in this subcommittee. The subcommittee should have access to all information about budget preparation and particularly execution. This should make the members of Congress current about the budget priorities, releases, line-item veto, realignments, and savings. A senior leader of the current Congress sees the importance of achieving transparency through access to information about budget execution. Deputy Speaker Erin Tañada recently

filed a bill requiring the Department of Budget and Management to report to the House Committee on Appropriations its execution of the General Appropriations Act. It is not accidental that Representative Tañada is also a principal author of the Freedom of Information bill. This access to information could prevent the diversion of scarce funds for unintended purposes like the case of the Fertilizer Scam scandal. This would also enable Congress to monitor the personnel services of all departments and prevent “conversions” practiced in the Armed Forces of the Philippines.

Finally, the Judicial Executive Legislative Advisory and Consultative Council (JELACC) should also be strengthened. This council was formed through a Memorandum of Agreement on May 13, 2008. The need for this council was first proposed in 2007 by Senator Francis Pangilinan in order to address the problem of summary executions and disappearances of political activists. But what was established in 2008 was an advisory and consultative council which aims to “institutionalize consultation, cooperation, and coordination in pursuit of the rule of law and advancement of our nation” (JELACC). The Council also aims to “identify issues pertaining to the primacy of the rule of law and formulate and undertake solutions to strengthen due process and the institutions of justice, and implement our laws better” (JELACC). The Council can focus on how their collaboration could strengthen the transparency and controllability aspects of accountability as crucial first steps in establishing a more effective punitive accountability. The Council can also address the issue of the fiscal autonomy of the Supreme Court, and work out rules regarding custody of the filing fees and other related issues. In fact a recent Memorandum of Agreement implemented the salary increases for the judiciary. The fiscal autonomy of the Supreme Court would help insure its independence in interpreting the Constitution, executive orders and statutes.

The long-term approach to strengthen horizontal accountability should be a partnership between the government and civil society, a public-private partnership (See Holmes 2011). This partnership should concentrate in institutionalizing transparency, controllability and answerability. While there are existing civil society groups that are engaging the government in areas of transparency to prevent corruption, and participation in policy-making, these groups have not marshaled the support of the so-called silent majority. Leaders of civil society, political parties, religious organizations and private individuals should be more resolute in their efforts to expand the membership and support for civil society groups.

Beyond the broader and deeper participation of civil society, there is a more pressing task of organizing and mobilizing the public or government



component of this partnership. A coalition of government officials and functionaries who support the agenda of reform is needed. Leaders of Congress and the judiciary should lead this public component of the partnership. There are also the constitutional bodies like the Ombudsman, Commission on Audit, Civil Commission and the Commission on Human Rights who are the natural allies of civil society in the private-public partnership for institutional reform towards the attainment of our country's substantive democracy. The active leadership of reform-oriented political leaders and civil servants are imperative.

## Conclusion

In theory, the separation of powers and system of checks and balances of the Presidential form of government aim at preventing the abuse of power and the protection of the rights of the people. The co-equal and coordinate branches of government are meant to ensure such goals of a democratic polity. However, the actual practice of the Presidential form of government in the Philippines deviates from this theoretical perspectives. The President, in accordance with the 1935 Constitution, had abolished Congress and controlled the Supreme Court under his military power. He has also encroached, under the 1987 Constitution, on the legislative power of the purse. He enjoys immunity from suits and is very difficult to remove from office by impeachment. All of these powers and privileges virtually made him above the law. Hence, instead of a system of checks and balances, the vast powers of the President have allowed him to dominate the legislature, judiciary, and constitutional bodies. It is this executive hegemony which has undermined and weakened the legislature, judiciary and constitutional bodies and has stalled the democratization of our country.

These vast powers of the President enable him to employ delegative authority that benefits him, his relatives, friends and political allies. Weak horizontal accountability, corruption, and clientelism go together in the Philippine presidential government. It has prevented the government from effectively dealing with the country's chronic economic and social problems. Indicators of the quality of life (longevity, knowledge, and standard of living) have shown no marked improvement for most of the Filipinos.

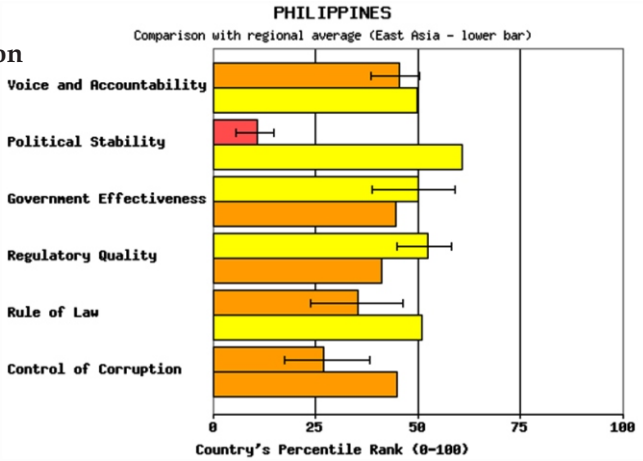
From the institutional perspective, the agenda for reforms might be pursued grandly or incrementally. Grand reforms are in the form of systemic change through the revision of the constitution. Incremental reforms are in the form of more modest amendment or revision of statutes. Grand reforms like the



adoption of a parliamentary form of government and the federal system require very careful consideration because of possible unintended consequences. Moreover, this approach has proved highly divisive. The more prudent course to take is the incremental approach. In the post-Edsa period, the establishment of LEDAC through legislation went almost unnoticed. But as we have seen, this advisory council could serve as a possible platform for further legislative oversight. The restoration of the power of the purse to Congress is the priority. The implementation of the budget should be made transparent to Congress. The reform effort should also concentrate on the existing mechanisms for executive-legislative-judicial coordination. The amendment of the implementing rules and regulations of the LEDAC and JELACC to create the subcommittees of budget and appointments would enable leaders of Congress and the Supreme Court to have access to information about budget releases, realignments, and savings. The availability of this information could prevent the employment of delegative authority similar to the Fertilizer scandal.

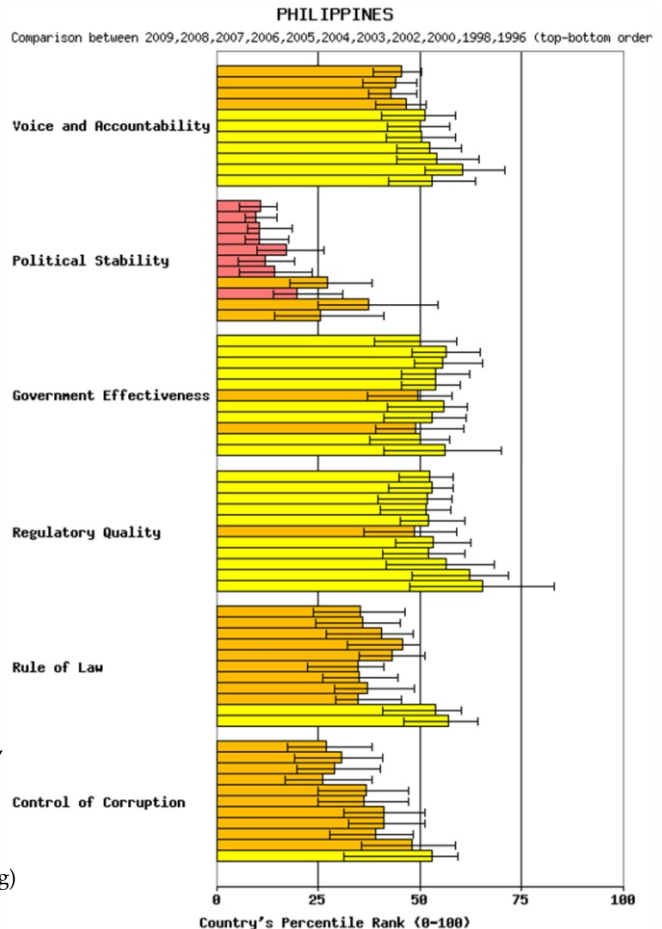
APPENDICES

**Appendix A. Comparison of Philippine WGI percentile rank with regional average**



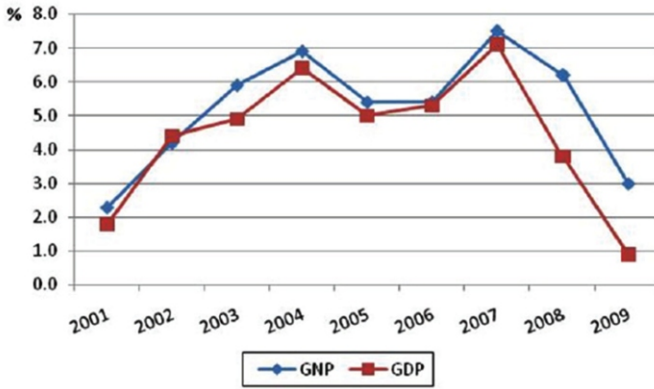
Source: Kaufman D., A. Kraay, and M. Mastruzzi. *The World Governance Indicators: Methodology and Analytical Issues*. 2010.

**Appendix B. Comparison of Philippine World Governance Indicators, 1996-2009**



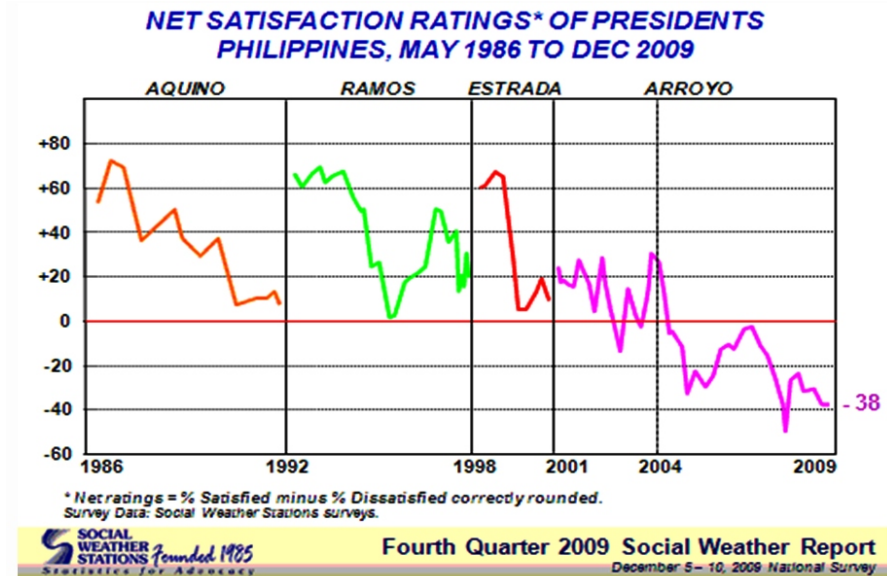
Source: Kaufman D., A. Kraay, and M. Mastruzzi. *The World Governance Indicators: Methodology and Analytical Issues*, 2010. (Also at <http://www.govindicators.org>)

Appendix C. GNP and GDP growth rates (%), 2001-2009



Source: NIA (January 2010) and NSCB cited in *Philippines: Progress Report on the Millennium Development Goals 2010*, p.32.

Appendix D. Comparison of Satisfaction Ratings of Aquino, Ramos, Estrada and Arroyo (1986-2009)



Source: SWS

## Appendix E. Comparative Human Development Index Trends in the Philippines and Selected Asian Countries, 1980-2010

Selected Asian Countries	Year						
	1980	1985	1990	1995	2000	2005	2010
Japan	0.768	0.790	0.814	0.837	0.855	0.873	0.884
Korea (Republic of)	0.616	0.671	0.725	0.776	0.815	0.851	0.877
Singapore	..	..	..	..	..	0.826	0.846
Brunei Darussalam	..	..	0.773	0.787	0.792	0.801	0.805
Malaysia	0.541	0.585	0.616	0.659	0.691	0.726	0.744
China	0.368	0.418	0.460	0.518	0.567	0.616	0.663
Thailand	0.483	0.518	0.546	0.581	0.600	0.631	0.654
Philippines	0.523	0.527	0.552	0.569	0.597	0.619	0.638
Indonesia	0.390	0.434	0.458	0.508	0.500	0.561	0.600
Viet Nam	..	..	0.407	0.457	0.505	0.540	0.572
India	0.320	0.357	0.389	0.415	0.440	0.482	0.519
Timor-Leste	..	..	..	..	..	0.428	0.502
Lao People's Democratic Republic	..	0.323	0.354	0.388	0.425	0.460	0.497
Cambodia	..	..	..	0.385	0.412	0.466	0.494
Myanmar	..	..	..	..	..	0.406	0.451

Sources: UN (2009), Barro, R.J. and Lee (2010), UNESCO Institute for Statistics (2010), the World Bank (2010) and the IMF (2010) cited in Human Development Report 2010, pages 148-151.

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## Notes

- 1 The author acknowledges the valuable insights of Felipe B. Miranda, Temario C. Rivera, and Ronald D. Holmes. The assistance of Farrah Grace V. Naparan in gathering the data and preparing the diagrams of the analytical framework are also acknowledged.
- 2 The question mark is mine. The Philippines is still a democratizing polity on its way hopefully to becoming a substantive democracy.

## CHAPTER FOUR

# The Curious Cases of Philippine Civil Society and Decentralization

Ronald D. Holmes

### Introduction

This chapter takes off from the belief that **democracy is a political system distinguished by its outcome – the progressive and sustained redistribution of resources (political and economic)**. O'Donnell (2007), in talking about the perpetual crisis of democracy, emphasized:

*“Democracy is more than a valuable kind of political arrangement. It is also the **often notorious sign of a lack**. It is the **perpetual absence of something more**, of an always pending agenda that calls for the **redress of social ills** and further advances in the manifold matters which, at a certain time and for a certain people, most concern **human welfare and dignity** (highlighting ours).”*

O'Donnell's statement demarcates the “procedural” from “substantive” democracy. Following the view that democracy extends beyond “procedural” trappings, it is easy to understand why there are recurring crises in Philippine “democracy.” Following the definition given by Miranda (2011) in an earlier chapter in this volume, that a democracy, as a system of governance, demonstrably promotes—however slowly or gradually—a progressively human quality of life for its citizens within twenty five years of a regime's formal, democratic initiation, we note that a prolonged social ill, poverty, suffices as an indicator of the “want” that prevails 25 years after the political transition in 1986. The 2009 report from the National Statistics Coordination Board (NSCB) reveals a slight increase in poverty incidence among the

population, from 26.4 in 2006 to 26.5 in 2009 (Virola 2011). Though the lack of improvement in the poverty figure could be attributed to a host of exogenous and natural factors, the food and oil price crises of 2007, the global financial crisis from 2008, and the damaging typhoons of 2009, this is a telling account of how ineffectual the state has been in meeting its own commitment to halve poverty from its 1990 level (1991 poverty incidence among the population was 33.1%) by 2015, as defined by the UN Millennium Development Goals.<sup>1</sup>

The preceding chapters have already illuminated a number of institutional limits to democratization. These chapters lead us to believe that unless the state is relieved of its patrimonial character, with elite elements that are *a priori* opposed to substantial redistributive measures, all other factors that could facilitate democratization or produce “substantive” democracy are rendered insignificant. The earlier chapters also point to the fact that Philippine democratization, like all democratization processes, has not progressed in a linear fashion and has, for all intents and purposes, been stalled. Fortunately, the Philippines has not seen a reversal of the democratization process.

A couple of the reasons for the sustenance of “procedural” democracy in the Philippines lies in two arenas of contestation that we will examine in this chapter—civil society and local governments after decentralization. The general concern of this chapter, therefore, is to explain how these two arenas, *bruted to be “democratizers,” have facilitated democratization.*

In starting each section of this chapter, we provide an explanation of how each arena is expected to contribute to democratization, based on previous studies, both comparative and those that examined the Philippine experience. These previous studies and an examination of recent developments, lead us to argue that both **arenas have suffered innate systemic limits and therefore have not really propelled the democratization process in the country.**

We elaborate on these limits in each section of this chapter.

The first section reviews the dynamics within civil society. The section begins by examining the breadth of civil society, the initiatives and interventions it has undertaken and their outcomes. Though civil society has been a force that contributed to the political transition in 1986 and has successfully mobilized to deter a reversal of the democratization process, the section allows us to elaborate on the horizontal and vertical limits in civil society. As regards the horizontal limit, we re-articulate the view that the fissures within Philippine civil society have **diluted its power vis-à-vis an impervious state.** In relation to the vertical limit, this is divided into two levels.

The first level is the link between civil society organizations and the public, where civil society groups have been deficient in mobilizing a broader constituency for sustained political engagement. The second level is in the relationship between civil society organizations with the state, where the latter possesses more power and has used this power to subdue pressures emanating from civil society.

As regards decentralization, the section starts with a recap of what have been noted as gains and concerns in the almost two decades since responsibilities and resources were transferred from central to local governments. In revisiting these assessments, the section identifies three factors that have limited improvements in local governance and constricted the impact of such process on local development. These factors are defined as *statutory*, *organizational*, and *systemic*.

This chapter puts forward a number of observations meant to trigger discussions among those who advocate substantive “democratic” change in the Philippines.

## CIVIL SOCIETY

Like democracy, civil society is a contentious concept with many definitions given, from the philosophical-normative to the practical. It is not the intention, however, of this chapter to revisit these definitions (Diokno 1997; Ferrer 1997; Wui and Lopez 1997; Civicus 2010; Alagappa 2004). It is sufficient to take on a definition that provides an inclusive view of what constitutes this sphere and distinguishes it from the other spheres that make up society. More importantly, it is necessary to define how civil society is expected to facilitate democratization, taking the latter as a type of political change.

In this study, we use civil society to refer to:

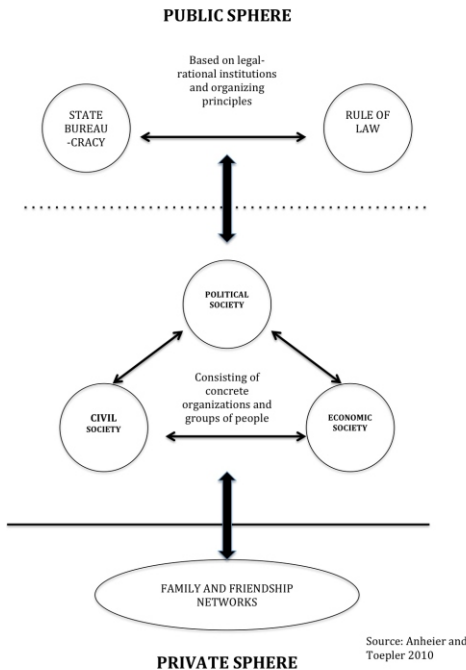
First, a realm in the interstices of the state, political society, the market, and the society at large for organization by nonstate, nonmarket groups that take collective action in the pursuit of the public good; second, a distinct sphere for discourse and construction of normative ideals through interaction among nonstate groups on the basis of ideas and arguments; third, an autonomous arena of self-governance by nonstate actors in certain issue areas; and, fourth, an instrument for collective action to protect the autonomy of the nonstate public realm, affect regime type, and influence the politics and policies of the state, political society, and the market. (Alagappa 2004:32)

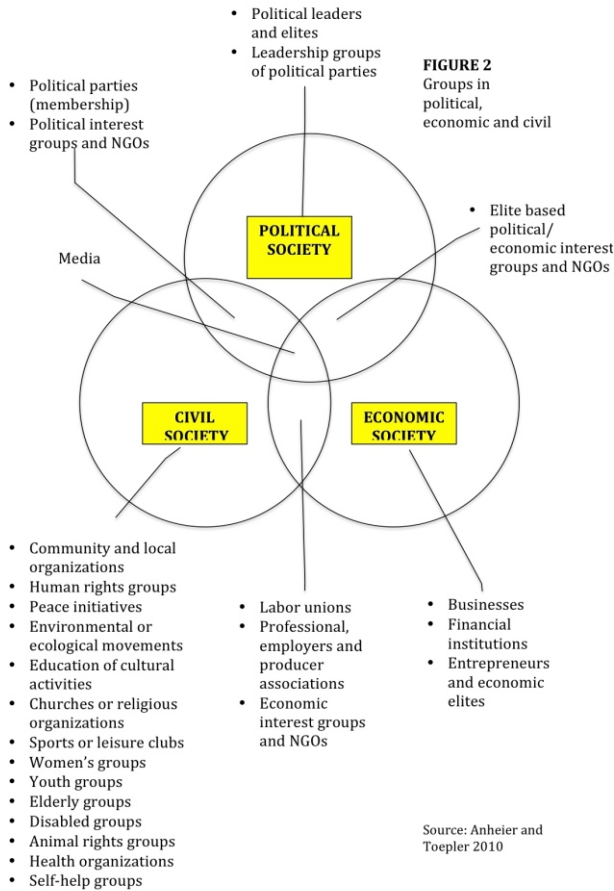
The first part of the definition allows us to demarcate the boundaries, fuzzy as Civicus (2010) refers to it, between civil society and the other spheres—the larger society composed of individuals and groups, political society, market, and the state.

Another way to delineate civil society from the other spheres is shown in two figures below. Figure 1 (Anheier and Topler 2010) distinguishes the space that civil society occupies between the private, the realm of private networks of families and friends, and the public sphere, the realm of the state. What is important to note in Figure 1 is the solid line that separates the private from the upper two spheres, a manifestly culture-bound segregation. In the Philippines, this line is at best blurred inasmuch as kinship networks, specifically among those that have been privileged from colonial rule, do extend and cover the other realms.

Figure 2 (Anheier and Topler 2010) shows the overlaps between the three sub-spheres of political, civil and economic society. Though the list of groups in the figure is not exhaustive, the illustration highlights the fact that there are serious overlaps, a reality that has been noted in previous studies and which have brought about a categorization of NGOs based on its origins (e.g., GONGOs or government organized NGOs, BUNGOs or business NGOs).

**Figure 1**





In delineating civil society from the private and public spheres (and the sub-spheres of political and economic society), it is viewed as an agent that acts on each sphere in pursuit of its conception of the public good. In line with democratization, the public goods that civil society is expected to push for include the following (though the list may be more exhaustive):

- accountability of public officials
- more inclusive representation
- equitable development; and,
- as its own intrinsic goal, its own autonomy

In working towards these ends, civil society mobilizes individuals and groups as it interacts or works through political society, and exerts pressures on the state or the market to secure democratic and redistributive reform. The strategies that civil society organizations (CSOs) employ in influencing the decisions or actions of players in the other spheres vary. The range of activities includes, but is not limited to, the following:

- organizing individuals and groups in communities;
- engaging in protests;
- lobbying;
- collaborating with political parties;
- monitoring elections;
- implementing community- or sector- focused developmental projects
- liaising or obtaining support from foreign governments and international inter-governmental or international non-governmental organizations for developmental projects; and
- formation of coalitions or networks with other civil society groups for issue specific or broad/long term goals

The definition and diagrams above also underscore civil society as an arena of contestation (Alagappa) among elements that originate from the other spheres and among the groups that are organized within civil society. **In civil society**, through processes of discussion or deliberation, the notions of what constitutes the public good – the political engagement of citizens; the limits to power of the state and the market; and the role of political society – **are supposed to be freely and civilly discussed and consequently lead to collective action**. As an inclusive arena of contestation, it is expected that civil society organizations will be divided along class, gender, ethnic, religious, and ideological lines. **How these divisions are managed, especially when larger political goals are at stake or more powerful social forces are confronted, will determine the effectiveness of civil society in pursuing its ends, or for the purpose of this assessment, furthering democratization.**

### *Measures of robustness*

Estimates of the number of civil society organizations (CSOs) in the Philippines go as high as 500,000 (Cariño 2001) (Tuano in Yu-Jose 2011). Though this number may indicate the robustness of civil society, there is a need to qualify how deeply rooted the groups within the sphere are by checking just how many people have formally associated with these groups as members. Though many organizations have membership counts, it is hard to estimate just how many have formally joined and remain actively participating in these organizations. In a survey done by *Pulse Asia Inc.* in October 2010, less than 5% of Filipinos were reported to be members in a socio-civic organization. (See Table 1). With a projected population of 94 million (National Statistics Office 2011) in 2010, this figure translates to around 4.7 million Filipinos reported as members of a range of civil society organizations.

**Table 1. Membership in civil society organizations, by major area groups. *Pulse Asia Ulat ng Bayan, October 2010 Survey: October 21-29, 2010. Base: Total Philippine Population***

AREA/TYPE OF ORGANIZATION	PHILS	NCR	BALANCE OF LUZON	VISAYAS	MINDANAO
<b>Base</b>	<b>100</b>	100	100	100	100
<b>NON-MEMBER</b>	<b>95.1</b>	97.1	97.7	94.9	89.6
<b>CHURCH OR RELIGIOUS ORGANIZATIONS</b>	<b>2.1</b>	1.4	1.3	1.9	4.1
<b>SECTORAL GROUPS (WOMEN, YOUTH, FARMERS, LABOR, SENIOR CITIZENS, TRANSPORT WORKERS)</b>	<b>1.3</b>	0.3	0.4	1.0	4.1
<b>COOPERATIVE</b>	<b>1</b>	1.1	0.4	1.9	1.3
<b>PROFESSIONAL ORGANIZATION</b>	<b>0.2</b>		0.1	0.1	0.6
<b>CIVIC OR VOLUNTARY ORGANIZATIONS LIKE JAYCEES, PHILIPPINE RED CROSS, ETC.</b>	<b>0.1</b>			0.1	0.3
<b>OTHER NGOS</b>	<b>0</b>			0.1	

Question: (Is (name) currently a member of a group, organization or cooperative or not?

### SHOWCARD of types of organizations<sup>2</sup>

In an earlier survey (see Table 2) conducted by the Social Weather Stations, the number of “active” members of civil society members is higher, as 45.7% (see Table 2) of adult Filiipinos (18 years old and above) claimed to be involved in a civil society organization. Working with an estimated 55 million adult Filipinos, the reported percentage of actively involved Filipinos brings the membership “ceiling” of civil society organizations to over 25 million Filipinos.

**Table 2. Membership in civil society organizations. 2009. Figures In %**

<b>Membership</b>	<b>Active Member</b>	<b>Inactive member</b>	<b>Do not belong</b>
<b>All civil society groups</b>	45.7	37.0	17.3

Source: *Philippine Civil Society Index Draft Report, January 2011*<sup>3</sup>

The discrepancy in the figures from these two surveys is a function, at the very least, of the differences in the framing of the relevant items in the questionnaire. Nonetheless, the two projections net us a probable floor (4.7 million) and ceiling (25 million) as regards the membership of civil society organizations.

Aside from these data, we also explore other dimensions of the “robustness” of civil society by looking at a specific form of association, labor unions. Historically, labor unions have been an important part of civil society groups and were relied on by social movements from the 1960s onwards. One



of the first groups to stage protests during Martial law was a labor union that engaged in a strike in an alcoholic beverage firm. However, due to factors that include increasing capital mobility and global economic competition, a contracting manufacturing sector, the shift of the work force to services, labor only contracting and the measures taken by corporations to prevent unionization (Aganon, Serrano and Certeza, 2009), in the guise of securing industrial peace, labor unionism has declined as shown in Table 3. The total number of union members in June 2010 (1.7 million) is less than half of the peak number of union members in the year 2000 when there were more than 3.7 million union members.

**Table 3. Existing Workers' Associations, Collective Bargaining Agreements. 2008-June 2010**

INDICATOR	2008	2009 <sup>P</sup>					2010 <sup>P</sup>				
		Total	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total	1st Qtr	Apr	May	Jun
<b>WORKERS' ORGANIZATIONS</b>											
<b>Unions Registered</b>	279	384	101	79	57	147	189	124	18	13	34
Federations/Labor Centers	2	-	-	-	-	-	-	-	-	-	-
Private Sector Unions	212	336	87	72	44	133	175	121	16	12	26
Public Sector Unions	65	48	14	7	13	14	14	3	2	1	8
<b>Membership of Newly Registered Unions</b>	22,248	34,283	6,448	5,910	13,892	8,033	16,890	10,003	823	2,140	3,924
Federations/Labor Centers	5,727	-	-	-	-	-	-	-	-	-	-
Private Sector Unions	13,543	20,501	5,120	5,213	2,931	7,237	15,616	9,759	759	2,119	2,979
Public Sector Unions	8,705	13,782	1,328	697	10,961	796	1,274	244	64	21	945
<b>Unions Cancelled/ Dissolved</b>	-	30	3	4	12	11	-	-	-	-	-
Private Sector Unions	-	30	3	4	12	11	-	-	-	-	-
Public Sector Unions	-	-	-	-	-	-	-	-	-	-	-
<b>Federations Cancelled</b>	-	-	-	-	-	-	-	-	-	-	-
<b>Existing Unions (as of)</b>	17,305	17,665	17,409	17,484	17,529	17,665	17,712	17,644	17,665	17,578	17,712
Federations/Labor Centers	141 <sup>a</sup>	141	141	141	141	141	b	b	b	b	b
Private Sector Unions	15,536 <sup>a</sup>	15,848 <sup>a</sup>	15,626 <sup>a</sup>	15,694	15,726	15,848	16,020 <sup>a</sup>	15,963 <sup>a</sup>	15,982 <sup>a</sup>	15,994	16,020
Public Sector Unions	1,628	1,676	1,642	1,649	1,662	1,676	1,692 <sup>a</sup>	1,681 <sup>a</sup>	1,683	1,684	1,692
<b>Membership of Existing Unions (000) (as of)</b>	1,942	1,985	1,948	1,956	1,975	1,985	1,700	1,689	1,695	1,697	1,700
Private Sector Unions	1,598	1,629	1,603	1,611	1,619	1,629	1,345	1,335	1,340	1,342	1,345
Public Sector Unions	343	356	345	345	356	356	356	354	355	355	356
<b>Workers' Associations (WAs)</b>											
WAs Newly Registered	2,345	3,689	655	1,089	870	1,075	1,421	668 <sup>a</sup>	304	196	253
Membership of Newly Registered WAs	89,368	159,216	34,778	44,806	33,208	46,424	57,869	29,099 <sup>a</sup>	10,971	7,907	9,892
Existing WAs (as of)	15,758	19,512 <sup>a</sup>	16,523 <sup>a</sup>	17,612	18,482	19,512 <sup>a</sup>	20,902 <sup>a</sup>	20,149 <sup>a</sup>	20,453	20,649	20,902
Membership of Existing WAs (000) (as of)	576	737 <sup>a</sup>	615 <sup>a</sup>	660	693	737	781	752	763	771	781

Notes: 1. Details may not add up to totals due to rounding.

2. Membership of existing federations/labor centers are already included in the membership of private sector unions.

<sup>P</sup> Preliminary.

<sup>a</sup> Adjusted due to inventory.

<sup>b</sup> Starting 2010, existing federations/labor centers are already included in existing private sector unions.

Beyond membership in CSOs, another indicator that qualifies the vibrancy of civil society is the extent of volunteerism. The National Statistics Coordination Board (NSCB) engaged in what the proponents defined as a “heroic” effort in estimating volunteerism (Virola 2010) in the Philippines. The study revealed that the total value of volunteer work reached P44.5 billion (.6 of GDP) in 2009 compared to P20.1 billion (also .6% of GDP) in 2000. The NCSB study, however, cites the limitations of estimating the number and value of volunteers, most importantly the need to coordinate among the government and private agencies on how best to share available information based on agreed upon measures of volunteerism (Cariño 2001).

### Social forces and civil society map

The Philippine Civil Society Index (2011) provided two maps that skeletally show the range of social forces in the Philippines (See Figure 3a. Philippine Social Forces Map) and the breadth of civil society groups (See Figure 3b. Civil Society Map)

Figure 3.a Philippine Social Forces Map

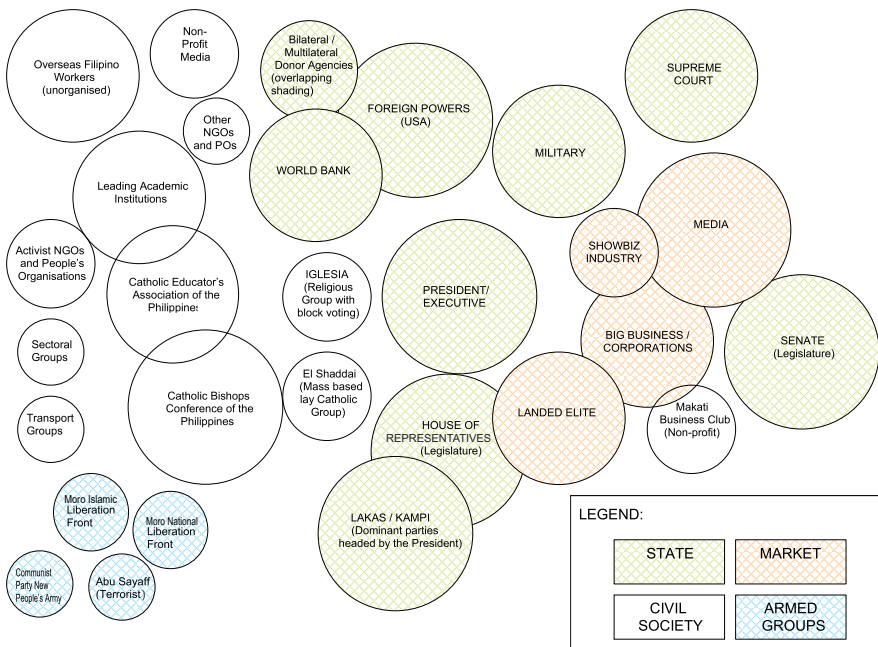
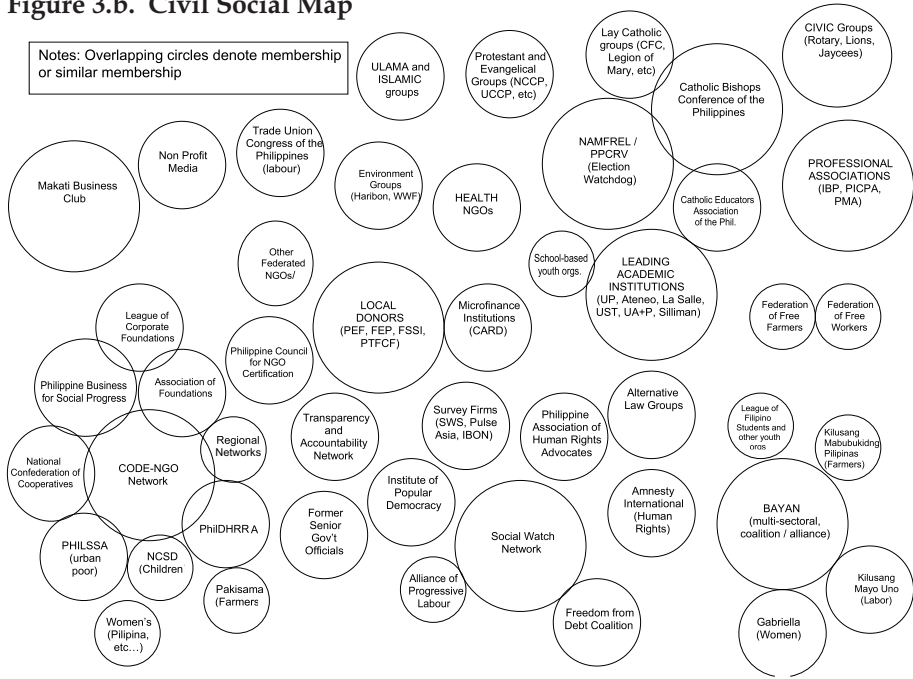


Figure 3.b. Civil Social Map



Though inexhaustive, as these maps were drawn up during the brainstorming of the advisory group of the Philippine Civil Society Index project team sometime in September 2009, there are a couple of observations that we make:

1. Among the social forces in Figure 3.a, each group varies in terms of the amount of power that they possess, some more permanent than others. For example, the map illustrates correctly the control of the once dominant party, LAKAS/KAMPI over the House of Representatives. Very much unlike the dissipation of the power of this political party, some groups have and will continue to wield power. As a case in point, families and groups (located in business or the landed elite) who possess significant economic resources and assets have maintained, if not expanded, their resource or power bases. Some of these forces are also inextricably linked under one rubric, for example the government institutions are all operative under a Constitution. It would be more instructive, however, if keen observers of the dynamics within and among these social forces could improve the map so that the size of the circles would categorically show just how much power each force possesses relative to other forces. These more powerful groups, in turn, could be considered as “veto players.”

2. The Civil Society Map (Figure 3.b.), again an output of brainstorming, already captures the divergence in Philippine civil society and how some groups are linked with each other. Like the social forces map, however, it would help to redraw the map based on the general orientation of each group, whether they are predominantly social/intermediary organizations versus those that are oriented towards political reforms. It would also be a worthwhile endeavor to plot out the interaction among these groups, as well as other social forces, on a specific reform or “democratization” issue (e.g., constitutional change, the ban on political dynasties).

### *Issues and interventions*

The vibrancy of civil society is also shown by the issues and interventions they focused on and implemented across the last 25 years. Going through the volumes of reports and assessment (Diokno 1997) (Clarke 1998) (Wui and Lopez 1997) (Coronel 1997) (Yu-Jose 2011) of the issues and interventions that civil society groups have attended to, one cannot help but be overwhelmed by the expanse of the issues and the many attempts at getting a redistributive reform policy formulated or seriously implemented; in stopping what is believed to be development aggression;<sup>4</sup> or in countering what are arguably indicators of a slide towards overt repression or the abuse of power.

The loci of intervention have also been expansive beginning with the:

- o **communities/sectors**, where much organizing and development efforts have been directed;
- o the **streets**, through mass mobilizations or protests;
- o in **government institutions**, through formal and informal representations with the Executive or Legislature, and the Courts;
- o through **media**, to convey their views on raging public issues and expand the knowledge of the citizenry about key political and economic issues and generate an opinion and subsequent action that are supportive of civil society positions;
- o through “cyberspace,” in various social networking sites, websites, blogs; that serve as alternative medium for information dissemination as well as mobilization, and finally,
- o in the **foreign arena**, networking with inter-governmental organizations (IGOs), multilateral institutions, international non-governmental organizations, and foreign donor agencies, to solicit material and non-material support for their programs and advocacies.

**All told, Philippine civil society, a force that played a critical role in the political transition, has expanded rather than been demobilized after EDSA1.** In the last 25 years we have seen CSOs exhibit the firebrand political activism, the zeal in community organizing and implementing development projects in urban and rural areas. We have also witnessed how a number of CSOs collaborated with each other to pressure or work through and with the state, other social institutions (media and the Church) and the private sector on shared interests. These collaborative initiatives have produced tactical alliances or coalitions and in some cases, more enduring networks.

In the area of community and sector organizing, CSOs worked within the so-called the democratic space to pick up the organizing initiatives in virtually all sectors—from the artisanal fisherfolks to the more dispersed informal economy “workers” (street vendors, unaffiliated small transport operators), and persons with disabilities, to mention a few. The involvement of CSOs in communities is also equally far-reaching, with a number of interventions extending beyond addressing community or local concerns as the propagators of such initiatives were conscious to link these initiatives with larger local, national, and even global issues.

Steeped in the tradition of protests, civil society groups retained the capacity to mobilize people on occasions when such mobilizations were needed, be it at the community, local, or national level. The more significant protests that have shown the power of civil society groups in the past 25 years include the sustained mobilizations against the retention of the US Bases (Carranza 2002), the mobilization against constitutional change in 1997, and the popular uprising that led to a change of leadership in 2001.

In the area of legislation, a number of laws have been significantly influenced by CSOs, such as the Urban Development and Housing Act (Republic Act 7279) (Shaktin 1999) (Covey 1994), the Anti-Rape Law (Republic Act 8353) (Reyes in Wui and Lopez 1997), the Indigenous Peoples Rights Act (Republic Act 8371), the repeal of Presidential Decree 772 or the Anti-Squatting Law, the Juvenile Justice and Welfare Act (Republic Act 9344), and the extension of the Comprehensive Agrarian Reform Program (Republic Act 9700) (Pakisama 2010) (Bello 2010). On the other hand, despite equally, if not more extensive and sustained campaigns, civil society groups fell short in pressuring the state, specifically Congress, in passing their own version of a statute that was directed at more significant asset/land redistribution, the Comprehensive Agrarian Reform Law (Republic Act 6657) (Wui and Lopez 1997).

Aside from lobbying for the passage (or to block the passage) of bills, CSOs have also intervened in the Lower House of Congress to secure the accountability of officials of constitutional offices and those that could only be removed by way of impeachment. As regards impeachment cases, the record of civil society groups has been less than sterling. In the impeachment cases filed by civil society leaders and groups through members of Congress during the previous Arroyo administration, against the former President herself, Election Chairperson Benjamin Abalos, and Ombudsman Merceditas Gutierrez, CSO efforts have been frustrated by the sheer number of allies these impeachable officials have in Congress.

Beyond lobbying efforts in Congress to pass or derail the passage of statutes, civil society groups have also intervened in other branches, the Executive and the Judiciary. As regards the first, civil society groups have tried to influence the executive in a variety of ways and these include the participation of CSO leaders in multisectoral meetings or summits<sup>5</sup>, formal and informal meetings with the Chief Executive, a cabinet secretary or a presidential adviser to lobby for specific provisions in a statute's Implementing Rules and Regulations or pressing for or opposing an Executive (EO) or Memorandum Order (MO). A number of civil society leaders have also "crossed over" to the Executive to hold cabinet level positions or portfolios and these include Ernesto Garilao, Horacio Morales, Edicio de la Torre, Karina Constantino-David, Corazon Soliman, Teresita Quintos-Deles, Joel Rocamora, and Ronald Llamas, to mention a few.

The judiciary has not been spared from pressure coming from CSOs. Through CSOs that have taken on human rights, political and electoral reform, environmental issues, anti-corruption, and other concerns, numerous cases have been filed at every level of the judiciary, from municipal trial courts to the Supreme Court, and even in the graft and corruption investigative (Ombudsman) and judicial (Sandiganbayan) bodies. Like their interventions in Congress and the Executives, these initiatives have produced favorable decisions in a number of cases. In addition to filing their own cases, some CSOs have also constantly monitored court proceedings. These CSOs include organization such as Volunteers Against Crime and Corruption, KAISA's Court Watch and Legacy Court Watch (Romulo 2009).

**In sum, civil society has not fallen short in advocating changes.** Unfortunately, their advocacies have been selectively heeded owing to the fact that many of the interests they pursue run counter to the interests of the elites who are entrenched in what should have been representative institutions. Moreover, equally powerful groups outside the state, particularly from the

private sector, a number of whom have also extended their reach into civil society, have by far more strings to pull in the halls of public policy making institutions. For civil society, this reality should lead the groups to reflect on an observation made many times that so far, the **triumphs have been much more evident in the process than in the results** (Isberto 1998).

### *The limits of civil society's reach*

Attributing civil society's failure to facilitate substantive political and economic changes to the callousness of the state may end up to be nothing more than blame-shifting. Taking the state as necessarily infested with toxins, civil society must be able to attend to the factors that limit its own strengths, factors that have been recognized by many leaders and groups within.

**The first limitation is that many civil society groups are found to be "project-oriented."** Though the plethora of activities does indicate the span of reach of civil society groups, with many of the activities rolled over in the same communities or replicated in other communities, these initiatives have been time-bound, oriented towards specific rather than strategic goals, and external (either from larger NGOs or external funding agencies) fund dependent. One positive side of project-orientedness is that many of the initiatives that have clear or tangible outcomes are able to draw greater participation from the intended public because of the palpable benefits such as access to micro-credit, potable water, and the rehabilitation of production areas (be these idle lands taken over for agricultural production, and mangrove areas that are restored to improve aquatic resource imbalances), among others. We also do recognize that a number of these CSO projects involve participatory designs, from the formulation, implementation and monitoring/evaluation of project outcomes. However, these **projects are intrinsically limited as they are difficult to scale up to link with strategic goals.** Further, many development projects are found to be embroiled in what has been referred to as the **paradox of participation** (Clever 1999) with the link between project objectives versus broader goals (e.g., empowerment, popular participation) not clearly established or clarified among the project participants.

**A significant limitation of civil society is its "weight," measured in terms of the pool of people that would provide it the muscle to force the state to act favorably on their advocacy or agenda.** Against a state suffering from inertia, civil society must make its presence felt before politicians who could only be swayed to act when they know that their political futures are at stake and when their constituencies are organized and effectively linked with civil



society groups. Shaping civil society's muscle is easier said than done but it requires going back to and not relenting on basic strategies that have served many of these groups well in the past – organizing and popular education.

The limited mass base of civil society has made it reliant on two things to influence state action or generate active support from a generally unorganized population. The first is the horizontal linkage among civil society groups (both domestic and global) while the second is its linkage with stakeholders from other spheres (e.g., political parties, business groups, international donor agencies) who share their interest or stance on specific issues.

### *Intra-civil society linkages*

As regards the horizontal linkage, as discussed earlier, formations, coalitions and networks among civil society groups have proven to be effective in generating a consensus among diverse groups, in pushing for the enactment of a law, in monitoring government action, or in deterring the state or a key political leader, from pursuing an act that is blatantly “undemocratic.” The last, two massive protests – the first in 1997 and the second in 2001 – pushed two different Chief Executives to relent, one in his attempt to change the charter to lift term limits, the other to vacate the Palace and find himself as having “constructively resigned”, his Vice President thrust into his position by an urban uprising, the machinations of powerful forces behind the scene, and jurisprudence from the highest court. In both protests, civil society came in almost full force and sustained the common front chiefly because the campaign did not get protracted.

It is in long-haul battles that horizontal linkages falter, as it was in the case of the Congress for People's Agrarian Reform (CPAR). Faced with stiff opposition from a landed elite packed Congress, CPAR, despite the noble efforts of some of its members, eventually dissolved given due to differences in perspectives as to which track – state-directed or mass-movement based – must be taken. (Wui and Lopez 1997)

In her own examination of Philippine civil society, Franco (Alagappa 2004) saw other sources of horizontal division as she states that:

One fault line is between those who subscribe to the dominant elite view of the meaning and purpose of democracy and those who hold a more popular view...Among those subscribing to a popular view in more recent decades, however, disagreement over how to get there, influenced in part by the difficult institutional obstacles associated with elite democracy, has created two broadly distinct currents concerned with system transformation...One



current flows along a political-electoral reform path—seeking to promote system change by seizing power from a corrupt traditional political elite through political-electoral means. The other flows along a social reform path—aiming to promote change by exercising citizenship power in state policymaking and implementation.

The fault line that Franco observes could be traced to an even earlier period when divisions, chiefly ideological, existed among proponents of community development from the 1950s. (Cariño 2001)

An NGO leader offers another perspective as to how CSOs are divided into four different groups across two axes—between people empowerment and leadership change, and between engaging the state or steering clear of it:

One axis is really about working with communities, organizing and mobilizing them (people empowerment) and of focusing on leadership change through elections, formation, training (leadership change)...a second axis is about “engaging the state” and “not working with any of the state agencies”. (Macasaet 2011)

In explaining this division, Macasaet categorizes CSOs into four clusters:

1. People empowerment—state engagement
2. People empowerment—non-engagement with the state
3. Leadership change—state engagement
4. Leadership change—non-engagement with the state

These two characterizations of the fault lines or divisions within civil society mirror the common dilemmas among CSOs that should be resolved by reflecting on the wealth of experience that CSOs have had in the last 25 years. The first dilemma pertains to the decision of whether or not to engage the state, or by extension, hold the state, or its leaders, accountable. The second is with regard to the link between leaders of CSOs and the broadest constituency—the mass public.

### *Engaging the state*

With regard to one dimension of the first dilemma—engaging the state, the divergence of views exists, as Franco stresses, even among those who hold the popular view of democracy (the people empowerment-state engagement part of Macasaet's quadrant). This fault-line, however, seems to have been patched after the split of the national democratic movement in the early 1990s and as some CSOs crossed over to “political society” by organizing party list

groups (PLGs) to vie for congressional seats from the first party-list elections in 1998. From the 1998 elections to the present, a number of progressive PLGs have won seats in the Lower House through the party-list elections. These included groups such as *AKBAYAN* and *ABANSE Pinay!* Even those who held an “instrumentalist” view of the political-electoral struggle, the *reaffirmist* groups, participated in the elections for the Lower House through party-list groups such as *Bayan Muna*, *Gabriela*, *Workers Party*, and *Anakpawis*.

The most recent 2010 elections also showed a renewed recognition among the larger segment of CSOs that the political-electoral struggle presented an opportunity to push forward their agenda for reform as some CSO leaders organized new formations, such as the *Change Politics Movement (CPM)*. Organized in May 2009 by leaders of various CSOs that chiefly came from the *CODE-NGO* network, the *CPM* presents an interesting case. It showcases the capacity of a number of civil society leaders to seize a political opportunity, an electoral exercise that the voting public had increasingly anticipated as it would signal the end of what is arguably the most loathed post-EDSA 1 administration.

The *CPM* declared that its aim was to extend the influence of civil society by way of organizing “a reform constituency which is determined to assert power to choose national and local leaders in order to have a significant impact in Philippine elections.” The *CPM* stressed that the vision of the movement is to ensure that “transformative politics will be the norm and the dominant culture by the year 2022 at the latest.”

In pursuit of its goals, the *CPM* agreed on a process that would bring about nominees from among its members as to who the *CPM* will support for the presidential race. The process of voting was set in two stages, the first to be held in late August 2010, and the second in early September 2010. In addition to this, the *CPM* also crafted an agenda, referred to as “*Development and Reform Agenda for 2010-2013*.” The agenda offered specific policy and program proposals to address what *CPM* called as a “triple crisis of governance, economic, climate/environmental change.” (*Change Politics Movement website 2009*)<sup>6</sup>

As the initial voting for the presidential nominee of the *CPM* proceeded, one of the nominees, then Senator Manuel “*Mar*” Roxas announced his “withdrawal” from the nomination of his party as the standard-bearer for the 2010 Presidential election. A few days later, then Senator Benigno S. Aquino III, declared that he would run for president in the coming elections. In the end, *CPM* threw its support for the candidacy of Aquino and Roxas. As regards

Aquino, he was reported to have garnered 82% of the votes of the qualified members (4,602) of CPM. Subsequent reports on the CPM website showed the full roster of the Liberal Party's senatorial slate. As such, CPM supported a single party's – the Liberal Party's – ticket.

There is no news report or information from CPM's website about the other candidates that the group supported for other elective posts. A key informant<sup>7</sup> reveals that while CPM leaders have met with Cabinet secretaries who also came from the ranks of civil society, with the latter encouraging CSO engagement with select agencies in initiatives that include budget monitoring and advocacy, the key informant observes that CPM has an “identity crisis,” with its members unable to stop thinking like “development NGOs” and think of itself as a “political movement.” What has happened and will happen to CPM would serve as another substantive lesson for CSOs that have taken the political-electoral path, as a specific track, or engaged the state, as a general orientation.

It does appear that for many CSOs **there is no choice but to engage the state, at any level**—from the barangay (Quimpo 2007)<sup>8</sup> to the national—or through any of the institutions (including political parties and elections) in political society. Though admittedly a number of state-directed interventions have resulted in frustrating experiences, the consequence of not engaging the state may be much more telling. Despite the limits of engaging the state, the experiences across the last 25 years portray very clear opportunities within state institutions and processes, especially if CSOs were to disabuse themselves from the illusion that the major changes would come soon; that these changes are expected from specific political leaders; that reform measures or development programs will automatically produce their intended consequences; that politicians who mouth reforms are sincere; or that armed struggle still presents itself as a viable option to significantly overhaul the stagnating political order.

CSO leaders and groups that engage the state must also protect their reputation by having their involvement known to their colleagues, allies, or constituents within civil society. A case in point is the continually questioned involvement of CODE-NGO with the Peace Bonds. While CODE NGO had sufficiently explained its transactions in the past, the issue continues to be hurled against the network, not surprisingly by elements that belong to rival civil society groups as well as traditional politicians. The transparency demanded by civil society from the state is a transparency that civil society leaders themselves must practice for **it is only by having all their actions known that civil society could maintain its moral capital against state**

**elements that are bound to coopt or use civil society groups and individuals for deodorizing purposes.** As Reid, in examining the experiences of civil society leaders who “crossed over” to join government under the Estrada and Arroyo administrations, points out:

NGOs and POs would perhaps be better served by conceptualizing themselves as part of an oppositional bloc of forces competing for state power, rather than seeking ultimately doomed coalitions of the Estrada and Arroyo type. Above all, it requires accepting a political analysis that goes beyond the model of dual political and economic transition—that almost assumes an automatic conditioning role for the associational sphere on state institutions—and recognizes that civil society overwhelmingly tends to be absorbed by and constituted on the basis of clientelist and semiclientelist relations. *An outlook founded on the basis of a more structural and historical analysis of social relations entails that much clearer criteria be established for considering when entry into and support for state programs are justified.* (Reid 2008) *(highlighting ours)*

Given this prescription, the question now is how CSOs would engage the new Aquino administration, under a leadership that has declared that his boss is the people and vowed to follow a straight rather than a crooked path. Interestingly, under President Benigno S. Aquino III, or PNoy, those who “crossed over” from civil society in the previous administration are back to their prior positions, Corazon “Dinky” Soliman as Social Welfare Secretary, and Teresita “Ging” Quintos-Deles, as Presidential Adviser on the Peace Process. Joining them in government to take charge of the anti-poverty portfolio, as Chair of the National Anti-Poverty Commission (NAPC) is another veteran in the progressive civil society sector, Joel Rocamora. How they will influence the directions of an administration as they swim in political seas that remain murky, and whether they will maintain their “counter-hegemonic” lenses, are questions that could be responded to in due time. Perhaps they could reflect on an assessment offered by a long time scholar of Philippine politics:

A continuing problem for the Philippines is that the capacity of civil society to rise in indignation has outpaced its ability to produce able, public-spirited, and honest leaders at all levels of government. (Lande 2001)

### *Holding the state, or the leadership, accountable*

With respect to holding the state, or more precisely, the leaders accountable, the impact and response of civil society groups varied in two instances, during the impeachment of former President Joseph “Erap” Estrada, and second, in the aftermath of the alleged electoral manipulation involving former President Gloria Macapagal-Arroyo.

As regards the first, civil society groups were among the first to bewail allegations of *jueteng* pay-offs and ill-gotten wealth leveled against former President Estrada by his erstwhile close associate, Ilocos Sur Governor Luis “Chavit” Singson. When the telling allegations were made, civil society groups lost no time in organizing themselves into a broad coalition known as the Kongreso ng Mamamayang Pilipino 2 (KOMPIL 2). The coalition, composed of moderate and leftist civil society organizations was as broad as the earlier coalitions of interest groups after the assassination of former Senator Benigno S. Aquino Jr., in 1983. KOMPIL 2 organized rallies, and a group within even “cyber-blasted” a signature campaign called *e-lagda* (e-signature), continually asking then President Estrada to consider his option and two scenarios that were captured by the call for R.I.O. (Resign, Impeach, Oust).

The drive to hold President Estrada accountable for the allegations made against him, not only by Governor Singson, but also those that surfaced in numerous investigative reports by the Philippine Center for Investigative Journalism (PCIJ), did not let up. Eventually, when the majority of the Senators acting as the Impeachment Court decided to withhold the opening of an envelope that was believed to contain damning evidence linking former President Estrada to the *jueteng* payoffs, and as the prosecution team walked out of the trial, emotional outrage ensued in the evening of January 18, 2001. Most immediately, text messages from various civil society groups circulated urging the public to mass at the EDSA shrine and the protest lasted for four days until the 21<sup>st</sup> of January 2001 when then Vice-President Gloria Macapagal-Arroyo was sworn in as president.

Unlike the quick consensus and sustained campaign of civil society groups to hold former President Estrada accountable, civil society was far more divided and vacillating when it came to the allegations leveled against immediate past president Gloria Macapagal Arroyo. The division within civil society was most apparent soon after a conversation believed to be between former President Arroyo and former Commission on Elections (COMELEC) Commissioner Virgilio “Garci” Garcellano was made public by a former National Bureau of Investigation (NBI) agent. Known as the “Hello Garci” scandal, it took quite some time for civil society groups to react. In fact, it took more than a month from the time the taped conversations were confirmed, by no less than one of the presidential spokespersons, before former civil society leaders who were then members of the Arroyo cabinet, resigned on July 8, 2005, a group that would be referred to as Hyatt 10. Why was civil society relatively slow in reacting to the equally nefarious allegation against former President Arroyo?

As a civil society leader (Karaos 2011) explains, the division among CSOs at that time reflected the “differentiation of the hierarchy of values among CSO groups and personalities,” with some groups and personalities calling for former President Arroyo's immediate resignation while other CSOs, once again wary of the competence of her replacement, urge for a “greater respect for plurality of opinion.” For this civil society leader, the “crisis” within civil society in 2005 showed how uncomfortable CSOs are with major differences of opinion within its own ranks. A more fundamental question she raised, was a divergence in views among civil society leaders on whether people power, in the two cases above, to compel an elected leader to vacate the post by exerting pressure through protests, strengthens or weakens “democracy.”

From our perspective, the last question deserves attention but should be rephrased. It is not a question of whether popular protests, or what has generally been referred to as “people power”, deepens or is inimical to democracy. As this book argues, it is far too romantic to conceive of our political system as democratic and it is much more precise to examine whether the system is continually democratizing. In this regard, the question should be *whether people power facilitates or impedes democratization?*

To answer this question we can refer back to our earlier discussion on the public good that civil society is expected to push for—specifically the accountability of public officials. In securing such accountability, civil society harnesses its power to ensure that institutional processes that secure such accountability would be fully put into effect. The preference to work with institutional processes, be it through elections or the process of impeachment, is aligned with the goal of strengthening the rule of law, a condition that makes for much more stable democratic order. It is only when the institutional processes clearly fail that civil society should take on an extra-institutional mode of securing accountability, through people power. This two-stage process was clearly seen in the days prior to the first people power mobilization in 1986. This process was not the case in the second people power event of 2001, now commonly referred to as EDSA Dos.

EDSA Dos, the popular mobilization that started in the evening of January 16, 2001 and culminated with the swearing-in of then Vice-President Gloria Macapagal Arroyo as president on January 20, 2001, abbreviated an institutional process that should have been allowed to proceed to test what an Associate Justice referred to as the “constitutional maturity” (Gatmaytan 2006) of the country. While the outcome of the impeachment process against former President Joseph Estrada, on hindsight, could not be predicted, what is unmistakable is that the process was historic inasmuch as it was the first

instance when a popularly elected president was already being subjected to a trial that was openly broadcast and widely monitored by the public. Had the trial been completed and then President Joseph Estrada convicted of the charges leveled against him, then this would have really sealed the people's confidence in a constitutional process of securing the accountability of the highest Executive official. If the trial acquitted then President Estrada amidst allegations that the process was being manipulated by a majority of Senators allied with the President, then a subsequent people power mobilization may have been much more justified. However, the people power mobilization came as a result of a decision of the Senate majority to reject the opening of an envelope believed to have contained incontrovertible evidence linking Estrada to a fictitious bank account. When the Senate minority and the prosecutors walked out of the trial, with some senators reacting hysterically as regards their peers' decision, the incident just snowballed into several days of "people power" mobilization.

An equally important question as regards EDSA Dos is whether the event exerted a critical or in the words of Tilly (2004), an independent influence on the outcome? Was it people power that determined the ouster of former President Estrada or was it a collusion among powerful groups that had from the very beginning been opposed to his presidency?

### *Disjoint between leaders and constituents*

**The other dilemma that the definition of divisions within civil society captures is the link between civil society leaders and their constituents.** Though we would grant that CSOs have a sizeable mass base, albeit divided across hundreds of thousands of organizations, **putting people empowerment and leadership change at both ends of one axis, portrays yet another false dilemma.** Though one could not discount the need to form a new and much more progressive and upright pool of leaders, CSOs must not succumb to the delusions that traditional political leaders suffer from, a disdain for participation, an unhealthy regard of their worth as leaders, or a messianic complex. To a great extent, the choice between leaders versus empowered citizens, and even between engaging or withdrawing from state interventions, departs from the view that pursuing reforms is like cooking the Filipino rice cake (*bibingka*), which requires an even or calibrated amount of heat from the top and the bottom.<sup>9</sup>

Mobilizing a broader constituency requires CSOs to reflect on the reasons for the unwillingness of the public, in general, to engage in politics beyond participation in elections, or to associate themselves with social organizations



rather than political organizations (as the initial draft from the Philippine Civil Society Index reflects). In a series of surveys that asked the public as to what action they will take relative to widely known (i.e., the 'Hello Garci' scandal of 2005 and the alleged ZTE Broadband pay-offs) or anticipated controversies (i.e., if the 2010 elections are not clean and credible), the electorate, while still supportive of protests, are less inclined to join such protests. The public opinion data in Table 4<sup>10</sup>, somehow supports the assertion that Filipinos are now suffering from 'people power fatigue' with the proportion of people expressing willingness to join protests declining from 2005 to 2010. It should be noted, however, that despite the decline, the proportion of people who would engage in protest, at 9%, still totals to close to five million based on the estimated number of Filipinos above 18 years old.

**Table 4. On public support for collective action. Pulse Asia Inc. Various Surveys. Figures in %**

Action to be taken	October 2005	Feb-March 2008	April 2010
Will support and join protests	22	15	9
Will support but not join protests	36	49	57
Will not support nor join protests	41	36	34

## DECENTRALIZATION

If civil society is seen as a necessary condition to facilitate the completion of the democratic transition, decentralization was seen as a magic ingredient<sup>11</sup> for democratization as it is expected to result in the following:

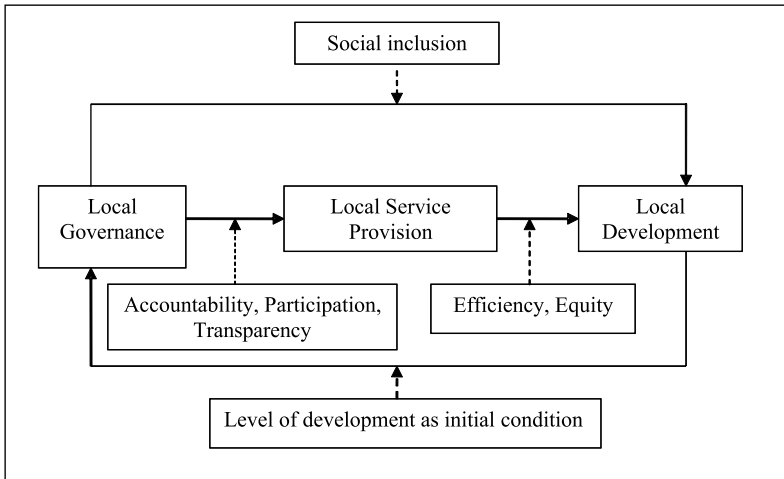
- greater efficiency in the delivery of basic services to the public
- competition among local governments, allowing citizens to “vote with their feet”
- fiscal autonomy, freeing local governments from the whimsical disbursement of funds from central government and also empowering them to generate their own resources
- increased citizens participation due to the reduced scale of government
- central-local checks and balances, and
- the resolution of ethnic conflicts (Triesman 2007)

These outcomes were the ones expected to be produced by Republic Act 7160 or the new Local Government Code (LGC) passed in 1991 by Congress. To empirically examine the links between the processes and outcomes expected under decentralization, Capuno (2005) provides an illustration that shows the



expected connection between local governance and local development in a decentralized environment.

**Figure 4. Linkage between local governance and local development**



Source: Capuno (2005)

In this illustration, Capuno argues that “the quality of local governance bears on the efficiency and equity of local public services, and therefore on local development.” He drew the connections between the three variables from a theory of fiscal federalism that emphasizes efficiency gains when responsibilities and resources are transferred from national to subnational/local governments. The basic belief in the theory of fiscal federalism is that subnational governments would be competing with one another and this competition:

...provides an incentive to foster local economic prosperity rather than costly market intervention, service to interest groups, and corruption...Governments that fail to foster markets risk falling land values and the loss of capital and labor—and hence valuable tax revenue. Put another way, interjurisdictional competition provides political officials with strong fiscal incentives to pursue policies that provide for a healthy local economy. (Weingast 2009:280)

The theory of fiscal federalism suggests that the decisions of local officials at the local government level will be guided by the need to be more competitive. The local government's competitiveness ensures that it is able to keep its constituents from moving elsewhere as the theory in itself believes that citizens in a decentralized arrangement could “vote with their feet.” However, this idealized competition and the possibility of citizens migrating to better

performing local government units may not necessarily hold true in a developing country like the Philippines. The diagram shows two conditions that may militate against competition and participation, both of which are wanting in the Philippines, the initial level of development and the extent of social inclusion.

Capuno also warns that the relations exhibited would work in a governance mechanism that commits and binds local officials to promote the welfare of their constituency. In this diagram, such bind is additionally secured by processes that elicit the participation of citizens through local special bodies (LSBs) in the LGC, ensure the transparency of local governance transactions (again through the LSBs), and subsequently, the accountability of public officials, chiefly through elections. Capuno stressed that "where such mechanism is weak and thus the people not empowered, there arise government failures since local government units are susceptible to capture."

In a separate study, Capuno and Garcia (2008) note how information about local governance (transparency) increases the participation of people in local government projects or consultative bodies. In a subsequent paper, Capuno and Garcia (2009) also validated that the dissemination of performing ratings of local governance induced local governments to become more responsive.

### **Progress in decentralization**

Several appraisals have been done on the outcomes of decentralization (Asia Foundation 2011; Panadero 2006). In general, the law on decentralization includes provisions that ensure the transfer of financial resources and responsibilities from the central to the local government units. Manasan 2009) points out that the activities devolved are those that can be provided at the lower levels of government and are generally consistent with decentralization theorem. In addition, the three parameters of good local governance—accountability, transparency and participation—are also, in theory, addressed by the LGC provisions (Capuno 2005).

In these assessments, it has been pointed out that the process of decentralization faced initial glitches due to the absorption of personnel who were to be devolved from national government agencies to LGUs, as well as a wait-and-see attitude among local governance stakeholders, from the elected officials to members of civil society groups. But the statutory terms of decentralization proceeded relatively smoothly from 1993 when the system of

Internal Revenue Allotment (IRA) was set in place. This section takes on some of the indicators that decentralization has gone well.

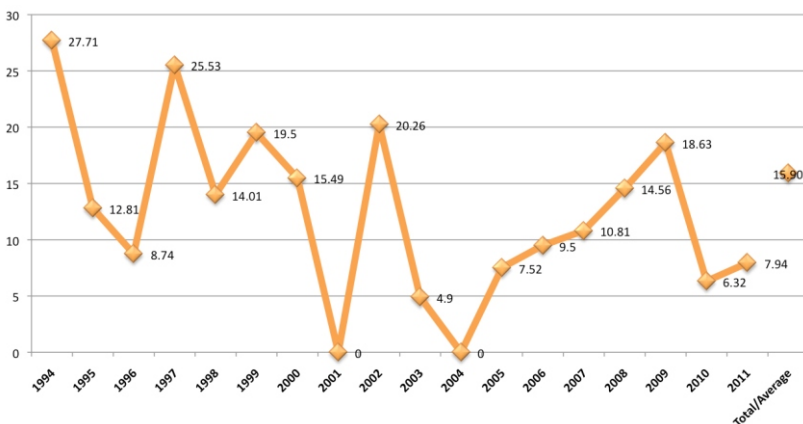
### Fiscally endowed local governments

For one, the IRA, an unconditional grant that constitutes 40% of national revenues, endowed all local government units, from the barangay to the provinces, with the resources required to deliver the services that had been devolved to them. In simple terms, LGUs had more money than they used to have. Table 5 shows the total amount of IRA relative to the total national budget while Figure 5 shows the annual percentage change in IRA. The proportion of the IRA to the total budget stabilized at an average of 17% in the second decade (2002 to 2011) compared to an average of close to 14% in the first decade of decentralization (as Figure 5 indicates, the annual average increase of IRA from 1993 to 2011 is at 15.9%).

**Table 5. Total IRA, National Budget and % of IRA to Total Budget (in billions PHP and %) 1992-2011<sup>12</sup>**

YEAR	IRA (in billions PHP)	Total Budget (in billions PHP)	IRA to Total Budget in %	YEAR	IRA (in billions PHP)	Total Budget (in billions PHP)	IRA to Total Budget in %
1992	20.3	295.2	6.88	2002	134.42	780.8	17.22
1993	36.12	331.7	10.89	2003	141	804	17.54
1994	46.13	369	12.5	2004	141	861.6	16.36
1995	52.04	372.1	13.99	2005	151.6	907.6	16.7
1996	56.59	445.1	12.71	2006	166	907.6	18.29
1997	71.04	491.8	14.44	2007	183.94	1126	16.34
1998	80.99	537.4	15.07	2008	210.73	1149	18.34
1999	96.78	593.6	16.03	2009	249.99	1489	16.79
2000	111.77	651	17.17	2010	265.8	1541	17.25
2001	111.77	669.88	16.69	2011	286.9	1645	17.25

**Figure 5. Annual Increase of Internal Revenue Allotment 1994 to 2011**



## **Building capacities and eliciting participation**

Given their new responsibilities, LGUs were also provided with technical and capability building support from the national government agencies (NGAs). The same form of assistance, as well as additional funding support, was obtained by select LGUs, especially those in less developed areas, from multilateral and bilateral funding agencies. Some of the bigger grants to LGUs came from foreign aid agencies, chiefly, the United States Agency for International Development, the Australian Agency for International Development, and the Canadian International Development Agency.

The first few years of decentralization also saw an increased awareness, at least on the part of organized groups in civil society, of the possibilities of engaging local instrumentalities of the state in pursuit of collective ends. A number of CSOs (non-governmental and people's organizations) at the local level, applied for accreditation and a few were subsequently included as members in the local development council (Tigno, 1993) (Brillantes1994). Private sector participation in local special bodies such as the Pre-Qualification, Bids and Awards Committee (PBAC), the Local Health Board (LHB), and the Local School Board (LSB), were also secured as soon as the LGUs started to convene these local special bodies. In its 11th Rapid Field Appraisal, The Asia Foundation (2011) notes that citizen participation in local governance processes continues to be significant but mostly at the sectoral level (Local School Board [LSB], Local Health Board [LHB], Agriculture and Fisheries Council [AFC], Fisheries and Aquatic Resource Management Council [FARMC]). The report, however, noted that "meaningful participation of NGOs and POs at the Local Development Council could still be improved."

## **Citizens' feedback and exemplary performances**

The appraisal of citizens of local government processes has been generally satisfactory. The survey conducted by the Social Weather Stations in September 2009 shows that:

- close to 7 (68%) out of 10 Filipinos were satisfied with the quality of local governance
- a plurality to significant majority satisfaction with the performance of local government on local issues from social welfare to promoting public-private collaboration
- among local governance stakeholders, the Mayor obtained the highest trust rating (78%), while other local governance stakeholders (barangay captain, members of the barangay council, the police, NGOs, and business associations garnered plurality to a significant majority trust rating

Exemplary practices or innovations in several LGUs provide the most impressive indicator of the gains from decentralization. In 1994, more than a year after decentralization was fully implemented, the Galing Pook awards were first conferred on LGUs that had initiated outstanding or trailblazing innovations in local governance.<sup>13</sup>

From its formation, the Galing Pook Foundation has given a total of 259 awards to 173 distinct local government units, from the barangay to the provincial level. (See Table 6)<sup>14</sup>. A number of LGUs had received the GPF award more than once. In 1996, the GPF decided to create a Hall of Fame roster for those who consistently garnered awards. In this Hall of Fame, LGUs were listed until 2002, namely: Naga City, Puerto Princesa City, Marikina City, San Carlos City (Negros Occidental), the municipality of Irosin, and the provinces of Bulacan, Davao del Norte and Nueva Vizcaya. In 2003, the Hall of Fame had been replaced with the Award for Continuing Excellence with three cities (Naga, Marikina and San Carlos) and four provinces (Bohol, Negros Oriental, Bulacan, and Nueva Vizcaya) in the roster of awardees.

Of these 173 LGUs, 10 were barangays, 89 were municipalities, 36 were cities, and 38 were provinces. Table 7 shows the percentage of each level of LGU awardee to the total number of LGUs per level remains low. However, it should be emphasized that Galing Pook receives a thousand applications for the awards each year and this number of applications alone support the view that there is a critical mass of good governance practices.<sup>15</sup>

**Table 6. GalingPook Awardees, Per Category, Level of LGU, 1994-2010**

CATEGORY	BGY	MUN	CITY	PROV	INTER-LGU	TOTAL	% of Awards
BASIC UTILITY IMPROVEMENT	2	2				4	2%
CHILD WELFARE & PROTECTION		1	3	1		5	2%
DISASTER MANAGEMENT	1	3	1	1		6	2%
EDUCATION	1	3	5	3		12	5%
ENVIRONMENTAL PROTECTION	1	17	14	12	1	45	17%
GENDER / WOMEN'S CONCERNS		2	2	1		5	2%
HEALTH & SANITATION		15	10	9	1	35	14%
INTEGRATED AREA DEVELOPMENT	1	5	1	1		8	3%
INTER-LGU COOPERATION			1	1		2	1%
LIVELIHOOD		2	3			5	2%
LOCAL DEMOCRACY		9	5	3		17	7%
LOCAL ADMINISTRATION		6	12	5		23	9%
LOCAL ECONOMIC DEVELOPMENT	2	7	5	4		18	7%
PEACE AND SECURITY		5	1	4		10	4%
PUBLIC INFRASTRUCTURE		3	8		1	12	5%
SOCIAL WELFARE & DEVELOPMENT	1	4	3	5		13	5%
SOCIALIZED HOUSING			12			12	5%
SUSTAINABLE AGRICULTURE	1	7	4	9		21	8%
TOURISM / CULTURAL PROMOTION		1	2	3		6	2%

Source: GalingPook Foundation List of Awardees, 1994-2010

**Table 7. Total number of LGUs per level and % of GalingPook Awardees from 1994-2010**

LGU LEVEL/ITEMS	BGY	MUN	CITY	PROV	TOTAL
Number of LGUs per level	42025	1512	122	80	43739
Total Number of GPF Awardees	10	89	36	38	173
% of total distinct GPF to total LGUs	0.02%	5.89%	29.51%	47.50%	0.40%

### Three restrictions

Decentralization's fulfillment of its vaunted objectives—of local governments that efficiently use and mobilize resources to efficiently deliver services and create an environment that would support local development—has been restricted by three flaws—statutory, organizational, and systemic.

#### Statutory flaws

There are two **statutory flaws**<sup>16</sup> worth discussing. The first is the result of the non-implementation of sectoral representation in the local legislative councils. The specific provisions that have been the source of contention are Sections 41 and 446 of the LGC. Though these provisions call for sectoral representation (with three sectoral representatives) both had the phrase “as may be provided by law.” Given the lack of an enabling law, the League of Municipalities and the Philippine Councilors League filed their opposition to the election of sectoral representatives in 1992 (Cubol 1993). In response, in 1993, a case was filed by sectoral representatives with the Supreme Court to compel the COMELEC to set the date and call for the elections of sectoral representatives to the Sanggunian. The case was subsequently dismissed by the Supreme Court as it declared that there was no “justiciable controversy” (Agra 1997). Thus, despite the fact that one city, Naga City, already passed an ordinance that secures sectoral representation, the election of sectoral representatives to the Sanggunian remains unfulfilled.

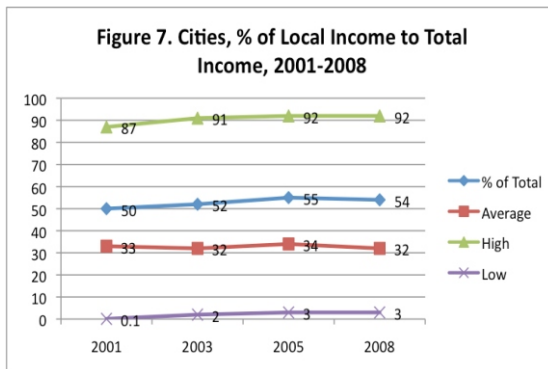
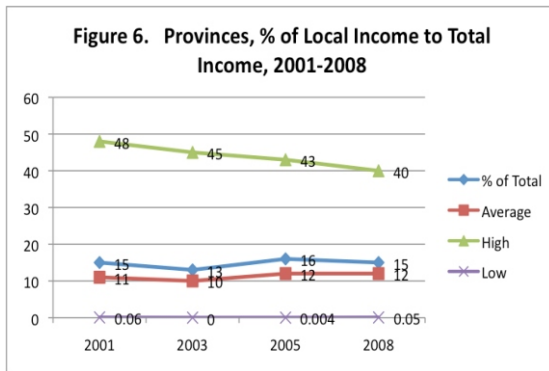
The second flaw lies in the fiscal provisions in the LGC, which are found to be archaic and limiting. As noted by Guevara (2004):

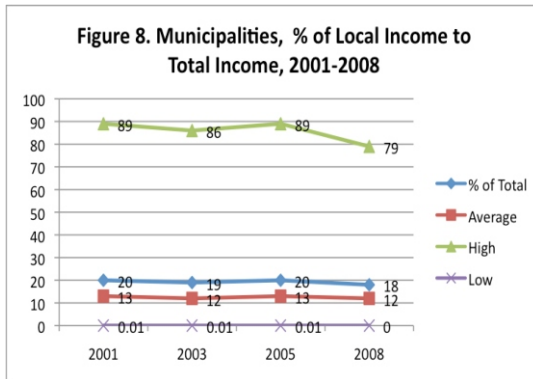
(T)he framework that supports the fiscal provisions of the Code is of martial law vintage. The taxing powers that LGUs enjoy are those that they have been enjoying since 1973. The tax bases have remained the same...The real property tax, which is expected to bring in the revenues to LGUs, is acknowledged as an expensive and a difficult tax to levy...Estimates show that many LGUs spend more to collect a peso of the tax...The grant system is also of martial law vintage. The differences in the pre- and post- devolution IRA structure are marginal.<sup>17</sup>

Additionally, Guevara notes the grant system under the LGC “cannot be expected to be an equalizer. It has even introduced perverse incentives for LGUs to split themselves or to convert into cities to receive additional IRA.” In fact, from the time that the LGC was passed, new provinces, municipalities and barangays have been created, and more municipalities have been converted into cities.<sup>18</sup>

Going back to Guevara's observation about tax bases, this point is noteworthy as it surfaces a possible reason for one post-decentralization reality, of LGUs that remain dependent on IRA as the primary source of their income. As Manasan (2009) also points out, the LGC confines the amount of resources that could be generated as it seriously limits their power to set tax rates, with floors and ceilings defined for every tax that the local government units could collect.<sup>19</sup>

Working with available data on income and expenditures from 2001 to 2008<sup>20</sup>, one would quickly see that provinces, cities and municipalities have yet to generate a significant proportion of their income from local sources, with provinces and municipalities generating an annual average of 12%, while cities drew an average of 32% of their income from their own localities. See Fig.6 (Provinces); Fig.7 (Cities); and Fig.8 (Municipalities).





While many LGUs have failed to generate income due to the dismal level of economic development of their localities, there is some evidence to support the claim that the unconditional IRA grants has led to complacency on the part of LGU leaders as they are not compelled to generate additional resources and can just limit spending to what they draw as their IRA share. Manasan found out that LGUs do not tend to fully utilize the tax powers assigned to them with many provinces and cities revising the schedule of the market values of real property in their jurisdiction only once since 1991. (Manasan 2009)

Another explanation that could be offered for the low proportion of locally sourced income is the flypaper effect, or simply the phenomenon where literally, “money sticks where it hits.” (BLGF 2008). In a study, the Bureau of Local Government Finance (BLGF 2008) notes that while there has been no significant reduction in the revenue effort of local managers, higher revenue efforts shown by first- and second-class provinces relative to lower-class provinces indicate varying flypaper effects. As such, the poorer provinces (or by extension, cities and municipalities) appear to be more satisfied with the legally mandated central government dole-out.

This is not to say that lower income class LGUs do not have a revenue base. With almost all LGUs covering a significant area, specifically a fixed taxable asset that is land, LGUs have been found to be remiss in enforcing a specific tax, the idle land tax. Based on statistics cited by the DOF and DILG, only 5 of the 80 provinces and 8 of the 121 cities have imposed the idle land tax.<sup>21</sup> In a recent study, the La Liga Policy Institute cited estimates that anywhere from 1 to 94% of agricultural lands in the country are idle (La Liga Policy Institute 2011). Given the expanse of idle agricultural lands, this can extend to close to 10 million hectares. Thus, the Institute proposed that the LGC provision allowing LGUs to impose tax on such idle lands be implemented, a proposal that has already elicited support from the Department of Finance (DOF) and the



Department of Interior and Local Government (DILG) through the issuance of a joint circular<sup>22</sup> that mandates the implementation of the Ad-Valorem Tax on Idle Lands.

Assuming, however, that LGUs do impose the idle land tax, the revenues to be generated from such tax may be lower than that which the LGU would spend given the statutory ceiling as well as the procedures that LGUs need to follow to collect such taxes. There have been documented cases where LGUs either spent more to collect real property taxes or had to be creative so that they would escape the costly (financial and political) process of land valuation.<sup>23</sup>

To some extent, the higher cost of tax collection indicates the organizational constraint confronted by local government units.

### **Organizational limits**

As noted by Manasan (2009), the inadequacy of tax administration in many LGUs, could be explained by the reality that many of the personnel assigned to the tax division are not technically equipped for their tasks, with very few accountants in their rolls to perform the necessary auditing.

Another organizational flaw is the limited operationalization of development planning. Planning processes allow local governments to identify the priority needs, determine the resources and programs required to address these needs, and subsequently evaluate the extent of accomplishment of plan targets. In short, the systematic application of development planning enables the LGU to be more responsive. Under the LGC, development planning is also supposed to proceed in a participatory fashion, with development councils established from the barangay to the city/municipal levels. In their 11th Rapid Field Appraisal (RFA), The Asia Foundation (TAF) noted:

Local governments' capacity to produce plans vary, reflecting their ability to link these various plans and make it a useful bases for prioritizing programs to achieve local government goals. Local governments with full staff complements can readily comply with the required planning mandates while others, especially those with planning staff of 3-4 people are hard put to do the plans updates without outside assistance. In addition, the multiple plans required from local governments affect the timely completion of these plans, compromise the quality, accuracy, reliability, and timeliness of the data used, with mechanisms for monitoring results against targets not always apparent as part of the planning process. Many of the local governments are still in the process of harmonizing all their other plans into the three main plans (CDP, LDIP and AIP) in compliance with the Joint Memorandum Circular No. 1 Series of 2007.

More important than the staffing pattern of LGUs, development planning at the local government level has not generated the involvement of private sector and civil society groups as mandated by the LGC. As TAF's RFA states:

The expectation that the Local Development Council would serve as avenues for citizen participation has largely been unmet with the Council barely meeting the required number of sessions provided in the Code, although other specialized bodies like Local School Boards and Local Health Boards have continued to be more functional.

Earlier assessments of the participation of CSOs in local governments point to a common denominator that restricts such participation—the disposition of local officials (Panadero 2006) (Capuno 2005). Aside from not being too receptive to the participation of CSOs in development planning, in particular, and to development planning itself, in general, we go back to examine how local chief executives have also contributed to the flypaper effect. As the BLGF (2008) study noted:

Expenditure growth is greatly influenced by the behavior of local bureaucrats. In the case of the Philippines, this can be intensified with the power of local chief executives in the budgeting process. Account manipulations can be a common activity to accommodate the preferences of local chief executives. In this light, the bureaucratic model of the flypaper effect is applicable in understanding the unexplained growth of provincial spending. Although provinces may lack financial resources based on a revenue and expenditure mismatch, local officials could still influence the priority programs and projects significantly using the modest available resources.<sup>24</sup>

### **Systemic constraints**

As a political economic reading of the backdrop to decentralization, the World Bank-Asian Development Bank (2005) document on fiscal decentralization noted:

The institutional environment at the sub-national level mirrors that at the national level...local governments display a subjugation of the public administration to the dominant political power which—as at the national level—has led to...a complex and enduring web of connections between political executives, civil servants, and business interests...It is important not to underestimate such obstacles in the quest for improvements...The workings of intergovernmental (fiscal, administrative, and political) relations are particularly vulnerable to the instability induced by an excessively politicized system of rewards and allocations, and by uneven institutional strength and resourcefulness among national executive, congressional, provincial, and city or municipal actors.

The assessment highlights several symptoms of the chief systemic constraint. The first is the subjugation by powerful political elites of the system of public administration at both the national and local level.<sup>25</sup> The second is the reciprocal and privately beneficial link between these elites and other more dominant forces beyond the state, specifically those with business interests. The third is the impact of these dominant political and economic elites on intergovernmental relations, characterizing these relations as highly politicized specifically in providing rewards and allocations. And finally, though the document portrays the connections in a positive manner, the anti-democratic orientations of “strong” and “resourceful” national executive, legislative, and local political players. In sum, this enumeration of symptoms points to the chief constraint to any substantive progress of decentralization – the prevalence of a patrimonial oligarchic state.<sup>26</sup>

## A NOTE ON MOVING FORWARD

Despite their inadequacies, civil society and decentralization remain fertile and inter-linked grounds for democratization. Under a decentralized system, civil society groups are provided opportunities to intervene in more manageable spaces and could even use the scaffolding, despite its limitations, provided by the Local Government Code. It also does not take a national CSO to bring forth much more profound collaboration between civil society and political leaders at the local level, as shown by the case of Naga City.<sup>27</sup> This will expand the horizontal base of CSOs from where they can subsequently scale up for much more potent national level action. Diamond has already referred to this phenomenon where national level NGOs (or broadly CSOs) “organize life parochially (Tusalem 2007).”

This is not to dispel the importance of national level action, specifically as political opportunities open up for a sizeable fraction of civil society to either impel the state or intervening political society elements to act favorably on larger issues of political reform. In the prevailing atmosphere of renewed hope that a new political leadership offers, however, one civil society leader offers a reflection:

Except for spontaneous outbursts of energy such as the two EDSAs, civil society does not have the capacity to shape political events. One reason is that it is imprisoned in First World discourse. It has achieved rare success only when it, unconsciously, latches on to a winning faction of the elite.<sup>28</sup>

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## Notes

- 1 If we compare the changes in poverty levels with other late democratizers, Indonesia and Thailand, the former had a poverty incidence of 16.5% in 1990 and down to 13.33 in 2010, while the latter had a poverty incidence of 18% in 1990 and was down to 9.8 in 2002. Statistics from Minquan Liu and Yimeng Yin, *Human Development in East and Southeast Asian Economies: 1990-2010*. Downloaded from . October 4, 2010 and from the BadanPusatStatistik (Indonesia). Downloaded from [http://dds.bps.go.id/eng/aboutus.php?id\\_subyek=23&tabel=1&fl=1](http://dds.bps.go.id/eng/aboutus.php?id_subyek=23&tabel=1&fl=1).
- 2 The question on civil society organization membership was asked as part of the survey of all household members. The first four questions elicited the names of the household members; their sex; age; and the relationship of each household member to the respondent. As regards the choices in the showcard, these were (as arranged) the following: cooperatives; civic/voluntary associations (Red Cross, Jaycees); Church and religious organizations; sectoral organizations (such as women, youth, workers); professional organizations (such as teachers' associations; Integrated Bar of the Philippines, Philippine Medical Association, Philippine Nurses' Association); fisherfolk/farmers organizations; others.
- 3 The surveys were conducted for CODE-NGO, the lead organization for the Civil Society Index, by the Social Weather Stations. The national survey with a sample of 1,200 was conducted last October 1-4, 2009. The figure cited, 45.7% reporting "active" membership, is the projection for the adult Filipino population. The SWS survey, the questionnaire item was phrased as "I am going to read off a list of voluntary organisations. For each one, could you tell me whether you are an ACTIVE MEMBER, an INACTIVE MEMBER or NOT A MEMBER of that type of organization..." Written on shuffle cards shown to the respondents were 12 types of organizations, namely: Church or religious; sports or recreational; art, music or educational; labor union; political party; environmental; professional; humanitarian or civic; NGOs; POs; cooperatives; and consumer associations.
- 4 This would include CSOs that have bonded together in various Bantay Dagat (protection of coastal areas) or anti-mining (AlyansangTigil Mina) campaigns, just to mention a couple of examples.
- 5 Among the post-EDSA 1986 presidents, Fidel V. Ramos is said to have the penchant for summits and one summit that he convened, the National Summit on Poverty resulted in the formulation of the Social Reform Agenda and the subsequent establishment of the National Anti-Poverty Council (NAPC).
- 6 The program was accessed through <http://www.changepoliticsmovement.net/2009/10/>.
- 7 Anne Marie Karaos, email of July 3, 2011 to the author. Karaos further observed that CPM members find it difficult to think "in terms of political gains and costs" and the membership is "too altruistic and development-oriented."

- 8 One of the noteworthy initiatives of CSOs at the barangay level was working with these community organizations to provide local leaders with training in electoral campaign management and subsequently, for those who won in the 1997 barangay elections, in participatory barangay governance. The groups that spearheaded the initiative, NGOs affiliated with POPDEMS, subsequently formed the Barangay Bayan Governance Consortium in 1999 and launched many more trainings using the Barangay Administration and Training Manual (BATMAN). Nathan Quimpo (Contested Democracy and the Left in the Philippines After Marcos, Yale Monograph 58, 2007) recounts and assesses the experience of BCBG and its eventual split into two groups. He notes the gains from the initiative but also stresses a few weaknesses, including the fact that clientelist thinking and behavior continue to hold sway and the delay in moving up initiatives to the municipal or city level.
- 9 The bibingka model was first introduced by Saturnino “Jun” Borras, drawn from his experience of working with agrarian communities where collaboration between agrarian reform beneficiaries, civil society groups, and agencies of the state proved to be beneficial to the communities. Former President Fidel V. Ramos subsequently expropriated this concept to put a mass-oriented flavor to his administration’s initiative when he convened a summit against poverty that subsequently produced the Social Reform Agenda.
- 10 With the choices indicated in the table, the questions for the three surveys were preceded by the following statements: a. October 15-27, 2005 Survey “if the allegations that an incumbent president cheated in the elections are proven will you...”; b. February 21-March 8, 2008 survey, “Currently, there are some sectors of society asking for the resignation of government officials linked to the ZTE Broadband deal and there are some who are holding protest actions like prayer rallies or demonstrations, will you...”; c. April 23-25, 2010 survey, “if the results of the forthcoming elections will not be clean and credible, will you...” All surveys were done by Pulse Asia Inc.
- 11 As a characteristic of federalism and alongside other institutional designs such as parliamentarism and a system of checks and balances. Schmitter, Philippe. “Twenty five years: fifteen findings.” *Journal of Democracy*. 21.1.17-28.
- 12 For the years 1992 to 2006 from [http://www.newsbreak.com.ph/democracyandgovernance/lgu-interna1%20revenue%20allotment%20\(1992-2006\).html](http://www.newsbreak.com.ph/democracyandgovernance/lgu-interna1%20revenue%20allotment%20(1992-2006).html) while the subsequent years were culled from the General Appropriations Act from the Department of Budget and Management website.
- 13 Other awards include the Local Government Leadership Award conferred by a group that was spearheaded by former Senator Aquilino “Nene” Pimentel. There is also an award given by the Philippine Chamber of Commerce and Industry for Business-Friendly LGUs.

- 14 The categories followed the Galing Pook Award categorization of projects that were awarded from 1994 to 2010, with slight modifications of the author. We acknowledge the help of the Galing Pook Award in providing us the full list of awardees on which this table was based. Any omission or error in classifying the awardees is the author's responsibility alone.
- 15 As noted in the TAF Rapid Appraisal Report Synopsis.
- 16 It is ordinary for statutes in the Philippines to be infused with flaws inasmuch as the process of legislation involves bargaining and log-rolling among legislators and groups which they represent and aim to satisfy. In the case of the LGC, Guevara notes that the expenditure part of the statute was largely the work of the Senate while the income side was the handiwork of the House. Diokno (Decentralization in the Philippines after 10 years: what have we learned? What have I learned? 2003. Retrieved from <http://www.econ.upd.edu.ph/dp/index.php/dp/article/viewFile/32/27> <http://www.econ.upd.edu.ph/dp/index.php/dp/article/view/32/27>) talks about the grandstanding among the leaders of Congress, raising the IRA share from the originally proposed 20% of national revenues to as high as 45% and the chambers subsequently agreeing with the Executive then to bring it down to a phased sharing.
- 17 Milwida M. Guevara, "The fiscal decentralization process in the Philippines: Lessons from experience". 2004. Retrieved from <http://www.econ.hit-u.ac.jp/~kokyo/APPPsympo04/Philippine-Guevara.pdf>
- 18 A Newsbreak report ("GMA Creating too many LGUs") revealed that former President Arroyo created, with Congressional approval, a total of 3 provinces, 22 cities, 17 municipalities, and 52 barangays from January 2001 to December 2006. Under the short term of former President Estrada, the number of provinces did not increase, the number of municipalities declined as a result of the conversion of 11 municipalities into cities, while the number of barangays was reduced. Retrieved from <http://www.newsbreak.ph/2007/08/22/gma-creating-too-many-lgus/>.
- 19 Manasan 2009. Manasan argues that the LGC tax assignment scores low in terms of the autonomy criterion as it "seriously limits their power to set tax rates...(as).. the Code fixes the tax rate for some types of taxes like the SEF real property tax rate, and the community tax... the maximum allowable rates appear to be too low. ...(and) the Code mandates that tax rates can only be adjusted once in 5 years and by no more than 10 percent."
- 20 Data used to produce the charts are from the Department of Finance – Bureau of Local Government Finance website. <http://www.blgf.gov.ph/#>.
- 21 As cited in <http://phildevfinance.posterous.com/there-will-be-more-provinces-imposing-the-idl>.

- 22 [http://www.dilg.gov.ph/PDF\\_File/issuances/joint\\_circulars/DILG-Joint\\_Circulars-20101027-8695fc59c5.pdf](http://www.dilg.gov.ph/PDF_File/issuances/joint_circulars/DILG-Joint_Circulars-20101027-8695fc59c5.pdf)
- 23 These cases, of Nueva Ecija spending 65 centavos more for every peso collected from real property taxes or of Quezon City attaching the property of machinery to increase the tax to be collected from properties improved, were cited in the World Bank-Asian Development Bank, *Decentralization in the Philippines: strengthening local government financing and resource management in the short-term* (May 2005). From [http://pdf.ph/downloads/decentralization/Study%20on%20Decentralization%20\(Strengthening%20LGU%20Financing\).pdf](http://pdf.ph/downloads/decentralization/Study%20on%20Decentralization%20(Strengthening%20LGU%20Financing).pdf) We should add here that the level of idle land tax should be higher than the statutory ceiling of 5% inasmuch as the assessed value of agricultural lands alone are low.
- 24 To counter the monopolistic, budget-maximizing local politicians and bureaucrats, strategies to improve accountability and transparency should be set in place.
- 25 The document notes that, at both the local and the national level, the subjugation of public administration has led to (i) a loss of civil service status and morale, (ii) a complex and enduring web of connections between political executives, civil servants, and business interests, (iii) dramatic and turbulent changes during the transition from one administration to another and the institutionalization of 'courtesy resignations' at transition, (iv) a blurring of the distinction between career and non-career officials, and (v) civil servants' own inability and unwillingness to use the protection of the laws.
- 26 Hutchcroft characterizes the Philippines as a patrimonial oligarchic state. It is important to heed one of his observations that "piecemeal reforms are often inhibited both by the lack of bureaucratic coherence and by the tremendous power of oligarchic interests." Although there are clearly instances when regimes might benefit by selective measures of reform, there has been little assurance that the weak bureaucracy can implement them over the objections of various entrenched interests long accustomed to particularistic plunder of the state apparatus.
- 27 Several studies have examined the factors that brought forth exemplary local governance and the participation of civil society organizations in Naga City. Takeshi Kawanaka analyzed the factors that led to innovations in Naga City (*Power in a Philippine city*, IDE Occasional Paper Series. 2002). Racelis ('Anxieties and affirmations: NGO-Donor partnerships for social transformation', in Bebbington, Anthony J. et.al, *Can NGOs make a difference: the challenge of development alternatives*. 2008. Pp. 205-208), documents a case of a collaborative engagement between an urban poor federation, the Naga City government, and the World Bank. The case provides evidence of the strength of civil society in Naga City, specifically the Naga City Urban Poor Federations, Inc. and its NGO partner, the Community Organization of the Philippines Enterprise Foundation (COPE).
- 28 Joel Rocamora, Email response to emailed questions. February 7, 2011.

## CHAPTER FIVE

# Conclusion: Rethinking Democratization in the Philippines

Temario C. Rivera

Is the Philippines a democracy? The four authors in this volume provide an alternative reading of the Philippine experience by going against the grain on much of what has been written about the Philippines as a supposedly “democratic” or “democratizing” society. At one level, this re-conceptualization of a key concept such as democracy as it applies to our concrete experience is liberating since it opens up a new way of framing a problem by seeking greater conceptual clarity and political relevance. At another level, the re-evaluation that we have engaged in forces us to consider alternative responses to a problem whose roots have remained hidden or misunderstood under the conventional approaches.

Setting the overall tone of this study, Miranda in chapter one provides a rigorous re-examination of the concept of democracy and its measurement and concludes that by no means can the Philippines be considered a democracy. In his review of the vast and contested literature on the concept of democracy, Miranda adopts a well-established definition by Schmitter and Karl (2009:4) but adds two essential components: 1) a system of making authorities publicly accountable through the involvement of citizens not only in electoral processes but also through “politically active civil society groups”; and 2) a criterion for regime performance in which a democratic system must show a capability for achieving a “progressively human quality of life for its citizens within fifty years of a regime's formal democratic initiation”.

Modifying the definition originally drawn from Schmitter and Karl, the working definition of democracy used in this book as articulated by Miranda reads as follows:

Modern political democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives [original definition by Schmitter and Karl] and *their involvement in politically active civil society groups. As a system of governance, it demonstrably promotes—however slowly or gradually, even allowing for occasional, temporary reverses—a progressively human quality of life for its citizens within fifty years of a regime's formal democratic initiation* [Miranda's modification in italicized text].

The working definition of democracy used in this project addresses two important weaknesses that have beset traditional definitions of democracy. First, by providing a criterion for regime performance, our definition departs from a mainly procedural understanding of democracy that privileges the existence of free and competitive elections and related processes as the necessary and sufficient conditions of a democratic system. As Miranda stresses: "If sovereignty resides in the people and all government authority derives from them, it would be absurd to classify a regime as democratic where the material and other conditions of human life do not improve or at least do not markedly worsen over time". Thus, if certain outcomes and practices such as the rule of law and the quality of human development are intrinsic to the survival and reproduction of the democratic process, it is conceptually and logically necessary to include these factors in a working definition of democracy.

There exist strong comparative empirical findings that democratic regimes are best sustained by strong economic conditions. One major study shows that "democracies survive in affluent societies whatever may be happening to them," that "they are brittle in poor countries," and that "per capita income is by far the best predictor of the survival of democracies" (Przeworski et al. 2000: 137). Other major studies also support the finding that prospects for sustaining democratization are lower in societies with high levels of inequality (Boix 2003; Acemoglu and Robinson 2006). In particular, Boix's study also shows that presidential systems with low per capita incomes and high levels of income inequality (as measured by the Gini index) face higher rates of observed failures and probability of regime breakdown (2003: 150-155). Thus, it is imperative to include a regime performance dimension in defining democratic systems since a process of democratization can hardly be sustained in the absence of significant improvements in the material welfare and socio-

political conditions of the people. In sum, Miranda points out that “a dimension of regime performance is what separates formal or paper democracies from those that demonstrably protect and promote the welfare of the people.”

Second, consistent with this critique of a mainly procedural definition of democracy, our understanding of the public accountability of authorities and rulers in a democratic system is not limited to citizen participation in electoral exercises but must include citizen participation through their active political civil society organizations. By adding this dimension, the concept of public accountability of the officials in a democratic system is thus substantially expanded to include the intervention and participation of civil society groups in the political process. This new dimension of accountability in fact gains saliency in political systems like the Philippines where electoral exercises have been traditionally dominated by powerful political families and routinely subverted by violence, coercion and systematic manipulation of electoral results. However, it needs to be pointed out that citizen participation in civil society groups does not have a uniformly virtuous impact on the public accountability process since such groups themselves have different and oftentimes conflicting agenda and political preferences. Since Philippine political life has been significantly energized by politically active civil society groups, we need to understand better whether such activities have indeed facilitated the democratic transition process or have introduced debilitating cycles of instabilities in society.

Another important conceptual guidepost emphasized by our study lies in the crucial distinction between democracy and democratization. As argued by Miranda, a democracy is best understood as one that has succeeded in showing overall improvement in the following core features of democratic systems over a reasonable period of time (from twenty five to fifty years): “popular sovereignty and representative governance; political participation and popular control; political equality and freedom; rule of law; public accountability; and, most crucially, the human quality of life for its citizens”. Reviewing the country's dismal governance history and its consistently dysfunctional operation and poor outcomes on a wide variety of socio-economic and political indicators, Miranda concludes that the Philippines is better described as a “non-democracy and, probably, a non-democratic oligarchy”. Indeed, a “non-democratic oligarchy” aptly sums up the key features of the Philippine political regime. Its oligarchic social structure has severely limited access to power to a few dominant political families while the means of accessing power has been largely undemocratic in the absence of genuinely free and fair elections, the minimum requirement for any democratic regime.



One may offer a less stringent criterion for judging the Philippine experience and argue that if the Philippines is not (yet) a democracy it is at least democratizing and on the way to being a functional democracy. But the process of democratization does not automatically translate to a democracy and could be reversed or stalled and in the words of Ronas in chapter 3, end up as a grotesque case of a “never-ending democratization” process. As also shown by the Philippine experience, this democratization process is particularly disabling and dangerous when initiated and controlled by powerful oligarchic blocs.

It is therefore crucial to understand why the protracted and contested process of democratization in the country has not reached a stage where we can confidently assert that we now have a democracy in place. At best, we have comforted ourselves with qualifying our supposedly democratic system as “weak, elitist, flawed, formal, unconsolidated,” and a host of other adjectives. But if this has been the case for more than 50 years now since independence, then as Miranda also asserts, “persistently ‘dysfunctional’ democracies are actually prudently better recognized as non-democracies; analytical sharpness is facilitated and political costs are minimized”.

Thus, in no uncertain terms, Miranda's paper stresses the urgent need to re-conceptualize democracy to reflect an imperative of our times: demonstrably significant improvements in human development. As he further explains, this is a “concern that is now demanded of all regime types but most particularly of those alleging to be functionally democratic whatever the extent of ‘democracy deficits’ might be”. He adds that this reconceptualization of democracy must necessarily go beyond the traditional procedural-electoral concerns of democratic governance and include dimensions of actual improvements in the quality of life indicators of the regime's constituencies. Finally, Miranda points out the need for democracy audits that will incorporate an “inclusive syndrome of civil liberties, and socio-economic-political rights and responsibilities”. Such a democracy audit will be able to distinguish between “pseudo-democracies, democratizing polities and democracies”.

The democratization process is necessarily a demanding one because it also involves processes of nation-building and state-building which may require different logics and priorities.<sup>1</sup> For instance, in much of the western experience, the process of state-building and nation-building largely preceded the onset of democratization. Thus, in the experience of the European industrialized states, a relatively politically unified state with working national political institutions were already in place when the process of democratization



got activated. In much of the colonized, developing world, however, the process of democratization (as typified by the foundational system of elections after independence) oftentimes took place under conditions of contested national identities and the absence or weakness of functioning state institutions (Fukuyama 2004). In short, most developing countries including the Philippines had to undergo highly compressed, simultaneous challenges of nation-building, state-building, and democratization with oftentimes disastrous outcomes. But while this knowledge hopefully leads to a better understanding of the formidable challenges of these processes, it cannot also be made an excuse for perpetually dysfunctional systems that continue to be referred to as democracies. After all, the Philippines has the longest experience of elections and formal democratic processes in the region. It also had the most promising record of economic growth in Southeast Asia during the decade after World War II. More than six decades later, we have become the laggard in the region. What went wrong?

The remaining chapters in this book examine various aspects of the democratization process, focusing on developments since 1986. In chapter two, I provide detailed historical and political evidence to argue that even on purely procedural grounds, the Philippines fails to qualify as a democratic regime. In chapter three, Ronas examines the concept of “horizontal accountability” as applied in the Philippine context and explains why the overly strong executive vis-à-vis the legislature and the judiciary has been an obstacle in the democratization process. Finally, in chapter four, Holmes discusses the “innate systemic limits” of civil society and the decentralization process and why these “have not really propelled the democratization process in the country”.

In my chapter, I examine the applicability to the Philippine experience of the most widely used indicator employed by the procedure-oriented approaches to democracy to determine the presence of a democratic regime: “free, fair, and competitive elections”. While it is true that most procedural definitions of democracy include other key factors such as the guarantee of basic civil and political rights, the universality of the franchise, and civilian control over the military, I focus my analysis on the electoral process to dramatize the fact that even on the most minimal aspect of elections alone, the Philippines cannot qualify as a democratic regime.<sup>2</sup> However, I also analyse the infirmities and dysfunctional operation of the party system in the country. By examining in detail the electoral processes and outcomes at the gubernatorial and congressional level from the 1987 to the 2010 elections,<sup>3</sup> I provide concrete historical evidence showing that the Philippines fails to qualify as a democracy even from a mainly procedural definition of the concept.

In the overall system of the public accountability of officials in a democratic regime, elections constitute the process of “vertical accountability” when citizens are enabled to choose their officials in “free, fair, and competitive” contests. O'Donnell reminds us that elections “...occur only periodically, and their effectiveness at securing vertical accountability is unclear” (1998: 113). However, credible electoral contests can provide legitimacy to governments and become practicable way(s) of resolving conflicts without bloodshed and violence (Przeworski 2003). As further argued by Diamond, with good elections, “People are more likely to express support for democracy when they see it working to provide genuine political competition, including alternation of power, and when it has at least some effect in controlling corruption, limiting abuse of power, and ensuring rule of law” (cited in Reynolds 2011: 72).

But what is the electoral record in the Philippines? Notwithstanding our reputation as the country with the longest history of elections in Asia, we also have an electoral history steeped in vicious cycles of violence and systematic fraud and manipulation. As documented in my study, the post-war history of elections in the country show little credibility in the face of unrelenting machinations to win such contests either by the outright use of force or vote and voter manipulation in many areas of the country. For instance, the revelations about the massive vote manipulations that took place in the 2004 and 2007 elections reveal how deep and pervasive is the problem with the direct involvement of the country's top civilian and military elites. As further explained in my study, not even the shift to an automated election system promises an end to these problems. Automation will not automatically solve our electoral problems unless more basic problems of political stability, institutional capabilities and accountabilities are addressed. For instance, our weak system of electoral governance as exemplified by an organizationally incompetent Comelec lacking independence and the overall culture of impunity enjoyed by erring officials need to be decisively resolved.

Contributing to the growing literature on political elites in the country, my study, moreover, provides an updated documentation and analysis of how pervasive and resilient has been the dominance of political clans in the country at two levels of governing: governorships and congressional positions since the restoration of formal elections in 1987. If the continuing cycles of electoral violence and fraud disqualify the country from any claim to having “free and fair elections”, the entrenched dominance of political clans over two key governing positions likewise disables us from claiming a tradition of competitive elections.

One obvious effect of this overwhelming clan dominance over our governance system has been a highly elitist and narrow pool of leadership recruitment, disabling potentially more progressive and transformative leaders from winning elective positions. Furthermore, continuing clan dominance has severely weakened public accountability mechanisms especially in the context of other institutional infirmities such as the weakness of “horizontal accountability” mechanisms (discussed by Ronas), the limitations of civil society organizations and the process of decentralization (explained by Holmes) and the absence of well-institutionalized political parties.

Adding to the anemic process of democratization in the country has been the absence of well-institutionalized parties that could effectively link peoples' interests with leaders who are sensitive and responsive to social concerns in a virtuous cycle of interest aggregation and accountability. In my chapter, I explain that the particular institutional attributes of our presidential system such as the far greater powers of the executive vis-à-vis the legislature and the judiciary, the term limits on the presidency, and the independent resource base of many of the dominant political clans, have not been conducive to the emergence of well-institutionalized parties. I further argue that effective party building can be enhanced by two processes. First, mass-based parties espousing alternative programs of government must be allowed the full freedom to challenge the existing parties in open and institutionalized forms of conflict. In pursuit of common causes, these alternative parties may also explore principled political alliances with established parties. Second, some institutional changes could be explored to strengthen the party list system. Some of these concrete measures include increasing its seat allocation in Congress and shifting to full proportional representation (PR) in its election system by doing away with the three-seat cap on individual parties. However, I also argue that a minimum vote threshold (2-3 percent of total votes cast for the PL) should be retained to preclude the further fragmentation of the Party List (PL) system. Thus, for the PL system, the challenge focuses on the combination of more inclusive forms of representation particularly of the marginalized and under-represented sectors while avoiding the political paralysis of extreme party fragmentation.

In democratic systems, two aspects of public accountability are usually studied: “vertical” and “horizontal” accountability although as stressed in this book, a third aspect, sometimes referred to as social or “oblique” accountability involves the impact of civil society organizations on the same process. In his examination of “horizontal accountability issues” among the key national agencies of government, Ronas builds on Guillermo O'Donnell's concept of “delegative democracy” as a unifying thread to examine why executive

hegemony over the legislature and judiciary constitutes an obstacle to democratic consolidation.<sup>4</sup> In the context of a “delegative democracy”, the executive clearly exercises superior powers over the legislature and judiciary and the formal checks and balances mandated by the constitution seldom work. Ronas discusses extensively the well-established specific manifestations of executive powers over the legislature and judiciary such as the president's decree-making powers under the executive's military power, veto powers over legislation, appointment powers, control over the budget process, immunity from suits, and the difficulty of impeaching the president, among others.

But why is an overly strong executive vis-à-vis the legislature and the judiciary a problem for democratic consolidation? One simple reasoning goes back to the dangers inherent in the exercise of power which is not restrained by institutional or legal means. If one combines this with an all too human predisposition to deploy power for selfish, private ends, then the risks that the substantial powers of the executive could be abused are certainly magnified. However, a fuller understanding of the problem requires an examination of the institutional context of presidential systems. For instance, Latin America which is dominated by presidential systems also shares with the Philippines this similar political tradition of strong presidents and weak legislatures.

There is strong comparative empirical evidence that presidents who are much more powerful vis-à-vis their legislatures create problems of instability. One study by Shugart and Carey shows that:

Systems that score high on presidential powers, in particular those that are extreme on presidential legislative powers, are often those systems with the greatest trouble sustaining stable democracy.

Systems that give presidents considerable powers over the composition of the cabinet but are also low on separation of survival of executive and assembly [legislature] powers belong to “troubled cases” (1992: 148).

It is logically tempting to argue that we need strong presidents who can ensure the efficiency and coherence of policy outputs in the face of legislatures made up of individuals parochially elected and representing localized district interests. This problem is aggravated by the absence of a strong party system which further empowers the president to act, in effect, as the sole aggregator of the national policy agenda with little input from parties and other organized political groupings. As Ronas points out, an alternative response to an overly strong president is to strengthen the powers of the legislature, otherwise the presidency loses its accountability to the assembly and magnifies the risks of

presidential power being abused. For instance, at the height of its exercise of its presidential powers, the Arroyo administration, not surprisingly, sought to exempt its executive officials from the investigative and monitoring functions of Congress. Another complementary check to a president with too much power is a party system with enough legitimacy and strength to challenge and provide a broader base of consensus to presidential initiatives. Thus, if a well institutionalized and disciplined party system has emerged, it can provide an expanded venue for policy-making and consensus which otherwise would be overwhelmingly dominated by the president.

In exploring further some reform measures to advance the cause of horizontal accountability, Ronas cautions against grand projects designed to amend the constitution for major institutional changes such as the shift to a federal-parliamentary system. He argues that these are inherently divisive measures with potentially more harmful unintended consequences. Instead, he focuses on more pragmatic and doable and yet consequential measures such as restoring to Congress the power over the purse (budgeting process), the strengthening of the rules and powers of LEDAC (Legislative Executive Development Advisory Council) and JELACC (Judicial Executive Legislative Advisory and Consultative Council), and ensuring the fiscal autonomy of the Judiciary. Indeed, these are reform areas where the leadership of a strong president could be tested: not in the exercise of overwhelming power over Congress and the Judiciary but in the exercise of negotiating skills for welfare-enhancing distributive reforms. As Boix asserts:

... changing the constitutional framework of a country has a small impact on the stability of a democratic regime. . . . When a society is sufficiently equal or when capital is sufficiently mobile, democracy prevails regardless of the rules (parliamentarism, plurality rule, and so on) employed. When a society is acutely unequal, no constitutional rule can sustain democracy (2003: 15).

However, specific amendments to the existing constitution may be worth exploring to address unique problems such as the possibility of institutionalizing a system of asymmetric federalism for the Muslim dominated provinces of Mindanao.

Looking forward to a long-term response to horizontal accountability and the overall problem of democratic consolidation, Ronas advocates a broad coalition of reform encompassing concerned government officials and various civil society organizations. To provide a more focused arena of mobilization and organization, these reform coalitions can be organized along specific issues such as the passage of the Freedom for Information Act, working for just,

negotiated political solutions to the armed conflict, ending the culture of impunity on corruption and human rights violations, completing the agrarian reform process, ensuring credible and fair elections, and substantially reducing poverty and income inequality, to name a few of such actions that will no doubt advance the democratization process.

The final chapter by Holmes examines whether two generally acknowledged “democratizers” --- civil society and decentralization--- have indeed facilitated the democratization process in the country. Starting with a cautionary note, he argues that “both arenas have suffered innate systemic limits and therefore have not really propelled the democratization process in the country”. Defining the concept of civil society is a highly contested exercise and in this study, Holmes adopts a framework drawn from Alagappa (2004) and Anheir and Topler (2010) that privileges groups somehow oriented toward a set of “public goods” that include: “accountability of public officials, more inclusive representation, equitable development and an intrinsic goal, autonomy,” particularly from government. These set of orienting goals are generally consistent with the prescriptions of many political theorists on the functions that independent groups and associations of civil society perform for democracies such as: “ 1) a center of collective political resistance against capricious and oppressive government; 2) to organize people for democratic participation; and 3) socialization into the political values necessary for self-government” (Rosenblum and Post 2002: 17-18).

Such a definition of civil society groups and their functions is consistent with this book's expanded understanding of the public accountability mechanism through which citizens make their public officials accountable both through the electoral process and the impact of “politically active civil society groups”. However, we also need to address the collective impact of many non-politically active civil society groups whose political apathy by itself also necessarily affects the dynamics of public accountability. Holmes recognizes this concern as he discusses the problems faced by civil society groups in trying to expand their mass base of support. Thus, a conception of civil society that situates it mainly as a “seedbed of virtue” risks glossing over the reality that there are voluntary organizations in the wider civil society that may in fact “strengthen existing cleavages and exclusion patterns” (Hooghe and Stolle 2003: 235-36).

In assessing the overall impact of civil society initiatives to advance the democratization process, Holmes identifies the key limitations and dilemmas faced by this sector. These include the “project-oriented” and single-issue

nature of many civil society groups; their limited mass base; intra-civil society differences along ideological lines and differing orientations on people empowerment and engaging the state. At the heart of these problems are two interlinked issues: the nature of civil society and how it is demarcated from the state or the public sphere; and the relationship between civil society and the state. It should come as no surprise that in democratic or democratizing societies, the universe of voluntary organizations that make up civil society are by nature plural and particularistic: plural because these are voluntary organizations with diverse interests, identities, and political-ideological orientations and particularistic because these are primarily propelled by the interests and identities of the groups themselves.

In the Philippines, the struggle against the authoritarian rule of Marcos spurred the emergence of a critical mass of politicized civil society organizations committed to an agenda of reforms and radical changes in power relationships. However, given the inherent pluralism and particularism of these groups it is unrealistic to expect a common and stable form of political engagement with the state or to people empowerment. Moreover, even the most politically active of civil society groups cannot replace the government unless they transform themselves into a political movement or party that systematically seeks to win state power. If there is no such open challenge, then the more realistic option is for civil society to clearly delineate “much clearer criteria . . . for entry into and support for state programs” or risk being “absorbed by and constituted on the basis of clientelist and semi-clientelist relations” (Reid 2008 as cited by Holmes).

Notwithstanding its own weaknesses and limitations, Philippine civil society groups, as pointed out by Holmes, do have a significant record of reform advocacy and have played major roles in the initiation and passage of key legislation such as the Urban Development and Housing Act, the Anti-Rape Law, the Indigenous Peoples' Rights Act, the Juvenile Justice and Welfare Act, and others. Given their extraordinary diversity and oftentimes conflicting priorities and contradictory goals, civil society can maximize their collective action through what may be considered as their “overlapping consensus”<sup>5</sup> on specific issues that enhance developmental and democratization goals. This “overlapping consensus” also makes possible the formation of reform coalitions between civil society and government actors as articulated by Ronas in his chapter.

Decentralization is another process that has been seen by many policy-makers as a “magic ingredient” for democratization. But as a contested political



process, it can ignite either a virtuous process of accessing and using power in a more democratic manner or a vicious cycle of further entrenching the already well-established power holders who lack public accountability. In assessing the country's decentralization experience, Holmes starts by noting three initial positive developments: 1) the provision of additional fiscal support to local government units (LGUs) through the internal revenue allotment (IRA) as mandated by the Local Government Code (LGC) passed in 1991; 2) the provision of technical and capability-building support by both national government agencies and multilateral and bilateral funding agencies; and 3) a generally satisfactory citizen appraisal as seen in public opinion surveys which seem to be supported by the many awards for exemplary governance practices and innovations given to selected LGUs (for instance, the *Galing Pook* Foundation awards started in 1994).

In further analysing the decentralization process, Holmes proceeds by identifying three major problems: statutory, organizational, and systemic. Reflecting the first major flaw, no enabling law has been passed to implement the LGC's mandate to have sectoral representatives in the local legislative councils. The local legislative councils have to be distinguished from the special boards such as the Pre-Qualification, Bids and Awards committee, the local health board and the local school board which already include private representatives in many LGUs. The lack of this enabling law means that private citizens and civil society groups are denied access to the local legislative councils which can serve as an additional mechanism for advancing the public accountability of local officials. A second statutory flaw lies in the "archaic, martial law-vintage" fiscal provisions in the LGC that have constrained the taxation powers of LGUs and in turn made them overly dependent on the IRA from the national government.

The second problem discussed by Holmes concerns the organizational constraints faced by LGU personnel particularly in the area of development planning and tax administration. This has been aggravated by the lack of participation by the private sector and civil society groups in the local legislative and planning councils in the absence of an enabling law to enforce the original mandate of the LGC. Finally, Holmes examines the systemic constraints on the entire process of decentralization with the pervasive networks of patronage and clientelist ties linking national elites and local power holders. These constraints have resulted in what a World Bank-ADB document states as an "excessively politicized system of rewards and allocations, and by uneven institutional strength and resourcefulness among national executive, congressional, provincial, and city or municipal actors" as quoted by Holmes.



More particularly, we see these debilitating practices in the use of huge government resources controlled by the executive to buy LGU officials off during electoral contests, the diversion of the IRA by local executives for their private ends, the sheer wastage of congressional “pork barrel” funds deployed for non-productive projects, and the unbridled corruption at all levels of government.

### **Some General Evaluations on the Philippine Transition from Authoritarian Rule**

More than twenty five years after the transition from authoritarian rule under the Marcos dictatorship, what evaluations can we offer about this process. Consistent with the overall conceptual framework and empirical findings of this book, we clarify why the formal end of the Marcos dictatorship in 1986 did not really result in a transition to democratic rule.<sup>6</sup> As we further explain below, the so-called transition process has failed to satisfy even the procedural requirements much less the substantive conditions for the initial installation of a democratic order.

The dynamics of the actual process of transition from authoritarian rule in the country had strategic outcomes on the process of democratization or the lack of it. Activated by a unique confluence of events, the tumultuous actions that climaxed in the ouster of the dictatorship in 1986 do not fit nicely into any of the established models of democratic transition: structural, modernization, or elite-bargaining. Experienced neither as a reform nor revolutionary process in the country, the end of the dictatorship was not also a consciously designed “pacta” between the dictator and the opposition elites. It occurred as the surprise endgame to a failed coup attempt against the dictator but it was also the product of several events coming together at various conjunctures: the growing popular resistance movement especially after the assassination of Sen. Aquino in 1983; the inter-elite antagonisms fuelled by the deepening economic crisis starting in 1981; the split in the military and its politicization as an institution; the serious ailment of Marcos that provoked elite realignments; the calibrated pressures from the United States; and the emergence of a popularly accepted new leader of the legal opposition, Mrs. Aquino. One particular feature of this transition process includes an element of imposition coming from the combined effects of the rebel military's involvement in the process and the pressures and support of the United States but initially counterbalanced by the massive popular mobilization against the dictatorship.

At least two strategic, critical outcomes resulted from such a process. First, an initially shaky but eventually stabilized *modus vivendi* facilitated the participation of leading elites from the dictatorship to be part of the transition government and eventually win and hold on to crucial elective positions. Such an arrangement also led to the restoration of the economic and political power of the old anti-Marcos elites whose resources were taken over by the ruling family and its cronies. Second, this grand restoration of elite rule foreclosed the possibility of the substantial redistribution of material resources such as landownership that could have significantly empowered the traditionally poor and oppressed sectors.<sup>7</sup>

Unlike many cases of “pacted” transitions where mass participation and mobilization were either absent or weak, the struggle that eventually ousted the dictatorship in the country was firmly anchored in mass organizing and mobilization especially by the left movement in the country. As discussed by the book authors, the robust presence of a vibrant and politically engaged civil society capable of resisting oppressive governments and working for transformative developmental projects is a positive force for democratization. While maximizing its “social capital” and coalitional capabilities, civil society groups must also guard against being routinely co-opted by government officials with little public accountability. They certainly can work out principled alliances with government actors but they must also preserve their independence and integrity. Undoubtedly, one of the more inspiring aspects of the transition process has been the continuing assertive activity of various civil society organizations in protesting repressive government actions, oftentimes at the sacrifice of countless lives.

In his summation of twenty five years of comparative transition processes away from authoritarian rule, Schmitter argues: “Of all the economic and cultural prerequisites or preconditions of democracy, the one that must command the most urgent attention is the need for prior agreement on national identity and borders” (2010: 25). Indeed, the urgency of addressing this problem is tragically demonstrated by the failure of government to come to terms with the historic affirmation of the national identity and geographic community of Muslims in the country. In another but related level of contested national identity rooted on questions of class equality and solidarity, the protracted armed struggle by Communist-led guerrillas in the country likewise attests to the urgency of this problem. The failure of government during the transition process to decisively resolve these legitimate issues does not speak well of its capabilities and priorities.

Another lingering outcome of both the dictatorship and the transition process has been a politicized military. For obvious reasons, no process of democratization can proceed if the military continues to defy legitimate civilian authority. But its politicization as an institution does not take place independently of its relations with civilian authorities. In short, military (and police) tendencies towards politicization are usually driven by perceptions about the illegitimacy and continuing incompetence of civilian leaders. Moreover, civilian machinations for the pursuit of power and wealth also enlist military allies, further politicizing the institution. Not surprisingly, the most dangerous displays of military rebelliousness during the transition process also took place during the administration of civilian leaders seen as illegitimate and corrupt. Thus, the long term response to the dangers of a politicized military lies not so much in reforms within the institution, although these are important, as in reforms in the civilian institutions that direct and legitimize the military's activities.

A major failing of the transition process has been its inability to improve the process of electoral governance in the country. Both procedural and substantive approaches to democracy agree that credible electoral exercises are necessary conditions for the initiation and maintenance of democratic regimes. But as discussed above, elections continue to suffer from endemic violence and fraudulent manipulations. Moreover, free and fair elections cannot be assured as long as many areas of the country remain as arenas of armed conflict and significant numbers of voters are in effect disenfranchised by their poverty and vulnerability to elite manipulation and coercion. One clear focus of reforms in electoral governance must be the Comelec, the constitutional body that enforces and oversees all laws and policies related to the conduct of elections. For much of its disreputable history, no less than Comelec heads and commissioners have been directly implicated in the rigging of elections. To address this problem, a systematic campaign to strengthen both the organizational competence and institutional autonomy of the Comelec is required. Needless to say, the culture of impunity in this institution as in many other government agencies must also come to an end.

As a whole, we believe we have conducted a rigorous critique of the key concept and practice of democracy and offered an alternative reconceptualization that is analytically sharper and more politically relevant for our community. For a number of reasons, we stress that we have not had any successful transition to a democratic regime or that we are now living in a democracy. We have failed to meet even the minimum conditions of a procedural democracy: free and fair elections. We have failed to show any

significant progress in achieving minimum outcomes that make possible the exercise and sustainability of democracy: the rule of law and improved quality of life indices, to mention just two of these critical factors. We have failed to develop effective institutions to ensure the “horizontal accountability” of public officials and agencies. At another level of public accountability, civil society organizations have done an invaluable job of monitoring the exercise of power and initiating reform advocacies but these same groups continue to be repressed and harassed by powerful political clans and oligarchic blocs.<sup>8</sup> In the same vein, the full potential of the decentralization process to empower and democratize local government constituencies continues to be blocked by the resilience of oligarchic and clan families in many local areas.

And yet all these daunting conditions do not signal despair or defeat. We have come to understand much better the forces that impede democratization processes. When this knowledge is harnessed by democratization movements and struggles in our own country, we are hopeful that we will be brought closer to the birthing of a truly democratic order.

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## Notes

- 1 As argued by Stepan, Linz, and Yadav (2011), even within the process of nation and state building, one can have conflicting logics and priorities as shown by those who pursue traditional nation-building models from those who try to craft “state-nations” in societies with a shared political community but with deep cultural diversities.
- 2 For an expanded conceptualization of procedural democracy and its use in classifying political regimes in Latin America, see Mainwaring, Brinks, and Perez-Liñan (2007:123-160).
- 3 The first gubernatorial contests after the end of authoritarian rule in the country took place in 1988.
- 4 In his reconceptualization of democracy in this book, Miranda considers O'Donnell's concept of “delegative democracy” as a case of “conceptual stretching” and therefore not properly a subtype of democracy. Following Diamond (2009), he argues that a better classificatory label for “delegative democracies” would be that of a “hybrid” regime or, considering that most instances of the latter are seriously democracy-challenged polities, a “pseudodemocracy”.
- 5 Rosenblum and Post (2002) use the term “overlapping consensus” to refer to principled reasons for cooperation between civil society and government but it can also be used to identify points of consensus among various civil society groups.
- 6 As Schmitter stresses, his co-authored works with O'Donnell focus on “transitions *away from* authoritarianism rather than *to* democracy”. . . and that both authors “refuse to presume a *telos* that would lead to such a felicitous result. . .” (2010:18).
- 7 Thus, in one of the many tragic ironies of Philippine political history, the key beneficiaries of authoritarian rule – the Marcos-Romualdez political families – have remained unpunished and regained full political power at both national and local levels.
- 8 This “monitoring of power” by civil society groups in the Philippine context cannot be equated with the notion of “monitory democracy” espoused by John Keane (2009) where “power-monitoring and power-controlling devices” are exercised in a fully functional democracy, in fact in what he calls a “post-Westminster” form of democracy. In an undemocratic order such as the Philippines, one has to be prepared to risk life and limb to engage in the “monitoring of power”.

## About the Authors

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# index





# ***Chasing the Wind: Assessing Philippine Democracy***

Jointly authored by a group of prominent Filipino political scientists (three former presidents of the Philippine Political Science Association and one long-time editor of the Philippine Political Science Journal), this book challenges the conventional wisdom that the Philippines is a democracy. Going beyond the traditional approaches to understanding democracy, the authors offer a reconceptualization of democracy anchored on three essential elements: an expanded notion of public accountability, a sensitivity to regime outcomes particularly on key indicators of human development, and a definite period for assessing the effectiveness of these practices and outcomes. To substantiate their claims, the authors provide a rigorous rethinking of the concept of democracy backed up by systematic studies on the country's electoral practices and party system, the accountability mechanisms among the major agencies of government, and the impact of civil society and the decentralization process. While critical of the failed democratization process in the country, the authors do affirm the urgency of collectively struggling for a truly democratic order.

## **Excerpts from the book:**

“Much of the current confusion in classifying a regime as democratic stems from an overly liberal analytical bias that permits non-democratic and even anti-democratic regimes to pass themselves off as some species of democracy albeit clearly saddled with critical deficiencies in terms of popular sovereignty, rule of law, free and competitive elections, public accountability and other bona fides of any functional democracy. Historically, this bias has benefited corrupt, anti-democratic, oligarchic ruling elites that lean on paper constitutions even as they violate its democratic provisions with much impunity.” *Felipe B. Miranda, University of the Philippines*

“We have not had any successful transition to a democratic regime. We have failed to meet even the minimum conditions of a procedural democracy: free and fair elections. How can we even refer to our system as a “democracy” when much of its electoral contests continue to be perverted by outright violence and coercion. Moreover, powerful political clans have consistently dominated various national and local positions in the country, foreclosing the prospects of wider electoral competition and political participation.” *Temario C. Rivera, International Christian University (Tokyo)*

“The actual practice of the presidential form of government in the Philippines deviates from the principle of separation of powers and system of checks and balances aimed at preventing the abuse of power to protect the rights of the people. The vast powers of the presidency has resulted in an executive hegemony which has weakened the legislature, judiciary, and constitutional bodies and has stalled the democratization of our country.” *Malaya C. Ronas, University of the Philippines*

“Bruited about as “democratizers”, civil society and the decentralization process have not really propelled democratization in the country as both arenas continue to suffer from innate systemic limits and institutional and organizational weaknesses.” *Ronald D. Holmes, De La Salle University, Manila*

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