Chapter IV

Legislating the Social Reform Agenda: Cases of Intervention of Disadvantaged Groups in the Tenth Congress

The cases in this Chapter depict laws passed after the Aquino administration. Two of them, the Indigenous Peoples Rights Act and the Fisheries Code, started life in the Eighth Congress, were filed in the Ninth and only got enacted in the Tenth. These two joined the Social Reform and Poverty Alleviation Act and the new Anti-Rape Law as part of the Social Reform Agenda of President Fidel V. Ramos in 1995 and were boosted by that important fact. Each case, as in the previous chapter, will be discussed through its main thrusts, the strategies used by the disadvantaged groups, the work of the opposing forces, and the results of their efforts.

The Indigenous Peoples Rights Act (IPRA, Rep. Act No. 8371): Part II[1]

In his State of the Nation address in 1995, President Ramos called a bill addressing ancestral domains urgent. This priority bill was a part of his Social Reform Agenda. President Ramos also named two people to represent the indigenous peoples.

Main Thrusts. The Indigenous Peoples Rights Act is considered a "landmark legislation in the area of social justice and human rights" (Bennagen 2000: 1), "a moral decision (that) has won esteem and respect for the Philippine government from anthropologists and human rights organizations around the world" (Headland 1999: 2). IPRA recognizes and protects the IPs' rights to their ancestral lands and ancestral domains. More than that, it recognizes and honors their culture. Florence Umaming, an IP very active in its enactment, claims that it is distinguished from previous attempts to recognize IPs rights by the following features:

1. It grants total recognition of the rights of indigenous peoples to own ancestral domains and ancestral lands.
2. It repeals all laws prejudicial to the recognition of the right of ownership of ancestral domains and ancestral lands.
3. It respects and recognizes political structures and systems, culture, resource management practices and conflict resolution mechanisms that are indigenous.
4. It provides for the issuance of tenure instruments which are equivalent to Torrens Titles.
5. It recognizes socio-cultural differences among the various indigenous peoples' groups.
6. It provides for the establishment of an office with clearly defined functions and adequate funding, and where indigenous peoples are adequately represented.[2]

[1] This is based primarily on Bennagen (2000), ESDC Research Team (1997), First Peoples (2006), Perrot-Maitre and Ellsworth 2006, and documents from Congress gathered specifically for this study.

7. It mandates the delivery of basic services to indigenous communities and provides for their holistic and integrated development.
8. It simplifies the requirement for the recognition of ancestral domain ownership and provides for the conversion of ancestral domain claims to complete ownership.
9. It recognizes the right of indigenous peoples to genuine self-determination and autonomy.
10. It provides for the indigenous peoples' self-delineation of ancestral domains and ancestral lands. (As quoted by Bennagen 2000:7).

Congressman Andolana filed HB 33 on the creation of a Commission on Ancestral Domain, with about fifty (50) members as co-authors. Senators Juan Flavier and Orlando Mercado introduced Senate Bill 618 and then-Senator Gloria Macapagal-Arroyo SB 343. These bills became the subject of six regional consultations between November and December 1995 and a national consultation at Pagsanjan, Laguna on December 15-17, 1995. These resulted in a bill containing provisions not only from the Senate and House bills but also from the UN Declaration on the Rights of Indigenous Peoples, ILO Convention 169 and position papers submitted by IP organizations to the Drafting Committee. As described by the Drafting Committee, it had "a more wholistic approach (that) would best serve their (IPs') interest. This would in particular mean that the bill should include the protection for rights not only to ancestral domains, but likewise their rights to cultural integrity and rights to self-determination and empowerment" (Dunuan et al 1996).

CNCC then submitted a substitute bill "which was a product of extensive and deliberative broad-based consultations by the indigenous peoples themselves in coordination with the various non-government organizations (NGOs) and taking into account the inputs from the deliberations of the 8th and 9th Congresses. Congressman Andolana noted that the substitute bill and the Senate version have no strong contradictions"[3] (CNCC no date: 33). HB 9125 as per Committee Report No. 837 had a hundred and one (101) sponsors.

Strategies. In these consultations were many groups not involved in the previous effort. The sectoral representatives for indigenous cultural communities were the first sponsors listed in the draft bill. Bennagen (2000: 6, 10) identified one of them in particular, Atty. Evelyn Dunuan, as the main initiator of these meetings[4]. Aside from Dunuan, six of the eight persons who endorsed the results of the consultations to Congressman Andolana were from the PANLIPI-Legal Assistance Center for Indigenous

[2] This is the National Commission on Indigenous Peoples (NCIP).

[3] In the Senate, the sponsor was Juan Flavier who grew up in Baguio City, the biggest town of the Cordilleras. Senator Flavier not only saw the bill through the Senate; he also filed a "comment-in-intervention" along with 112 indigenous peoples, Ponciano Bennagen and others, with the Supreme Court. This was in relation to GR No. 135385 (the case challenging the constitutionality of IPRA), dated October 29, 1998 and filed November 10, 1998 (First Peoples, n.d.: 17-18, 39).

[4] It strikes this author as strange, however, that as a Congressperson in the Tenth Congress, her name does not appear as a sponsor of the substitute bill her consultations produced in the official copy released CNCC released.

Filipinos. The last signatory was from the Episcopal Commission on Indigenous Peoples of the Catholic Bishops Conference of the Philippines (ECIP-CBCP). The other sponsors of the consultations were the National Peace Conference, the GZO Peace Institute, and a government agency, the Office of the Presidential Adviser on the Peace Process (OPAPP).

Aside from the bill, the seven-step consultation process also created the Coalition for Indigenous Peoples' Rights and Ancestral Domains (CIPRAD) composed of twenty indigenous peoples' organizations and NGOs. CIPRAD aimed primarily to pursue advocacy for the rights of indigenous communities. CIPRAD proceeded to build a consensus for action, reconcile diverse views into a draft bill, choose the sponsors from the House and Senate, conduct the campaign, and work closely with the staffs of the sponsors and the committees at all stages of the legislative process. (Bennagen 2000). The creation of CIPRAD was a marked change from the process in the Eighth Congress when no one actually took charge.

CIPRAD, indigenous peoples' organizations like TRICAP, the Cordillera Peoples' Forum, the Federation of Matigsalug Manobo Tribal Councils and NGOs like ECIP-CBCP, PANLIPI, GZO Peace Institute participated in the hearings and meetings. Indigenous people themselves attended, giving legislators a first-hand look at these usually out-of-sight people and seeing the extent of their interest in getting the bill enacted. Government agencies like the Offices of Southern and Northern Cultural Communities (OSCC and ONCC), the Department of Agrarian Reform, the Department of Environment and Natural Resources, the Commission on Human Rights, the Office of the Presidential Adviser on the Peace Process and the Presidential Legislative Liaison Office also gave their testimonies, most of which were supportive of the IPs' cause.

The indigenous communities were helped along by sympathetic officers in both Houses. The legislative staff of Senator Flavier veered away from the traditional strategy of inviting mostly government agencies in hearings and floor deliberations. Instead, they "made it a point to bring into the process those groups that will be directly or indirectly affected by the bill" (Bennagen: 2000: 10). The House Committee Secretariat was likewise responsive, not only in inviting IPs to hearings but also in acknowledging all position papers and making clear updates on the bill's progress.

It was perhaps inevitable that not all IPs were happy about the bill. The Upland NGO Assistance Committee submitted proposed amendments based on a two-day workshop on March 25-26 at the Institute for Social Order at the Ateneo de Manila University. It cited two other consultations - the SRA Quarterly Forum (February 26-March 2, 1997) and a February 20-21, 1997 workshop of the *Kapulungan para sa Lupaing Ninuno* (KPLN, Congress for Ancestral Domain) of Mindoro. The other main IP coalition represented in these workshops was PANAGTAGBO of Mindanao.

The House CNCC also received a letter dated August 6, 1997 and a position paper dated September 12, 1997. The first tried to push for a Mangyan Ancestral Domain Council, noting that HB 9125 "was not as assuring as the Mindoro Bill" (Foundation for

the Philippine Environment 1997). The second contained vehement objections of some IPs nationwide to some of the provisions of the Senate and House bills passed on third and second reading respectively. The position paper was made after a three-day consultation at the Institute of Social Order.

Opposing Forces. Outside the ranks of the NGO-POs, the forces against IPRA would tend to be mining, logging, agribusiness and multinational interests, which are well-represented in Congress. In the Eighth and Ninth Congresses, the bills received strong opposition from within. In 1992, a claim by a lumber magnate-Congressman that the bill was unconstitutional got the ruling from the Speaker, "an owner of a number of ranches in indigenous areas," to suspend indefinitely the discussion of the bill. This was right at the point of House approval (ESDC Research Team 1997: 22-23). In 1994 it was the Chair of the Senate Committee on National Cultural Communities herself who objected to the bill. (CNCC no date: 31). But perhaps because of the strong and vocal support of President Ramos, opposition to the bill was muted in the Tenth Congress.

Results. IPRA was signed into law on October 29, 1997. The opposing forces re-appeared in the implementation. Concerns of the mining industry, with support from President Ramos, were written into NCIP Administrative Order No. 3, series of 1998. Moreover, the budgets given to NCIP and DENR as implementers of IPRA hardly provided for their task of delineating ancestral domains. Besides, barely a year after its approval, the constitutionality of IPRA was challenged in the Supreme Court with no less than a former Supreme Court Justice as one of the petitioners. The Office of the Solicitor General, acting as counsel for DENR and the Department of Budget and Management filed a comment basically agreeing with the petitioners. The Supreme Court dismissed the petition on December 6, 2000. With the Court divided seven votes to dismiss and seven votes to uphold, the law was presumed to be constitutional (First Peoples 2006:16-18).

The Fisheries Code (Rep. Act No. 8550), Part II[5]

At the opening of the Tenth Congress, House Speaker Jose De Venecia declared Social Reform Agenda (SRA) bills as among the priority bills. Twenty special committees including the Special Committee on the Fishery Industry were then created to attend to these priority bills. On the side of the disadvantaged groups, NACFAR was still the main coalition, and it continued to espouse the Unity Bill drawn out of consultations made during the Eighth Congress.

Main Thrusts. The Unity bill espoused the following principles: empowerment of small fisherfolks, equity, social justice, ecological stewardship, nationalization of the fishing industry, access and control over fisheries and aquatic resources, decentralized management, representation in key government policy and decision making bodies, development of fisherfolk cooperatives, economic empowerment through increased productivity, preferential treatment and recognition of the rights of small fisherfolks and

[5]The discussion on the Tenth Congress is based on the case study of Dolores de Leon-Gaffud made specifically for this project.

their organizations, food security, sustainable development, comprehensive rehabilitation of fishing grounds, biodiversity conservation, and effective and efficient law enforcement (NGO Technical Working Group for Fisheries Reform and Advocacy Position Paper: undated). It also incorporated provisions that were the bones of contention in the earlier congresses: the inclusion of Fisheries and Aquatic Resource Management Councils (FARMCs, usually further abbreviated into RMCs), the definition of municipal fishing (i.e., limiting it to fishing vessels of 3 gross tons or less), and the granting of fishpond lease agreements (FLAs) upon the expiration of existing ones to fisherfolk organizations. All these were in line with the proposal of NACFAR as early as the Eighth Congress.

Strategies. In the First Regular Session of the Tenth Congress, seven bills on fisheries were referred to the House Special Committee. NACFAR chose to pursue their Unity Bill, but decided to have it in two versions to gain more adherents and increase the chances of their proposals to be heard. Congressmen Florencio Abad and Wigberto Tañada, bona fide street parliamentarians were chosen as lead sponsors of what they still called the Unity Bill. Congressman Abad was the main author of HB No. 3200, An Act to Democratize the Utilization and Management of the Fishery and Aquatic Resources of the Philippines and Creating a National Council for Effective Implementation of the Code. He was joined by Congresspersons Luz Cleta Bakunawa, Emigdio Bondoc, Raul Delmar, Edgar Lara and Constantino Navarro and appointed party-list representatives Edgar Avila, Leonardo Montemayor, and Leonor Luciano. Representative Tanada sponsored HB No. 3725, An Act to Democratize the Fishery and Aquatic Resources of the Philippines, Creating Resource Management Councils for Effective Implementation of the Code, joined by Constantino Navarro, Eric Galo Acuña, Isidro Rodriguez, Jr., Edgar Lara, Emigdio Bondoc, Raul Delmar and Renato Dragon.

The five other bills submitted to the committee were:

- HB No. 7, An Act Providing for a Philippine Fisheries Code, with Congressperson Socorro Acosta as principal author and 79 co-authors (including House Speaker Jose de Venecia);
- HB No. 122, An Act Providing for a Fisheries Code, authored by Congresspersons Socorro Acosta, Ma. Clara Lobregat, Manuel Garcia, Ralph Recto, Zenaida Cruz-Ducut, Erico Aumentado, Dante Liban, Catalino Figueroa and Manuel Roxas;
- HB No. 335, An Act Providing for a Philippine Fisheries Code, authored by Congressman Rodolfo Albano;
- HB No. 1074, Fisheries Conservation and Management Act, authored by Congressmen Renato Dragon and Dante Liban;
- HB No. 3198, An Act to Codify All Laws on Fisheries and Aquatic Resources, authored by Congressmen Jose Villarosa, Edgar Avila and Manuel Roxas;

HB 3198, which was authored by the committee chair, was called as the SRA Consensus Bill and was adopted by the Committee as the working bill. Among others, it contains the fisherfolk sector's position on municipal fishing, future issuance of fishpond

lease agreements (FLAs) exclusively to fisherfolk cooperatives and their organizations, and creation of RMCs.

In the intervening period since its defeat in the Eighth, NACFAR had focused on resource generation and widening of the RMC experiment. After securing a grant from OXFAM for its first RMC pilot project in Camarines Sur, NACFAR was able to get funding from the Foundation for the Philippine Environment for the Sampaloc Lake project in San Pablo City and from Christian Aid for another RMC in Dalaget, Cebu. Its overall objective was to show that the RMC concept in the Unity bill, which intends to genuinely empower fisherfolks, will work. NACFAR was also able to secure a P25 million grant from USAID for information-education, advocacy and lobbying for a fisheries code.

With the USAID grant, NACFAR's advocacy and lobbying work was bolstered. Thus, in the Tenth Congress it was able to engage in lobbying and media training, nationwide consultation, training of fisherfolk leaders, lobbying at national and local levels, mass action, research, media work, and networking with other NGOs. With NGOs like Tambuyog, OTRADEV, and the Community Extension and Research for Development, it formed the NGO technical working group on the fisheries code for data support and advocacy. To some extent, it also participated in the SRA fisheries sector activities.

In Congress, Coalition representatives discussed their demands with the legislators prior to the hearings and worked closely with the committees and other offices inside Congress that worked on the Code. NACFAR's representatives were called to meetings not only on the Code but also on other programs of line departments and local governments. It managed to get media coverage to make its positions known to the public. NACFAR's renewed strength and popularity gave the Coalition a niche in discussions on issues affecting the fisherfolks sector, the fishing industry, and fisheries and aquatic resource management.

NACFAR's advocacy and lobbying produced several agreements, resolutions and position papers coming from various fisherfolk organizations and local government units. These were then separately submitted to Congress, to impress upon the legislators the wide support of NACFAR's advocacies. The papers centered on the defense of fisherfolks and LGUs on the arguments of commercial fishers regarding municipal fishing, capacity of small fisherfolks to fish beyond seven kilometers, modernization, destructive fishing, and contribution to fish production.

On May 16, 1996, about a thousand municipal fisherfolks hailing from communities from Batanes to Zamboanga marched to the House of Representatives to press the solons to immediately pass the Coalition's "democratic fisheries code" to replace PD 704 of 1975. Then and there, Speaker de Venecia and Congressman Villarosa signed a covenant with NACFAR leaders binding the signatories to the repeal of PD 704 and the passage of a law close to the principles of the Unity bill.

In the committee hearings, NACFAR fought for its definition of RMCs, municipal fishing, use of municipal waters, granting of FLAs to fisherfolks, banning of fish pens and fish cages, fisheries resettlement area, and banning of foreign vessels – the most contentious issues fought hard with commercial fishers and fishpond operators (Manaog 2006; Miciano 2006). In the Committee hearings, the original SRA bill gave in to the coalition's demands except for the powers of RMCs and the banning of foreign vessels.

The final bill (HB No. 7366), however, reverted to the old provisions that protected commercial fishers and fishpond operators. Representatives Abad and Tañada, as well as their sectoral representatives[6] told the fisherfolks that they were given very short notice by the Committee and thus failed to attend the meeting (Araullo 1996). The issue of lack of quorum became a ground for certain groups to reject the final bill and ask for the re-convening of the committee (BFAR July 1996; NACFAR September 1996).

In June 1996, the SRA Fisherfolks Sector convened a Special Committee to review the House Committee Report No 485 that produced HB No. 7366. The committee was composed of representatives from different government agencies, fisherfolk leaders, other NGOS and the Social Reform Council Secretariat. The report was forwarded to the House Special Committee on the Fishery Industry with the following recommendations:

1. The number of gross tonnage of fishing vessels allowed to operate inside municipal waters should revert to three (3) gross tonnage as provided for in the amended HB 3198, and not 50 gross tonnage;
2. The preferential granting of fishpond lease agreements (FLAs) should be to fisherfolk organizations, and not to present FLA holders, as originally provided for in the amended SRA bill (HB 3198);
3. The provisions on fisherfolk resettlement areas, which have been deleted, should be restored;
4. The Municipal Fisheries Grant Fund, Fishery Loan and Guarantee Fund, Science and Appropriate Fishing Technology (Approfishtech) Fund, Aquaculture Investment Fund, provisions on the automatic appropriation of receipts, and budgetary appropriation should be restored (SRA Fisheries Sector Special Review Committee June 1996).

NACFAR also prepared a position paper condemning HB 7366, specially the last-minute changes made by the committee on the declaration of state policy, definition of municipal fishing, users of municipal waters and issuance of FLAs in the aquaculture sector.

[6] These were representatives Adolfo Geronimo, Arturo Olegario and Vicente Tagle who were identified as representatives of the peasant sector but who were regarded by fisherfolks as their own. Recall that Olegario was appointed to the 8th Congress as fisherfolk representative and to the 19th as from the peasant sector.

At the committee, a compromise was made on users of municipal waters, similar to the provisions of the substitute bill in Senate (SB No. 1708) which NACFAR failed to guard (Miciano Interview May 2006). Thus Section 18 of RA 8550 states that:

> All fishery related activities in municipal waters,…. shall be utilized by municipal fisherfolk and their cooperatives/organizations…The municipal government, however, may … authorize or permit small and medium commercial fishing vessels to operate within the ten point one (10.1) to fifteen (15) kilometer area from the shoreline ….

The future issuance of FLAs exclusively to fisherfolk cooperatives and organizations was restored. As for the creation of special funds and appropriations, the committee persuaded the fisherfolk sector to accept those provisions for the immediate passage of the law. As these provisions were already in the Senate version, the committee asked the representatives of the fisherfolks to leave the final provisions to the bicameral conference. The bicameral conference restored the special funds but not the new appropriations.

Opposing Forces. Being included in the Social Reform Agenda did not deliver to the fisherfolks their desired Fisheries Code on a silver platter. For one, the SRA seemed to have provided general support for the fisherfolk sector, but did not necessarily incorporate all their demands. They continued to have face-offs with commercial fishers and fishpond operators at all stages of the legislative process. Thus, they had to soften their definition of municipal waters, and accept the deletion of special funds that they had fought for. The inclusion of provisions in the bill coming out of Committee – after the fisherfolks thought their side had won – was a silent affirmation that some opposing forces were in Congress itself. NACFAR's concentration on the Lower House also had its costs, since some provisions they did not desire were considered in the bicameral committee because it was in the Senate version.

Results. RA No. 8550, which was signed in February 1998 turned out to be a compromise between the small fisherfolk sector and commercial fishers. Even before its passage, NACFAR had prepared itself to accept certain compromises in the final code. Its plan was to engage in implementation and monitoring and long-term parliamentary work such as working for the amendments of certain provisions in the law. The Coalition then sought another grant from USAID for engagement in the Code's implementation and monitoring. However, at the end of the three-year grant, NACFAR had disbanded and failed to secure the funds from its donor (Manaog Interview 2006).

The Social Reform and Poverty Alleviation Act (Rep. Act No. 8425)[7]

Signed into law on December 11, 1997, RA No. 8425 was an attempt to institutionalize the Social Reform Agenda (SRA) – the key anti-poverty program of the Ramos Administration – and establish a national action program to alleviate poverty. It

[7] This is based on the case study of Dolores de Leon-Gaffud made specifically for this project

was initiated in the Lower House by House Speaker Jose de Venecia, with 79 co-authors. It was launched during the opening of the Tenth Congress as a priority bill (HB No. 1). In 1996, then Senators Leticia Shahani and Gloria Macapagal-Arroyo also introduced bills on a national strategy for social reform and poverty alleviation. All three bills had three major components: 1) the creation of a high-level poverty alleviation coordinating body at the national level; 2) the establishment of a financial institution to administer micro-credit facilities for the poor; and 3) the establishment of a trust fund to support capability-building for NGOs, POs and cooperatives engaged in poverty alleviation work. The bills received strong opposition from executive agencies and government financial institutions particularly on components 1 and 2 that the committees resolved to delete the second component and adopt the general view of using existing institutions for the delivery of financial services to the poor. The substitute bills were swiftly approved at the bicameral conference.

Main Thrusts. The salient features of the law are:

1. Adoption and integration of the principles embodied in the Social Reform Agenda and its sector-specific programs in the national anti-poverty action agenda;
2. Creation of the National Anti-Poverty Commission (NAPC), which shall serve as the coordinating and advisory body for the implementation of the Social Reform and Anti-Poverty Agenda;
3. Institutionalization of basic sector and NGO participation in planning, decision-making, implementation, monitoring and evaluation;
4. Representation of 14 basic sectors in the NAPC. These sectors are the: farmers and landless rural workers, artisanal fisherfolk, urban poor, indigenous cultural communities/indigenous peoples, workers in the formal sector and migrant workers, workers in the informal sector, women, youth and students, persons with disabilities, victims of disasters and calamities, senior citizens, NGOs, children, and cooperatives;
5. Establishment of a People's Development Trust Fund for capability-building and support system for micro-enterprise and microfinance for the poor;
6. Adoption, integration and enhancement of the SRA's flagship program on credit for the poor (i.e., microfinance);
7. Enhancement of the role of the People's Credit and Finance Corporation as the vehicle for the delivery of microfinance services;
8. Mechanisms by which the poor can save and access credit for microenterprises.

Strategies. RA 8425 was an initiative of the leading party during the administration of President Ramos. Launched as a priority bill, the final House version was co-authored by 95 percent of Representatives. In the Senate, the sponsors, principally Senators Ralph Recto[8], and Juan Flavier, were all members of Lakas-NUCD. The

[8] Senator Recto was then Chair of the Special Committee on Poverty Alleviation as well as of the Committee on Rural Development.

conference committee did not play a big role since the bills did not vary very much from each other.

The proposed legislation was subjected to hearings and consultations with the different executive agencies, government financial institutions, local officials, academics, the business sector, and several NGOs, POs and cooperatives. Civil society organizations that were consulted include the National Peace Conference (NPC), *Sentro ng Alternatibong Lingap Panligal* (Saligan, Center of Alternative Legal Care), Punla Development Foundation, Center for Alternative Development Initiatives, Federation of Free Farmers, NASALU, Inasaw, Sanduguan, Sipag Urban Poor, Krus na Ligas Cooperative, UP Multi-Purpose Cooperative, among others.

The National Peace Conference, a major player in the formulation of the SRA, provided major inputs in the preparation of the final bills.[9] NPC is an assembly of about 500 organizations and individuals whose mission is to fulfill the basic sector's agenda through direct engagement and advocacy with government and concerned parties. Among its programs are advocacy of the basic sectors' political and economic issues, support for direct and genuine representation in governance, and cooperation and joint action among civil society networks.

The proposed legislation was welcomed by the CSOs who attended the meetings called by the committees as they saw it as an avenue for the effective participation of the basic sectors in poverty alleviation and a means to push the basic sector's agenda. A major recommendation to the mother bill was the adoption of the principles and implementing guidelines of the Social Reform Agenda, which embodied the positions and sentiments of the basis sectors. Another concern pertained to the implications of the creation of NAPC on the government's policy of streamlining the bureaucracy. The third, and the only recommendation NPC did not get, involved increasing the trust fund for capability-building from P5 billion to P10 billion.

A review of proceedings during committee hearings and meetings with NGOs, POs and cooperatives reveal that most of the concerns raised are implementation issues such as financing models, interest rates, collaterals and repayment schemes. The committee secretaries who worked on the legislation averred that they invited many other NGOs and POs to the consultation meetings but the latter preferred not to engage themselves in the process.

Opposing Forces. Negative comments about certain sections of the bills came from government agencies rather than stakeholders in the market. Thus, bones of contention dealt with the institutional and financial approaches to fight poverty and did not embody an opposition to the bill itself. Executive agencies and government financial institutions came up with separate position papers, official comments and recommendation, and a unified position that called for Presidential intervention regarding the proposed legislation considering the Speaker himself, the president's sister and a former president's daughter were their main sponsors (Torres 1996).

[9] It may be recalled that NPC also participated in the passage of the IPRA.

On the creation of NAPC, the agencies reiterated and asserted that the Legislative-Executive Development Advisory Council (LEDAC) is mandated by law as the overall coordinating body for poverty alleviation and that a national poverty alleviation program can be anchored within LEDAC by simply creating a Poverty Alleviation Committee. They also contended that the representation issue may be addressed by expanding the membership of NGOs in LEDAC. With 18 coordinating bodies dealing with poverty alleviation, the establishment of a "superbody" or NAPC would be duplicative, confusing and inefficient.

On micro-credit facilities, the agencies proposed to designate the People's Credit and Finance Corporation to serve as the primary vehicle for delivery of microfinance service to the poor. They also proposed the promotion of a wide application of the Grameen-type and other indigenous microfinance mechanisms for the poor. They believed that they would work better than a separate financial entity with government resources and with a separate banking system governed by a different set of rules which will only complicate the conduct of monetary policy and prudential regulation of banks.

The unified executive position was based on the outcome of the Anti-Poverty Summit in 1996 where the NGOs opposed the government's proposed alternative delivery mechanism, i.e., the Community Bank for the Poor, and supported Grameen operation and indigenous financing schemes. In a handwritten note to the Paper, the then Finance Secretary reiterated that the President strongly stated his preference to use existing institutions and modalities and strengthen coordination.

The above concerns were shared by at least three (3) academics who attended the committee hearings and submitted detailed comments and recommendations on the bills. On the whole, the professors and economists opined that any proposal to create a government body or financial entity should be based on a study as to their rationale, feasibility and viability, and implications on the bureaucracy, government resources, and the public. Such was not the case of the bills when they were filed.

Results. The Social Reform and Poverty Alleviation Act was signed on December 11, 1997. Signed with a flourish by President Ramos, its implementation really fell on his successor, President Joseph Ejercito Estrada. While the law provides that the basic sectors must choose their representatives from among themselves, President Estrada allowed the direct nomination of candidates to the seats of basic sector representatives from all comers. A group called KATINIG asked the Supreme Court to bar the President from directly appointing NAPC sector representatives. However, the Court dismissed the case for lack of merit (Bennagen: 18-19).

The Anti-Rape Law of 1997 (Rep. Act No. 8353)[10]

In the Revised Penal Code (Act 3815), rape was defined as a crime against chastity, a private offense. Passed on December 8, 1930, the Code is not informed by

[10] This is based on Reyes (1997).

international covenants that recognize violence against women as a violation of human rights. The Philippines is a signatory to the Universal Declaration of Human Rights (1948), the Convention on the Elimination of All Forms of Discrimination against Women (1979), and the Declaration the Elimination of Violence against Women (1993), among other international covenants recognizing women's rights as human rights. However, up to the time this law was passed, the country continued to regard rape as a problem which an aggrieved party or guardians must bring against an offender, not an act committed against "the People of the Philippines."

Main Thrusts. The bill seeks to redefine the concept of rape and change the penalties to be imposed upon the offender. The new definition first changes rape into a crime against persons, not against chastity. It also enlarges the concept to add to penile penetration of the female genitalia such acts as penile penetration of the anus, penile insertion into the mouth, insertion of other objects into any orifice of another person and forced sexual intercourse with an animal. Recognizing marital rape, it goes against the old notion that a woman surrenders her body to her husband upon marriage, removing from her the liberty to consent first to sexual relations.

The bill also recognizes rape as an act of violence against a woman, and is independent of that woman's sexual activeness or moral character and of any amorous relationship she may have with the defendant. It removes resistance on the part of the woman from the definition of rape, arguing that she may freeze in fear, or realize that resistance would bring her more harm. Lack of consent may also be read into acts where there is abuse of authority or relationship, making unnecessary threats or intimidation on the part of the man, or deprivation of reason or consciousness on the part of the woman. Evidentiary requirements and protective measures for the complainant are also built into the law to maintain the dignity of the latter.

Although a heinous crime, the strongest penalty for rape should be life imprisonment, since the advocates are against the death penalty. They also ask that rape be treated as a separate offense in complex crimes, and additional damages be awarded to victims if they get AIDS, become insane, disfigured or disabled, or are killed by reason of the rape.

Strategies. In 1992, eleven women's organizations formed themselves into a coalition called *Sama-Samang Inisyatiba ng mga Kababaihan para sa Pagbabago ng Batas ng Lipunan* (SIBOL, or United Initiative of Women for the Improvement of the Laws of Society). This was a radical idea for this group of radical activists who had to think long and hard before agreeing to come down to a "reformist" approach. That decision having been made, however, SIBOL proceeded to their legislative advocacy very systematically. First, they asked one of their members, the Center for Legislative Development[11], to orient them on the legislative process. Then they decided against a shotgun approach and focused their energies on violence against women (VAW). They selected this priority for five reasons:

[11] The head of this group is the author of the original case study.

- The growing consciousness in the women's movement that VAW is a public, not a private, issue
- The realization that VAW has a strong mobilizing effect because any woman can become a victim of violence
- The involvement of most SIBOL members on this issue (e.g., crisis centers, counseling, working with prostituted women, etc.)
- The availability of research-based information on the subject
- The proliferation of anti-VAW bills filed in Congress, most of which did not reflect the women's perspective (Reyes 1997: 230).

Further, rape was chosen as the example of VAW because of the increasing number of cases, the increasing brutality of cases, and because "the existing rape law is one of the most sexist and anti-woman laws of the country" (Reyes 1997: 230).

To draft the bill, SIBOL assigned one of its members, the Women's Legal Bureau. The WLB draft was subjected to months of consultations with various women's groups. It was introduced in the Ninth Congress by the respective House's Chairs of the Committee on Women: Glenda Ecleo in the House, and Nikki Coseteng in the Senate. SIBOL perked up the interest of media, got invited to TV and radio programs and were quoted in newspaper items and columns. They lobbied strategic committees and members of both Houses extensively (including known opponents of the bill), testified in committee hearings (walking out on one), provided legal opinion, and shared the agony of rape survivors. However, the House adjourned without the bill reaching the floor. They fared better in the Senate where it was debated on second reading.

The experience in the Ninth was not wholly a failure. Aside from learning the ropes of the legislative process and thrusting the issue of rape into the public agenda, SIBOL members realized that they had empowered themselves: they had taken charge of their own lives, and expressed what they, as women, want to be.

Not forgetting the two tracks that CPAR first used, SIBOL also explained the bill to their chapters in rural areas and among the urban poor. Thus mobilized, peasant, worker and urban poor women endorsed the bill. In November 1992, they had a march to observe The Day to End Violence. They also had regional consultations on Family Violence Prevention.

Another bonus was growing support from government, especially the National Commission on the Role of Filipino Women (NCRFW).

When the Tenth Congress rolled around, SIBOL was better prepared. They had new strategies. The first was to obtain a better knowledge of the profiles of members of Congress, and thus an identification of their potential allies and opponents (whom they could woo to their side). The second was to arm themselves with more research to better convince legislators. This included finding a Supreme Court decision (in 1921!) that recognized marital rape, learning about comparable laws in other countries, and digests of

rape cases. They also decided on their non-negotiables: the expanded definition of rape, its reclassification as a crime against persons, and unqualified marital rape.

Another new recognition was the importance of Committees other than the mother Committee on Women and Family Relations. These were the Committee on the Revision of Laws, under which a new law on rape would fall, and the Committee on Rules, which holds the calendar for floor deliberations. As in the Ninth Congress, they followed deliberations in both Houses and testified in Committee hearings. And they also learned to befriend the committee secretariats who had inside information on schedules, guests for hearings, the documentation of proceedings, updates on developments and the like.

Going to the President, they also got him to include the rape bill within the Social Reform Agenda. In addition, they got media coverage and continued the mobilization of support from women (and men) all over the country.

Deliberations of both Houses took place almost simultaneously. By Reyes' analysis, the Senate bill hewed more closely to the provisions of the SIBOL bill. To reconcile the differences, a bicameral conference committee was chosen. Out of eleven members, the House contingent had six women, including the Chair of the Committee on Women and the women's sectoral representative. The Senate had six women and three men. SIBOL sent letters and position papers to all the bicam members. However, the Chair of the House Committee on Women explained to SIBOL why she could not accept their version. The principal sponsor said the same thing.

When the bicam finally met after several postponements, ten members of SIBOL managed to get inside the meeting room, with the help of the Chair of the Senate Committee on Women. However, they were asked to leave. Outside, along with other supporters, they staged a picket to urge the bicam to pass a progressive law. As Reyes described it (1997: 243):

> The bicameral conference committee meetings were marred by resignations, walkouts, shouting matches, accusations, counter-accusations, and the like.
>
> When it ended, however, the bicam had a bill that later passed both Houses.

Opposing Forces. Much of the opposition was inside the halls of Congress. Gender was not necessarily the dividing line, because there were many men who supported the bill. And as Reyes implied, at the last minute, two ranking women in the House expressed that SIBOL could not get what it wanted. The bill had been described as "too radical" and "overhauling established principles of jurisprudence," (Reyes 1997: 236), implying the opposition of conservative forces, especially among lawyers.

Results. The New Anti-Rape Law (Republic Act No. 8353) was approved by the President on September 30, 1997. As SIBOL advocated, rape was reclassified into a crime against persons. There was also some change in the evidentiary requirements to

prove rape. However, the definition of rape was more constricted, with insertion into a mouth or an anal orifice by a penis or any instrument or object declared only as "sexual assault." The provision on marital rape was the one that posed the greatest threat to the approval of the bill as "a significant number of male legislators rejected the inclusion of marital rape in the law even in the most indirect way" (Reyes 1997: 243). Indirectly, however, marital rape was written into the law with the provision that "in case it is the legal husband who is the offender, the subsequent forgiveness by the wife as the offended party shall extinguish the criminal action or the penalty."