Philippine Human Rights Information Center

ESTABLISHED in July 1991 by the Philippine Alliance of Human Rights Advocates (PAHRA), PhilRights seeks to undertake and disseminate human rights information, research, and analyses where and when they are needed.

As a service institution that exists for both PAHRA and the general public, PhilRights aims to:

- Deepen awareness, knowledge, and understanding of PAHRA and the general public about human rights conditions, issues, and mechanisms;
- Work for a dynamic human rights movement that is able to mobilize sectors and groups for timely and effective intervention in the promotion and defense of human rights by making available human rights information and tools in information handling and dissemination;
- Help ensure state compliance with its human rights obligations through active monitoring and engagement;
- Strengthen cooperation and partnership with local and international networks in the conduct of human rights activities through lively exchange and sharing of information; and
- Enhance capability of human rights organizations in the promotion and defense of human rights through education and training on research, advocacy, and information handling and dissemination.
Editors
Nymia Pimentel-Simbulan, Dr P.H.
Bernardo D. Larin
Luis Gorgonio
J.M. Villero

Writers
Ramil Andag
Vanessa Retuerma
Cicky A. Buenaventura
Bernardo D. Larin
Nymia Pimentel-Simbulan, Dr P.H.

Art Design
Arnel Rival

Members of the Philippine Alliance of Human Rights Advocates (PAHRA) and other network organizations provided data in the writing of this report.

Philippine Human Rights Information Center (PhilRights)
#53-B Maliksi St., Brgy. Pinyahan 1100,
Quezon City, Philippines
Tel. (+632) 433-1714 and (+632) 436-5686
Email: prights@tri-isys.com
Website: www.mtb-mrj.com/philrights

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PhilRights Publications

Economic, Social and Cultural Rights: The Grassroots View (P200.00)
The book is a result of the second phase of the research on Economic Social and Cultural Rights undertaken by PhilRights. It presents standards and indicators coming from the grassroots that could be used in gauging government compliance of the five rights being focused on in the research, namely: the rights to food, health, housing, work and education.

Golf Courses: Are They on a Par with Human Rights? (P80.00)
Deals with the possible impact on human rights of golf course development under the Medium-Term Philippine Development Plan of the Ramos administration. It gives an overview of the effects of golf courses on people, as well as on other important resources, such as land and water. It also presents profiles of major golf course projects in the Philippines.

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Provides users a modular approach in understanding the work of Congress, the role of civil society and presents opportunities for human rights lobbying.

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Please contact Philrights at 433-1714 or 436-5686
The HRF Magazine is a quarterly publication of PhilRights that tackles burning human rights issues and concerns. It gives special focus on Economic Social and Cultural (ESC) Rights.
TERRORISM AND HUMAN DIGNITY
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Globalization and the war against terror have created conditions and provided justifications for the Philippine government to adopt policies and programs resulting in violations and abandonment of its human rights obligations. In the name of global competitiveness, it has pursued the liberalization of agricultural products, privatization of public utilities and social services like water and health, the freezing of workers' wages, reduction of national allocation for basic social services, and the imposition of new taxes like the expanded value added tax (EVAT).

Meanwhile, under the auspices of national security and public safety, the Philippine government has been pushing for the passage of an anti-terrorism law, institutionalized a "multi-purpose" identification (ID) system, and conducted illegal and arbitrary arrest, search and seizure activities in so-called "terrorists strongholds". Moreover, it has intensified the use of militarist strategies in handling the conflict in Muslim Mindanao, and perpetuated the discriminatory and cruel treatment of suspected terrorists, mostly Muslims.

All these state actions have resulted in the curtailment of the people's civil and political rights and freedoms, and the violations of their economic, social and cultural rights. In the midst of the country's economic and political crises which have worsened with the exposé of the "Gloriagate tapes", institutionalized graft and corruption, unabated increases in the prices of petroleum products and the ballooning of the country's external debt, human rights violations are expected to further escalate and the threats and challenges to human rights are expected to increase.

It is in this social backdrop that the Philippine Human Rights Information Center (PhilRights) is introducing the maiden issue of In Focus: A Mid-year Human Rights Situationer (January-June 2005), a bi-annual publication of the institution dealing with contemporary human rights issues and concerns affecting Philippine society. The heightening threats and challenges to human rights particularly in the era of globalization and the global war against
terror have emphasized the increasing need to make the general public aware and well-informed about the factors and conditions which make their lives unstable and vulnerable to human rights violations. Armed with accurate data and information, peoples, communities, and their organizations will be able to more effectively claim and defend their rights as human beings.

In Focus: A Mid-year Human Rights Situationer, a regular publication of PhilRights, discusses the situation of the people's civil and political rights, and economic, social and cultural rights, specifically the rights to food, health, education, housing and work, during the past six months. It provides timely and accurate data and information, case studies and important events illustrating the state of and problems affecting human rights. Through the publication, PhilRights expects to assist and contribute to the education and advocacy activities of NGOs and other civil society groups so that they can more effectively defend and claim their rights. Concomitantly, the publication is also expected to be used as a source of information by government officials, workers and legislators so that they can assess the state of their compliance with their human rights obligations.

Realizing the importance of disseminating timely and accurate human rights data and analyses and of assisting in the political conscientization process of the general public, PhilRights is coming out with In Focus: A Mid-year Human Rights Situationer, another material expected to achieve these objectives. Like other publications of the institution, the report is a collective effort of the PhilRights' research and information staff. Data and information used in the report were derived from the member organizations of the Philippine Alliance of Human Rights Advocates (PAHRA), newspaper articles, government agencies/organizations, and international reports/studies.

We hope our target audience will find the various articles contained in this mid-year report useful in the conduct of their respective lines of work. Cognizant of the important role of knowledge in the struggle for human rights, we share with you the initial release of In Focus: A Mid-year Report.

Dr. Nymia Pimentel Simbulan
Executive Director, PhilRights
August 2005
Summary

The year 2005 opened with violence and conflict, particularly in Muslim Mindanao, with the series of bombings which took place in the island of Sulu. This was followed by the Camp Bagong Diwa massacre of 26 detainees suspected to be members of the Abu Sayyaf Group and suspected to be involved in the foiled escape attempt. The escalation of summary executions targeting journalists, suspected criminals and members of militant organizations in various parts of the country has likewise been observed and has contributed to the volatile human rights situation in the country.

In mid-June, the “Hello Garci” tapes came out and all hell broke loose. The alleged wiretapped conversations between election commissioner Virgilio Garcillano and PGMA hinting that the latter cheated in the 2004 elections sparked mass protests and political realignments that almost kicked her out of Malacañang.

In the economic and social spheres, the unabated increases in the prices of gasoline and other petroleum products have triggered a corresponding rise in the costs of basic goods and services, making it more difficult for the poor and unemployed to survive. Deprivations in food, health, education and housing have continued to be glaring realities in the lives of people, both in the urban and rural areas. As in previous years, basic social services have not been given the necessary attention and funding by the national government since debt servicing and national defense have remained the top priorities in the 2005 national budget. Thus, further deterioration in the quality of education has been noticed with the persistence of oversized classes, leaking and dilapidated classrooms and school buildings, lack of teachers, chairs and textbooks. Meanwhile, the health care delivery system has been beset by the mass exodus of health professionals in search of better pay and professional growth. Nurses and doctors trained as nurses have gradually left the country for abroad, leaving government health facilities particularly in the provinces with inadequate number of health personnel to attend to the growing health needs and problems of the rural population.
While discrimination, marginalization, and disrespect for human lives have dominated the civil and political landscape of the country, various forms of economic and social deprivations have undermined the people’s economic, social and cultural rights. The various forms of human rights violations have illustrated not only the failure of the state to respect and value human life but has also shown the state’s utter disregard in upholding the fundamental freedoms of the Filipino people. The inutility of the state in protecting, respecting and fulfilling its human rights obligations has created a chaotic environment characterized by the existence of a culture of impunity and arbitrary promotion of the rule of law.

Amidst all these deprivations and human rights transgressions, the only thing the government has succeeded in doing is to keep PGMA in power; after all it seems to be its primary consideration.

Under such a situation, the people, especially the poor and the marginalized, have no recourse but to stand up and defend their rights using all methods and resources available to them.
Right to Life & Dignity

CASE 1: Gafhar Mundi was an ordinary student in Isabela, Basilan in Mindanao prior to his arrest and detention at the Camp Bagong Diwa in Bicutan, Metro Manila, on suspicion that he was a member of the Abu Sayyaf Group (ASG). The ASG is an armed group based in Muslim Mindanao which has been actively engaged in kidnap for ransom activities.

Today, Gafhar Mundi at age 23 is dead. He was one of the 26 Muslims killed during the Camp Bicutan siege last March 14-15, 2005.

The case of Gafhar Mundi clearly illustrates the state of human rights in the country under the Gloria Macapagal Arroyo (GMA) government which has committed itself in the fight against terrorism.

Gafhar Mundi, a resident of Tabuk, Isabela, Basilan and a minor (he turned 18 in prison) at the time of his arrest, just finished saying his prayers at the mosque when he was arrested by the military on March 2000 in Basilan. He was hog-tied and brought to the detachment of the Scout Rangers, after which he was brought to the headquarters of the 103rd Brigade. While under the custody of the 103rd Brigade, he was made to sign a waiver, his finger and palm prints and his picture taken. After going through the routine, his ordeal in the hands of the military began. He was tortured while undergoing interrogation, forcing him to admit membership in the ASG. Denying his involvement with the ASG, Gafhar was kicked, hit with a rifle butt and a gun was poked on his head. Hot pepper was applied in various parts of his body causing him pain. Not satisfied with the inhuman treatment on Gafhar, his military torturers nailed him and broke his fingers using pliers. One time, gasoline was doused on his right shoulder up to his chest. He was tortured for three days.

At the time of his death, Gafhar was still undergoing trial and has not been proven guilty for the crime he was charged, i.e. being a member of the ASG.
However, with the way the detainees at Camp Bagong Diwa were treated and projected in the mass media during the siege, Gafhar and the rest of the detainees massacred during the incident have already been judged guilty and sentenced to death by State agents.

**CASE 2: Ibrahim Joe, 25 years old and a resident of Isabela, Basilan, suffered the same fate as Gafhar Mundi. He was one of the Muslim detainees killed by law enforcement agencies and the military during the Bicutan siege last March 14-15, 2005.**

At 5:30 a.m. of July 15, 2001, Ibrahim Joe was awakened by members of the Philippine Marines with their armalite rifles poked on his head. He was brought to the headquarters of the 103rd Brigade where his finger and palm prints and his picture were taken. Thereafter, he was tortured and forced to admit being a member of the ASG.

Like Gafhar, Ibrahim was still undergoing trial and had not been convicted by the court trying his case at the time the Bicutan siege took place. However, with the way he was treated during the siege, state agents have already found him guilty and sentenced him to death even before the handing down of the court’s decision on his case.

Gafhar Mundi and Ibrahim Joe, like millions of Muslim Filipinos, have lived under an environment of violence and discrimination. During their arrest and detention, they experienced torture in the hands of the military. And now that they are dead, Mundi and Joe have again experienced the iron fist of the state by the manner through which the Camp Bagong Diwa incident had been resolved by law enforcement agencies and the military, i.e. the excessive and indiscriminate use of force, inhuman treatment and punishment of suspected terrorists.

The cases of Gafhar Mundi and Ibrahim Joe illustrate the state of civil and political rights, particularly right to life and dignity, in the Philippines during the first half of 2005. A noticeable observation is the discriminatory treatment of Muslims by the police and military since they have become the usual targets and victims of illegal arrest and detention in the context of the State’s all-out campaign against terror.

The March 2005 Camp Bagong Diwa siege has demonstrated the violent nature of the Philippine State, opting to resolve conflicts with its citizens through the use of force and deception and in utter disregard of human rights norms and approaches. A small incident such as an attempted escape of an insignificant number of suspected Abu Sayyaf Group members detained at Camp Bagong Diwa ended up in the slaughter of 26 defenseless Muslim detainees.

The right to life and dignity of the Muslim detainees has been grossly violated in the Bicutan massacre. As revealed in the report of the fact-finding mission conducted by the Commission on Human Rights (CHR), Philippine Alliance of Human Rights Advocates (PAHRA), Medical Action Group, Inc.
(MAG), Task Force Detainees of the Philippines (TFDP), Balay Rehabilitation Center and a number of Bangsa Moro organizations, the 26 Muslims killed in the Bicutan massacre were subjected to torture and inhuman treatment and were victims of extrajudicial executions. Reminiscent of the American colonizers’ mindset and attitude that “a good Muslim is a dead Muslim”, the Philippine National Police and the Special Action Force (SAF), under the command of DILG Secretary Angelo Reyes who headed the Crisis Management Team (CMT), have decided to display their firepower as the means to deal with the trapped Muslim detainees in Camp Bagong Diwa, most of whom have been undergoing trial for alleged involvement in the ASG.

Prior to the Bicutan massacre, the State’s disregard for the right to life and dignity, particularly of Muslims, has been illustrated in the Sulu conflict at the start of February 2005 with the launching of intensive military operations in the island by the AFP in pursuit of a group of the Moro National Liberation Front (MNLF). Consistent with its manner of dealing with Muslims, the militarist strategy employed by the State in Sulu has resulted in the displacement of 5,602 families and 33,679 individuals (data from the Office of Ms. Amina Rasul) and the death of more than 60 persons (Manila Times, Feb.14, 2005).

The war against terror has been systematically pursued and directed by the GMA government against the Muslim people as evidenced by the Sulu conflict, the Bicutan slaughter and the numerous raids in Muslim communities and institutions in Metro Manila, all of which took place during the first half of 2005. The government has also gone to the extent of treating Muslim insurgent forces as terrorist groups which places the ongoing peace talks in an unstable situation.

Politically-motivated massacres have continued to take place in the country during the first half of 2005. From January-June 2005, the TFDP recorded 3 cases of massacre, affecting 51 individuals (38 killed, 13 wounded). One such case took place in Barangay Abnate, Kiblawan, Davao del Sur, when about 50 members of the 25th Infantry Battalion, 6ID of the Philippine Army launched a military operation on February 8, 2005. Three farmers were killed while another three were wounded because of the shooting. The victims were indigenous farmers belonging to the B’laan tribe and residents of Sitio Latil, Barangay Colonsabac, Matanao, Davao del Sur.

The right to life and dignity has also been under attack during the first half of 2005 with the series of extrajudicial or summary executions perpetrated by unknown hitmen. Under the Arroyo government, the Philippines has started to acquire the reputation of being the “summary execution capital of the world” with the increasing number of unsolved cases of summary killings in various parts of the country. Three groups, namely, journalists, small-time criminal elements like petty thieves and cell phone snatchers, and members of militant organizations and party-list groups, have often been the targets and victims of summary executions in the country.

During the first quarter of 2005, three journalists have been summarily executed in the line of duty. This includes Klein Cantoneros, a broadcaster of
REPEAL THE DEATH PENALTY LAW RA 7659
The repeal of the death penalty law is a necessary step that the Arroyo administration seems reluctant to take.
local radio station DXAA in Dipolog City, Misamis Occidental in Mindanao. The series of killings of journalists has earned for the country to be considered by the Paris-based Reporters Sans Frontieres (Reporters without Borders or RSF) as one of the most dangerous places for journalists to practice their profession. Meanwhile, the Committee to Protect Journalists (CPJ), a New York-based NGO dedicated to the defense of press freedom worldwide, has tagged the Philippines as “the most murderous country for journalists”, followed by Iraq, Colombia, Bangladesh and Russia.

Besides journalists, members and leaders of militant organizations and party-list groups have also been the targets of summary executions in various parts of the archipelago. From January-August 2005, a total of 7 victims of summary execution has been recorded. Meanwhile, summary executions continue to be used as a method to curb criminality in the cities of Davao by the notorious “Davao Death Squads” and Cebu by the newly organized “Hunter Team” of Mayor Tomas Osmeña. During the first half of 2005 alone, human rights NGOs have listed more than 100 victims of summary executions in Davao City.

Undeniably, these developments in the cities of Cebu and Davao have seriously undermined the right to life and dignity of urban poor children, adolescents and/or young adults who have become the usual targets and victims of extrajudicial executions in these two cities. On mere suspicion or because of past criminal records, the victims’ right to life has been grossly violated because they have been judged and executed without having their day in court. Indeed, a culture of impunity prevails in these places since local government officials and law enforcement agencies have remained inutile in solving these killings and serving justice to the victims and their families.

A major threat to the right to life and dignity of the people is the existence of the death penalty in the country. As of January 5, 2005, 1,081 Filipinos (1,051 males and 30 females) are on death row, and most of them come from poor families who did not have the resources to get the services of competent lawyers during their defense. (See Table 1) One of the 30 women death row inmates is an 83-year-old grandmother convicted for drug trafficking. At the time of her conviction, the old woman was more than 70 years old which means she should not have been sentenced to death but given the next lower punishment of reclusion perpetua or life imprisonment in accordance with the provision of RA 7659.

<table>
<thead>
<tr>
<th>AGE</th>
<th>MALE</th>
<th>FEMALE</th>
<th>TOTAL</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 years &amp; below</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>.2</td>
</tr>
<tr>
<td>19-21 years</td>
<td>32</td>
<td>0</td>
<td>32</td>
<td>3.0</td>
</tr>
<tr>
<td>22-39 years</td>
<td>544</td>
<td>21</td>
<td>565</td>
<td>52.3</td>
</tr>
<tr>
<td>40-59 years</td>
<td>376</td>
<td>8</td>
<td>384</td>
<td>35.5</td>
</tr>
<tr>
<td>60 years &amp; above</td>
<td>25</td>
<td>1</td>
<td>26</td>
<td>2.4</td>
</tr>
<tr>
<td>Unknown</td>
<td>72</td>
<td>0</td>
<td>72</td>
<td>6.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,051</strong></td>
<td><strong>30</strong></td>
<td><strong>1,081</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>
The right to life and dignity was violated with the physical and economic displacement of about 300 Taubuhid Mangyan families from five sitios in Kalintaan, Occidental Mindoro last February 16, 2005 due to continuing military operations in their place. Mangyan families from Sitio Tamisan, Balangabong, Tagalungan, Bangkudo and Barison were forced to leave their villages and travel 15 kilometers on foot to reach the barangay hall of Barangay Poypoy to avoid being caught in the crossfire.

B. Rights of the Accused

The state of the rights of the accused such as the right to presumption of innocence, right to speedy, impartial and public trial, and freedom from torture, cruel and inhuman treatment and punishment, under the GMA administration is reminiscent of the martial law years under former Pres. Ferdinand E. Marcos. Illegal arrest and detention, fabrication of charges, criminalization of political offenses, torture and other forms of inhuman treatment and punishment, of suspected criminal elements and those considered as “enemies of the state”, have remained as built-in practices and features of the country’s criminal justice system.

According to the Task Force Detainees of the Philippines, as of June 2005, there are 271 political detainees/prisoners throughout the country, including 6 who are on death row. Most of them are detained/imprisoned at the National Capital Region (29.2%), northern Samar (18.5%) and central eastern Visayas (15.5%). (See Table 2)

Table 2: Political Prisoners/Detainees
AS OF JUNE 2005

<table>
<thead>
<tr>
<th>REGION</th>
<th>NO. OF PPS/PDS</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Capital Region</td>
<td>79</td>
<td>29.2</td>
</tr>
<tr>
<td>Northern Luzon</td>
<td>21</td>
<td>7.7</td>
</tr>
<tr>
<td>Southern Luzon</td>
<td>28</td>
<td>10.3</td>
</tr>
<tr>
<td>CEVIS</td>
<td>42</td>
<td>15.5</td>
</tr>
<tr>
<td>Western Visayas</td>
<td>19</td>
<td>7.0</td>
</tr>
<tr>
<td>Northern SMR</td>
<td>50</td>
<td>18.5</td>
</tr>
<tr>
<td>WCMR</td>
<td>32</td>
<td>11.8</td>
</tr>
<tr>
<td>TOTAL</td>
<td>271</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Task Force Detainees of the Philippines, June 2005

Majority of the political prisoners have been languishing in jail/prison under subhuman conditions for more than a decade. This is a consequence of the criminalization of political offenses, a strategy resorted to by the State since the martial law rule to deny the existence of people arrested and imprisoned because of their political beliefs and activism. So instead of being charged with sedition and/or rebellion, political offenders like those arrested for being alleged members or leaders of the CPP-NPA-NDF, Moro Islamic Liberation Front (MILF) and other rebel groups, have been charged with illegal possession of firearms, arson, kidnapping, robbery and even drug trafficking. This political maneuver of the State has made political offenders not only vulner-
Opposite camps: Anti-death advocates call for the repeal of the death penalty law (this page) while families of victims of heinous crimes say otherwise (previous page).
No one is too young to affirm the value of human life.
able to being given the death penalty sentence like what happened to the 6 political prisoners but has also made it doubly hard for them to be released on bail and defend themselves in court.

Torture and inhuman treatment of the accused have persisted as a practice of law enforcement authorities. Members of the police force have resorted to these measures to facilitate the investigation and “solution” of cases by being able to “produce” individuals who claim or admit involvement in crimes under investigation. Torture has also been employed by the police and the military to “punish” criminal elements for bad or unacceptable behavior while under detention. This is what happened to the suspected ASG members detained in Camp Bagong Diwa for their supposed participation in the foiled escape attempt last March 14, 2005 which ended in the slaughter of 26 Muslim detainees.

From January-March 2005, the Task Force Detainees of the Philippines documented 6 cases of torture affecting 18 victims. The Philippine Army followed by the Philippine National Police (PNP) was identified as the top perpetrators of torture.

On March 2005, Roel Centino, a farmer of Barangay Airport, Ormoc City, was illegally arrested by Philippine Army soldiers for being an alleged member of the New People’s Army (NPA). Centino denied the accusation and asked that he be brought to the barangay captain who can vouch for his innocence. The military, instead of listening to him, kicked, boxed and hit him with an armalite butt. He was later taken to the 19th IB PA Headquarters in Aguiting, Kananga for more questioning. He was later charged with illegal possession of firearms and explosives. He is presently detained at the Bureau of Jail Management and Penology (BJMP) in Barangay Alta Vista, Ormoc City.

During the first six months of 2005, TFDP documented 13 cases of illegal arrest and detention affecting 39 individuals, and one case of harassment involving 3 persons.

Meanwhile, the following data on the results of the Supreme Court review of capital cases as of March 2005, show how lack of competent legal representation sends many convicts, mostly from poor families, to death row.

**Death Penalty Cases Reviewed by the Supreme Court**

March 2005

<table>
<thead>
<tr>
<th>DEATH PENALTY CASES</th>
<th>NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFFIRMED</td>
<td>268</td>
</tr>
<tr>
<td>DISMISSED</td>
<td>30</td>
</tr>
<tr>
<td>ACQUITTED</td>
<td>68</td>
</tr>
<tr>
<td>CLOSED &amp; TERMINATED</td>
<td>1</td>
</tr>
<tr>
<td>TRANSFERRED TO COURT OF APPEALS</td>
<td>274</td>
</tr>
<tr>
<td>MODIFIED</td>
<td>682</td>
</tr>
<tr>
<td>- For further proceedings</td>
<td>37</td>
</tr>
<tr>
<td>- Indeterminate sentence</td>
<td>86</td>
</tr>
<tr>
<td>- Reclusion perpetua</td>
<td>559</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,323</td>
</tr>
</tbody>
</table>
This means that more than half (682) of the death verdicts handed down by the lower courts were erroneous and another twenty percent (274) transferred to the Court of Appeals still has the chance to be modified.

Percentage of SC Reviewed Cases as of March 2005

- Affirmed: 20%
- Dismissed: 2%
- Modified: 52%
- Transferred to Court of Appeals: 21%
- Acquitted: 5%
In her previous pronouncements, President Gloria Arroyo said that quality and accessible education to all Filipino children and youth of school age "is top priority" of her administration. But the situation of the country’s education system shows otherwise. The first two quarters of 2005 witnessed the persistence of problems surrounding the educational system that leads to its continuing deterioration. For one, education has been put at the margins of government budget allocation priorities.

Shrinking budget

Our Constitution mandates that education should get the largest share of the national budget but the government has failed to do so. This has resulted in the declining quality of classroom instructions and the worsening shortages in educational materials, facilities, and infrastructures. There is no wonder why public school students perform poorly in various achievement tests.

Among government basic services, education enjoys the biggest budget allocation of around P102.62 billion or 11.30 percent of the 2005 annual national budget. But the amount is still a far cry from the P301.7 billion that the government automatically allots for debt payment services, which is significantly higher than the combined budgets for health and education.

Worse, the measly education budget continues to shrink. The Department of Education’s (DepEd) approved budget declined from P107.50 billion in school year 2004-2005 to P102.62 billion for 2005-2006, reflecting a 2.32 percent decrease. Although such decline paints a disturbing reality, it does not really come as a surprise since the budget for education for the last 10 years has not significantly increased to match the ever increasing student population and much needed reforms in the country’s educational system.

On a per capita basis, the government spends an estimated $100-138 per student/pupil each year. Although DepEd claims a higher figure of $150 per
Education: Still a non-priority

student/pupil each year, this does not change the fact that the Philippines is among the lowest spenders in education. In fact, the $150 per capita allotment is one of the smallest in Southeast Asia. For instance, Thailand spends $950 per child per year and Singapore $1,582.

Former DepEd Secretary Florencio Abad admitted that with the meager budget for education, with almost zero increase every year, the agency could hardly cope with the increasing student population and the rising prices of textbooks, desks, chairs, and additional classroom and teachers. According to him, the department needs at least an eight percent (8%) increase in its annual budget to be able to effect reforms in the educational system.

The department’s financial deficit has continually been considered the major culprit behind the perennial shortages in the number of teachers, textbooks and classrooms, which hardly match up with the estimated 2.5 to 3 percent increase in the student population every year.

Exodus from Private to Public Schools

DepEd figures show that the number of public elementary students this school year rose to 12.23 million from 12.04 million last year while the number of high school enrollees increased from 5.04 million to 5.31 million, resulting in a total of 17.54 million public school enrollees for school year 2005-2006.

The continuing increase in the annual enrollment in public elementary and high schools is largely due to the exodus of students from private schools because of tuition fee increases. The same is true with state universities and colleges. The Commission on Higher education has reported that about 10 percent of students in private colleges and universities have transferred to cheaper state institutions due to the continuing tuition increases and other miscellaneous expenses this school year.

For this school year, the CHED reported that 206 or 17 percent of the 1,342 private education institutions in the country have filed requests to raise their tuition by an average of 15 percent. This shows that quality education in the Philippines is increasingly going beyond what average-income families could afford.

Meanwhile, transferees to public schools may have escaped the costly private education by allowing themselves to be trapped in miserable learning environment. In public schools, they have to adapt to overcrowded classrooms, cope with shortages in learning materials, learning facilities, and infrastructures.
Accumulated Shortages

Today, public schools have an accumulated shortage of 34.7 million textbooks, 3.48 million chairs, 57,930 classrooms, and 49,699 teachers. With these huge shortages, one could only wonder how learning takes place in an unfavorable learning environment that public school students are subjected to.

Over the years, these unfavorable conditions have eroded the quality of education public school students get. As a result, students around the country have consistently showed low performance rates in academic subjects in various national performance tests.

For instance, an overwhelming 97.9 percent of graduating students who took the National Achievement Test (NAT) in 2004 failed, with 90 percent of them scoring less than 50%. The results of the High School Readiness Test (HSRT) reveals a similar distressing picture: 92 percent of the examinees failed of which 50 percent scored below 30%, while only 7.9 percent of the students scored 50% and above, and 0.6 percent got a score of 75%.

Low-quality instructions

These results clearly point to the deteriorating quality of Philippine education which could be attributed to the huge shortages in school materials and facilities and to the low quality of classroom instructions in the country’s education system.

Although the Philippines produces enough education graduates capable of filling up the shortage of teachers in the public schools, it is not certain whether these graduates are well-trained and are qualified to be in the teaching profession. The 2003 Licensure Examinations for Teachers (LET) only registered a 26 percent passing rate or, conservatively, 26,000 of the 100,000 examinees – for both elementary and secondary education.

Even the competencies of those who have passed and have since been taken in to teach have been proven wanting. In the Self-Assessment Test for English (SATE) administered by the DepEd in May 2003, only 19 percent of the country’s 53,000 public school teachers scored 75 percent or higher. This figure points to a low level of competency among public educators in the use of English.

This incompetence of public school teachers points to the inept educational system that is supposed to produce competent teachers for the country. Even former DepEd Secretary Florencio Abad had raised concern over the stagnant and poor systemwide outcomes. He stated that “our educational system’s failures are coming back to haunt us because many of our underachieving graduates come back as underqualified teachers seeking to teach in our schools… all these incompetent Filipinos were students or graduates of our public schools.”
Access to quality and affordable education at present is a right barely available to the majority of school-age children.
Low teachers' wages

But what is more disappointing is that even those who passed the LET and actually doing their work well as teachers are not compensated equal to the tasks and responsibilities they have to fulfill. Overloaded yet less paid, teachers of public schools are victims of unashamed government neglect that underpins the continuing deterioration of Philippine education.

The salary of government employees, including teachers, has remained stagnant since 2001. The last salary increases were in 2000, a 10 percent increase amounting to P440 and five percent increase of P242 in 2001. At present, public school teachers get P9,939 as starting monthly salary. The amount is slightly higher than the minimum wage in Metro Manila but way below the average family living wage pegged at P18,542.70 per month for a family of six. This amount of compensation obviously does not correspond to the average 1,176 working hours teachers are required every year and the average of 50 students per class they have to handle.

Given the existing measly salary of teachers and the government's inability to accord legitimate and appropriate compensation and other benefits, it is not surprising that many public school teachers are abandoning their profession in favor of other jobs available, here or abroad.

Perfect Formula for a Sinking Education System

Education is considered a fundamental and indispensable human right in the exercise of all other human rights and in improving the people's quality of life. As an empowerment right, education has been a vital instrument in the economic, social, and political development of peoples and nations. The right to education is embodied in various international human rights instruments such as the Universal Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Right (ICESCR), and the Convention on the Rights of the Child (CRC) which explicitly require state parties, like the Philippines, to provide free and compulsory quality basic education for all.

The Philippine Constitution and other domestic laws acknowledge the State's obligations to protect and promote the right of all citizens to quality education at all levels and to take appropriate steps to make education accessible to all (Article XIV, section 1 of 1987 Philippine Constitution). In addition, the Philippine Constitution provides that education shall be assigned highest budgetary priority [Article XIV, section 5(5)]. Despite all the commitments made by the government under international human rights treaties and local legal instruments in providing quality and accessible education for all, the current administration has not only failed to pursue the progressive realization of such right but deliberately relegated it to the sideline.
The government’s continued misappropriation of the national budget favoring debt servicing has compromised needed education budget that caused the accumulated shortages in classrooms, teachers, textbooks, chairs and desks, consistent poor school performance of students, and low quality of teaching in the public school system. By doing so, the government is, in effect, violating one of its human rights obligations to provide accessible and quality education to its citizen, consequently jeopardizing the development potential of its people and of the nation as well.

Quickstats on Education

<table>
<thead>
<tr>
<th>SCHOOL YEAR</th>
<th>ELEMENTARY</th>
<th>HIGH SCHOOL</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003-2004</td>
<td>12.06 M</td>
<td>4.83 M</td>
</tr>
<tr>
<td>2004-2005</td>
<td>12.08 M</td>
<td>5.04 M</td>
</tr>
<tr>
<td>2005-2006</td>
<td>12.23 M</td>
<td>5.31 M</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>NATIONAL BUDGET FOR EDUCATION</th>
<th>Nominal Value</th>
<th>Real Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003-2004</td>
<td>P 105.92 B</td>
<td>P 56.14 B</td>
</tr>
<tr>
<td>2004-2005</td>
<td>P 107.50 B</td>
<td>P 56.98 B</td>
</tr>
<tr>
<td>2005-2006</td>
<td>P 102.62 B</td>
<td>P 54.39 B</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEPED’S BUDGET CUT</th>
<th>2003-2004</th>
<th>13.24 percent</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>2004-2005</td>
<td>13.62 percent</td>
</tr>
<tr>
<td></td>
<td>2005-2006</td>
<td>11.30 percent</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ACCUMULATED SHORTAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Classrooms</td>
</tr>
<tr>
<td>Seats, Chairs</td>
</tr>
<tr>
<td>Textbooks</td>
</tr>
<tr>
<td>Teachers</td>
</tr>
<tr>
<td>Barangays with no elementary schools</td>
</tr>
<tr>
<td>Towns with no high school</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TEACHERS’ BURDEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public school teacher I salary</td>
</tr>
<tr>
<td>Living Wage</td>
</tr>
<tr>
<td>Last Salary hike</td>
</tr>
<tr>
<td>No. of hours put in a year</td>
</tr>
<tr>
<td>Interest rates on loans by teachers</td>
</tr>
</tbody>
</table>

Still a non-priority Education.

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IN HER inaugural speech on June 30, 2004, President Gloria Macapagal Arroyo presented to the nation her 10-Point Agenda or the blueprint of her government. One of the highlights of the agenda is the creation of six to 10 million jobs by the year 2010. This means creating over 1 million jobs a year, amidst ballooning unemployment problem in the country.

June 2005 marks the first anniversary of the President’s landmark announcement. Presumably, over a million jobs should have been created by this time.

According to Malacañang’s Presidential Management Staff (PMS), 1.09 million jobs were created during the first five months of 2005 alone. The Department of Labor and Employment (DOLE) also reported that during the same period, only eight strikes in the industrial sector were recorded compared with the 11 workers’ strikes for the first five months of the previous year. DOLE added that the number of workers affected by strikes declined from 2,400 to 2,366 respectively.

Meanwhile, the April 2005 results of the Round of Labor Forces Survey (LFS) conducted by the National Statistics Office (NSO) showed a decrease in unemployment, posting 2.9 million from 3.1 million during the same period in 2004. The National Economic and Development Authority (NEDA) agreed that unemployment has shrunk, citing the NSO statistics.

Recently, the government, through the tripartite Regional Wage Boards, raised the minimum wages of workers while giving assurances that the policies and programs for the creation of jobs remain on top of government priorities.

If we think that all is well in the labor front because jobs are now available, wages are higher, and there is already peace in the workplaces, think again. At the backside of the rosy labor scenario painted by the government lurks statistical fraud. Problems that have been hounding the labor sector for decades still hounded the workers during the first half of 2005.
Unemployment and Underemployment

The Bureau of Labor and Employment Statistics placed the unemployment rate in the country for January 2005 at 11.3 percent. While NEDA’s April 2005 Labor Force Survey (LFS) showed that unemployment rate dropped to 8.3 percent.

We should take note, however, that the drop in the unemployment rate is not a result of more available jobs being taken by more and more Filipinos. The drop has been achieved by changing the definition of who the “unemployed” is.

Citing adherence to international standards, particularly that of the International Labor Organization (ILO), the National Statistical Coordinating Board (NSCB) changed the definition of unemployment to include the so-called “availability criterion” through its Resolution 15. As a result of the new definition, the government has recorded a drop in unemployment not by providing jobs but by a technical maneuver.

If the old definition of unemployment were used, there would be an estimated 4.786 million jobless Filipinos. But by using the new definition, technically, there are only 2.9 million unemployed Filipinos.

In contrast to the jobs generated as presented by the PMS, DOLE said that only 684,000 new jobs were created from January to May 2005.

Further compounding this problem is the annual entry of an estimated 400,000 new graduates in the labor force considering the limited absorptive capability of the labor market.

Former NEDA Secretary Romulo Neri conceded that, “the labor force grew faster than the job creation [pace] and the positive employment growth is still overshadowed by the high unemployment rate.”

Underemployment in the country remains to be another major problem. It is defined as “percentage of employed workers who desire additional work.” As of April 2005, underemployment rate rose to 26.1 percent from 18.5 percent a year ago. The unemployment surge could be a result of the increase in prices of basic commodities prompting people to look for additional jobs to cope with the increase in the daily cost of living.

Another result of the underemployment problem in the country is the exodus of professionals, particularly in the health sector, to other countries in search of better opportunities, draining out the country’s human resources.

Wage Increase and Cost of Living

In Metro Manila, the minimum wage has been increased from P263 or P300 to its present P288.00 or P325.00. Metro Manila wage rate was set as benchmark in determining regional wage increases in the country. But the
wage increase in the Metropolis has been the highest rate the government granted citing it is “the best compromise between employers and employees.”

Below is a table of the recently approved wage increase.

**Table 1: CURRENT REGIONAL DAILY MINIMUM WAGE RATES (As of June 2005)**

<table>
<thead>
<tr>
<th>REGION</th>
<th>WO No./DATE OF EFFECTIVITY</th>
<th>NON-AGRICULTURE</th>
<th>AGRICULTURE</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Plantation</td>
<td>Non-Plantation</td>
</tr>
<tr>
<td>NCR a/</td>
<td>WO 11/JUNE 16, 2005</td>
<td>P288.00-325.00</td>
<td>288.00</td>
</tr>
<tr>
<td>CAR b/</td>
<td>WO 10/JUNE 15, 2005</td>
<td>219.00 - 225.00</td>
<td>206.00 - 212.00</td>
</tr>
<tr>
<td>I-09 q/</td>
<td>WO 10/JULY 7, 2005</td>
<td>197.00 - 212.00</td>
<td>188.00</td>
</tr>
<tr>
<td>II c/</td>
<td>WO 10/JUNE 25, 2005</td>
<td>200.00 - 208.00</td>
<td>188.00 - 196.00</td>
</tr>
<tr>
<td>III d/</td>
<td>WO 11/JUNE 16, 2005</td>
<td>217.00 - 263.50</td>
<td>202.00 - 229.50</td>
</tr>
<tr>
<td>IV-A e/</td>
<td>WO 10/JUNE 16, 2005</td>
<td>207.00 - 265.00</td>
<td>187.00 - 240.00</td>
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<tr>
<td>IV-B f/</td>
<td>WO 01/JUNE 17, 2005</td>
<td>192.00 - 206.00</td>
<td>177.00 - 186.00</td>
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<tr>
<td>V g/</td>
<td>WO 10/JUNE 24, 2005</td>
<td>162.00 - 209.00</td>
<td>177.00 - 187.00</td>
</tr>
<tr>
<td>VI h/</td>
<td>WO 13/JUNE 18, 2005</td>
<td>180.00 - 205.00</td>
<td>165.00 - 185.00</td>
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<td>190.00 - 223.00</td>
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<tr>
<td>VIII j/</td>
<td>WO 12/JUNE 16, 2005</td>
<td>206.00 - 176.50</td>
<td>187.00</td>
</tr>
<tr>
<td>IX k/</td>
<td>WO 12/JUNE 26, 2005</td>
<td>196.00</td>
<td>171.00</td>
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<tr>
<td>X l/</td>
<td>WO 11/JUNE 17, 2005</td>
<td>211.00 - 218.00</td>
<td>201.00 - 208.00</td>
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<tr>
<td>XI p/</td>
<td>WO 12/JULY 2, 2005</td>
<td>222.00 - 224.00</td>
<td>212.00 - 214.00</td>
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<td>XII m/</td>
<td>WO 12/JUNE 19, 2005</td>
<td>213.50</td>
<td>200.00</td>
</tr>
<tr>
<td>CARAGA n/</td>
<td>WO 06/JUNE 25, 2005</td>
<td>200.00</td>
<td>190.00</td>
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<tr>
<td>ARMM o/</td>
<td>WO 08/JULY 1, 2005</td>
<td>180.00</td>
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</table>

- a/ Granted P25.00 wage increase
- b/ Granted additional P20.00/day Cost of Living Allowance
- c/ Granted P15.00/day Cost of Living Allowance
- d/ Granted additional P20.00/day Cost of Living Allowance
- e/ Granted P13.00-P22.00 wage increase to be given in two tranches, June 16, 2005 & Jan 1, 2006
- f/ Granted P5.00-P20 wage increase; Increase in non-agri will be given in two tranches, i.e. P10 upon effectivity & P5-P10 on 01 Jan. 2006
- g/ Granted P15.00 Cost of Living Allowance
- h/ Granted P15 wage increase; for cottage/handicraft, retail/service employing not more than 10 & sugar industry, P10 increase upon effectivity & P5 on April 16, 2006
- i/ Granted P15 (Metro Cebu) & P12 (rest of the region) wage increase
- j/ Integrated the P11 ECOLA under WO No. 10 and granted P11 Cost of Living Allowance
- k/ Granted P20 Cost of Living Allowance to be given in two tranches, P16 upon effectivity & P4 on May 1, 2006
- l/ Granted P16.00 Cost of Living Allowance
- m/ Granted P6.00-13.00 Cost of Living Allowance
- n/ Granted P11.00 wage increase
- o/ Granted P10 Cost of Living Allowance
- p/ Granted P15 Cost of Living Allowance
- q/ Integrated the P10 COLA under WO No. 9 & granted P12 Cost of Living Allowance
By the sweat of their brows: Retirement packages, hazard pay, vacation leave credits and decent wages are unheard of concepts to a lot of toiling Filipinos, who scratch a few pesos under harsh and even dangerous conditions. To some 5 million Filipinos of working age, gainful employment continues to be elusive.
Organized labor groups have denounced the minimal increase in wages saying it only proves the government’s adherence to cheap-labor policy. According to the Trade Union Congress of the Philippines (TUCP), the increase is not enough to cover for the ever-shrinking purchasing power of the peso and the follow-on increases in the prices of basic goods and services. Thus, the increase does not make the lives of workers any better considering that the cost of living allowance for a family of six is P600.00 a day.

**Strikes**

Some labor groups questioned DOLE’s pronouncement that the number of workers’ strikes has declined. They said that the decline in the number of strikes does not mean there is relative industrial peace but such is the result of double-standard labor provisions like the “assumption of jurisdiction.” Assumption of jurisdiction (popularly known as “AJ”) is the privilege of the Labor Secretary to stop an actual or planned strike if he/she deems that the operation of a player in an industry is indispensable to the national interest as provided for by Article 263(g) of the Labor Code.

Therefore, the drop cannot be attributed to good working conditions as most strikes, planned or actual, had been stopped by unfairly invoking the said provision. The decrease in number of strikes could also be an indication of disempowerment. Instead of fighting for better wages and working conditions, workers would rather play the cards they are dealt with in silence otherwise they and their families would have to face hunger.

**Quality of Life of Filipino Workers**

Rosy labor statistics would only make sense if translated into positive effects on the quality of life of a worker and his family.

Scarce job opportunities and low wages amid soaring cost of living drag the Filipino workers and their families into utter vulnerability. This was highlighted in the Social Weather Station (SWS) survey for the 1st quarter of 2005 which revealed that unemployment forced 15.9 percent of poor families to skip meals. Moreover, according to the same study 62 percent of government workers indicated that their lives have worsened.

**Conclusions**

Although the labor sector remained in the dark for the first six months of 2005, the government did all it could to paint a rosy picture of the situation. It does so by flaunting that it has generated jobs, thus effectively trimming down the number of those who are unemployed. Indeed, official statistics show a decline in unemployment—minus the actual jobs generated. The new definition of unemployment did all the magic that gives the government a facelift; it created hundreds of thousands of virtual jobs the government has trumpeted as if they were for real.
In spite of the recent increase in the minimum wages, workers would still be broke like never before. The increase is trivial in the face of the freefall of the purchasing power of the peso. Worse, prices of basic commodities and services continue to soar—soon to unprecedented heights with the passage of the Expanded Value Added Tax law.

The government should do more than just changing the definition of unemployment to improve the lot of Filipino workers. Wage increases should match the increases in the prices of basic goods and services.

Former Secretary Neri had been quoted as saying that “everybody has the right to work. Everyone has the right to create a social value and be compensated for it.”

This right to work of the Filipinos is embodied in a number of international and domestic laws and instruments, which the Philippine government is obliged to effectively implement.

Article 6(1) of the International Covenant on Economic, Social and Cultural Rights specifically provides for the “right of everyone to the opportunity to gain his living by work which he freely chooses or accepts.” The same instrument spells out the duty of the State to ensure the full realization of this right (Article 6 Section 2).

The International Labor Organization (ILO) Convention 88 and 122 also provide specific guidelines and provisions that aim to ensure there is work for everyone who is available to work and seeks for it.

Given the miserable work situation in the past six months of the year, it seems the government only paid lip service to its obligations. Ironically, it is even culpable for violating the Filipinos’ right to work.
A million jobs, anyone?

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The Right to Food

It is ironic that hunger hounds many Filipinos in spite of the Philippines being chiefly an agricultural country. The reality is, economics and politics interact with other factors in shaping the content and direction of the nation's food policy agenda.

Although the major thrust of President Gloria Macapagal Arroyo's Ten Point Agenda is to fight poverty, allocation for the implementation of the food agenda is only a crumb of the budget pie. An overview of the 2005 General Appropriations Act shows that debt service payments alone took away over a third of the national budget.

Still, the existence of such an agenda clearly conveys that the issue of hunger is highly relevant both politically and socially in the Philippines. Before advocating policy measures and crafting instruments that would aid the fulfillment and protection of the right to food, as enshrined in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which the national government is a party, it is useful to take a closer look at the hunger situation in the Philippines.

According to the World Food Programme, 17 million Filipinos or more than one in five persons are undernourished.\(^1\) The World Bank estimates that half of the estimated 84 million population of the country lives on less than $2 a day. Moreover, the United Nations reported that about 34 percent of the Filipinos are living below the poverty threshold, the highest in Southeast Asia.\(^2\)

Pulse Asia, a public opinion research group, also pointed out that food accounts for over 50 percent of all household expenditures in the Philippines, making this latter statistic all the more dismal.\(^3\) Their March 2005 survey, in fact, found that 33 percent of the Philippine population claimed "their food is inadequate."\(^4\) Lastly, a Social Weather Stations (SWS) survey conducted the same month, showed that 13.4 percent of respondents, or 2.1 million Filipino families experienced hunger, marking "the highest ever hunger incidence in 20 years."\(^5\)
It is useful to frame the food situation in the Philippines in terms of the minimum requirements and elements crucial for the realization of the right to food. These requirements include food that satisfies dietary needs, free from adverse substances, available, and accessible.

**Nutritional Adequacy**

Nutritional adequacy requires a diet that contains a combination of nutrients for physical and mental growth, development and maintenance, and physical activity that is in compliance with human physiological needs at all stages of life.

The Food and Nutrition Research Institute (FNRI) of the Philippines found in its 2003 national nutrition survey that although there was a general improvement in the country’s nutrition situation between 1998 and 2003, including reductions in underweight and *stunting* among children under 10, and reductions in chronic energy deficiency among adults, it identified a trend towards increasing number of overweight adults and children. The problem of anemia, especially among infants (6 months to 1 year), toddlers (1-2 years) and pregnant women has also escalated, with alarmingly high prevalence rates of 66 percent, 53 percent and 43.9 percent respectively. The FNRI report recommends a national policy on iron supplementation for infants and young children due to lack of awareness on this matter.

In the light of the Medium-Term Philippine Plan of Action’s (MTPPAN) targets and the Millennium Development Goals (MDGs), the report also calls for strengthened efforts by the government to reduce malnutrition, anemia, overweight and obesity trends, especially those affecting women and children. Dr. Cecilia Florencio, a nutritional expert from the University of Philippines, estimates that given the actual rate of reduction in the prevalence of the aforementioned food deficiency problems, it will take over 20 years, rather than the projected 12 years, to achieve the MDG.

**Food Safety and Quality**

In addition to nutritional adequacy, the right to food also entails that the State must be able to enforce quality standards and acceptability indices to safeguard against adverse reactions to food. In many ways, the Philippine government has failed to implement effective measures to remove threats and hazards to food safety.

The bioaccumulation of heavy metals, the presence of chemicals in food, and parasitic infestation are all safety issues that the State has not addressed. Another major issue is the large volume of pesticides and chemical fertilizers being used by farmers on palay, corn, vegetables and other crops, a practice that places at risk the health of both farmers and consumers. Presently, only 14,401 hectares of agricultural lands in the country are planted with organic rice.
In regard to genetically modified foods, the Philippines has not adopted the “precautionary principle” nor has it adopted laws on labeling products to ensure the right to information and choice of consumers. The US multinational Monsanto, for instance, has introduced the Bt (bacillus thuringiensis) corn, which produces its own poison to kill pests. If this corn is used as feed for pigs and cows, it could have adverse effects on people’s health. Already a study by a Norwegian genetic scientist found that the blood of 38 tribal residents of Sitio Kalyong, Barangay Landan in Polomolok, South Cotobato contained Bt. Furthermore, 51 residents of Marbel, South Cotobato living near Bt corn fields complained of headaches, flu, nausea, fatigue, and skin allergies.8

**Food Availability and Sustainable Production**

This indicator refers to the possibilities of either feeding oneself directly from productive land or other natural resources or from a well functioning distribution, processing, and market systems that can move food from the site of production to where it is needed based on demand.

According to the Bureau of Agriculture Statistics (BAS), agricultural output in 2004 amounted to P783.9 billion, 18.4 percent more than the previous year’s level. Moreover, a Department of Agriculture (DA) report on the country’s self-sufficiency index from 1996 to 2003 revealed that only a marginal deficit has to be met to full self-sufficiency.

Based on average dietary supply available per person from 1996 to 2000 (between 2,265 and 2,455 kilocalories), there is more than enough food to meet the national recommended dietary allowance (RDA). Food availability, then, is more than enough to meet the food needs of the population.

Yet, people are still going hungry in various parts of the country. One important reason for this discrepancy is the country’s relatively poor balance of trade in the agricultural sector and its low agricultural productivity, particularly rice, the staple food. Compared with other Southeast Asian countries like Thailand, Vietnam and Indonesia, the Philippines exports far less rice, a fact that gains even greater salience when one notes the relatively larger amount of rice the country imports every year. As of 2003, the Philippines’ average yield per hectare is 3.43 metric tons (MT) while Indonesia and Vietnam produce 4.54 MT/hectare and 4.63 MT/hectare, respectively. The rising acidity of agricultural lands, especially those used to grow rice, has encouraged farmers to use more chemicals to boost productivity. However, the high price of chemical fertilizers has at the same time deleterious effect on productivity.

Low productivity is also a result of decreasing land areas devoted to palay and corn farming as well as underinvestment in infrastructure such as irrigation, farm-to-market roads, post-harvest facilities, marketing support, and technology. Water sources essential for irrigating farms in particular are instead diverted to mining use while irrigated areas are being subjected to land conversion. Based on the Department of Land Reform (DLR) records, 35,687 hectares have been legally approved for conversion while about 200,000 hectares have been illegally converted to other uses. Such land
When soup kitchens become popular: Spiraling food prices, shrinking farm areas, and low productivity for an agriculture sector that is reeling from the onslaught of a globalized market economy are leaving more and more people hungry and malnourished. Pagpag – food scraps scrounged from the garbage bins of fast-foods, washed and re-cooked – are now daily fare for indigent communities in Metro Manila.
conversions drastically affect the availability and sustainability of food production in the Philippines.

Environmental Issues Affecting Sustainability

There are many environmental factors that are inextricably tied to agricultural sustainability and food production. The extent of deforestation in the Philippines is especially relevant in this regard. Current estimates show that only 18 percent of the country’s land area is covered with forest, less than a third of the cover level during the first half of the 20th century. The necessary forest cover needed to sustain a growing population and economic activities, according to environmental groups, should at least be 40 percent. The Arroyo administration’s aggressive promotion of mining, however, has put even the country’s remaining forestlands in grave danger.

The depletion of marine resources and the fall in sustainable fishery production have also contributed to the serious violations of the right to food. According to the UN Development Program’s (UNDP) Common Country Assessment of the Philippines, only four percent of coral reefs are in good condition. Mangrove forests have been hardest hit. Of the 450,000 hectares of mangroves in 1918, only 110,000 hectares remain. The drastic reduction in mangroves has been caused by conversion for shrimp production, dredging, pollution from household waste, industries and mines, and destructive fishing methods. Though positive growths in aquaculture and in commercial fishing were recorded, the declining number of municipal fisheries resulted in an average annual growth in fishery production of only 1.3 percent between 1993 and 1998.

Finally, although the Philippines has 5,470,000 hectares of freshwater resources (i.e., swamplands, rivers, streams and lakes), massive deforestation, industrial pollution, and the use of chemical inputs are gradually destroying them.

In sum, the Philippine state has not been able to ensure sufficient food to its people due to the low funding for agriculture that currently stood at 3.6 percent of the national budget based on the 2003 level. Hence, agriculture has not been able to grow at a rate consistent with the needs of feeding the country’s growing population. Moreover, the government has remained passive in the unabated destruction of the country’s environment and natural resources.

Food Accessibility

For food to be accessible, it must be both economically affordable and physically accessible. Since the right to food requires that food prices should be at a level such that the attainment of other basic needs are not threatened, one need not look farther than the poverty levels in the Philippines in order to assess the economic accessibility of food. Compared to China, which has reduced its absolute poverty level by almost half, from 30 percent in the early
1990s to 16 percent, and to Vietnam, which reduced this statistic from 15 percent to close to 2 percent in less than a decade, the Philippines has experienced only sluggish poverty reduction rates.

The big gap between the minimum and living wages in the different regions of the Philippines also affects the economic accessibility to food. A recent study found that minimum wages around the country are far less than a third, and in some instances a fifth as in the case of the ARMM (Autonomous Region of Muslim Mindanao), of what the corresponding living wage for a family of six should be. Rising prices for basic goods and services have only exacerbated the problem. The rise in the year 2000 living wage estimate from P461 to P663 in 2005 is a direct result of rises in food and non-food expenditures, which rose from P160 to P190 and from P259 to P413, respectively, in the last five years.

The aforementioned survey cited that a third of the population saying “their food is inadequate” also points to the effects of economic barriers on the food situation in the Philippines. A self-rated poverty survey conducted by SWS in May 2005 further showed that the number of Filipino households acknowledging that they were poor rose across the board in all regions, with Metro Manila, in particular, reporting a record 55 percent.

By comparison, one can imagine the plight of those without a job altogether. The failure of the national economy to create jobs to keep pace with the growing population, especially in the rural areas, is the main reason why most Filipinos don’t have adequate economic means to feed themselves. According to the National Statistics Office, there were 4.03 million unemployed or 11.3 percent of the labor force, in January 2005, or an increase of over a million since last year. Unemployment has most significantly hurt women and youth. Female workers between 15 and 24, for instance, have the highest rates of unemployment.

Another reason why people suffer from hunger is the lack of physical access to land and other resources that would enable them to produce food for their own consumption and for the market. The DLR reports that there are still 627,760 hectares to be distributed to land reform beneficiaries in 10 provinces—Negros Occidental, Negros Oriental, Camarines Sur, Camarines Norte, Albay, Leyte, Iloilo, Cotobato and Lanao del Sur—which have the biggest backlog in terms of land acquisition and distribution.

Aside from land distribution backlog is the inadequate access to necessary resources of certain segments of society. Fisherfolks, for example, depend on boats and fishing grounds for their livelihood. However, according to the nationwide federation of fisherfolk organizations, Pamalakaya-Pilipinas, only 464,000 out of 1.2 million small fisher folks have boats, which are typically small and non-motorized. Although existing laws are supposed to protect the interests of these people, competition from foreign trawlers and big local fishing business that have penetrated even the municipal waters has hindered fisher folks from earning a decent living.
Another vulnerable group is the indigenous population whose access to their ancestral lands is being threatened. Although the passage of the Indigenous Peoples Rights Act (IPRA) in 1997 was a positive step towards providing access to ancestral domain that can provide a means of subsistence for this population, insufficient funding and conflicting laws and policies negate the intent of the law.

The Mining Act of 1995, for instance, allows foreign mining companies access to and ownership of ancestral lands, while Executive Orders issued by different administrations further aggravate confusion as to which agency has the primary authority to address the needs of indigenous communities.

Internally displaced persons (IDPs) from Central Mindanao, who are severed from their means of subsistence by militarization in the area, also lack access to food sources. The plight of children of already impoverished IDPs is even worse, as their access to nutritious food during wars is almost nonexistent. Their families are only able to eat once or twice a day, often having only dried fish for five days a week and some vegetables planted within evacuation centers. The National Nutrition Council (NNC) in Region XII reported that about 38 percent of children in the various evacuation centers were severely to mildly underweight.

**Agrarian Reform**

Lack of property rights to land of many potential agrarian reform beneficiaries (ARBs) has also resulted in violations of their right to food. According to the latest UN Development Assistance Framework for the Philippines, more than seven of 10 families in the rural areas do not own the land they cultivate. The slow and discriminatory implementation of the national Comprehensive Agrarian Reform Program (CARP) has crippled many people’s capability to feed themselves.

Despite stipulations that all certificates of land ownership agreements (CLOAs) should be issued to both spouses, government records show that only 11 percent of CLOA-holders are women. Moreover, agrarian reform communities (ARCs) and their correlative organizations are composed of 72 percent males, reflecting further the under-representation of women in the implementation of CARP.

**Trade Agreements on Agriculture**

Trade agreements and international economic trends have far reaching consequences on the right to food in this country. In order to comply with the World Trade Organizations’ (WTO) agreements, the Ramos administration enacted Republic Act 8178 in 1996, effectively replacing the Magna Carta of Small Farmers of 1991—a law protecting products of small farmers and replaced all quantitative restrictions on agricultural imports with tariffs. As a result of its membership in the WTO and in AFTA, by mid-1990s the Philippines became the only ASEAN-4 country to turn from an agricultural exporter to...
importer. The country’s food import bills rose from US$43.5 million in 1994 to US$972 million according to the National Statistics Office.

The losses sustained by small domestic producers in the agricultural sector due to the entry of cheap imported consumer and agricultural products have been especially salient. The locally produced garlic at P110 per kilo, for instance, could not compete with Taiwanese garlic priced at P40 per kilo. In addition, assorted imported vegetables from Australia, New Zealand and the Netherlands are now competing with Benguet vegetables, with farmers in that province claiming losses of up to P21 billion.

Vegetable farmers and poultry owners have lost their livelihoods due to the illegal entry of imported goods. A board member of the Sangguniang Panlalawigan of Benguet asserted that in 2004, about 768,000 kg of onions, 632,008 kg of carrots, 216,000 kg of garlic, 18,000 kg of potatoes, and 7,500 kg of broccoli were all illegally imported through the South Harbor. The overly optimistic projections on increased agricultural and industrial expansion under both the WTO and AFTA-CEPTA, then, have yet to materialize.

Conclusion

In sum, food availability in the market does not automatically guarantee access to adequate and nutritious food. In looking at food accessibility, it is important to consider the non-market and structural determinants, such as ownership rights and the terms on which people trade, of resource allocation outcomes.

Understanding the right to food in the Philippines through the key issues of nutritional adequacy, food safety and quality, availability, sustainable production, and accessibility is the first step in ensuring that the government adheres to its obligations as defined by international standards and treaties to which it is a party.

After reading about the current situation, it is not surprising that there are no specific laws that address the right to food of every Filipino. Instead, a piecemeal approach is pursued to respond to the food and nutritional needs of vulnerable populations. The Philippine Plan of Action on Nutrition and Republic Act No. 8435 of 1997 or the Agriculture and Fisheries Modernization Act (AFMA), are just examples of how the government has used food security and self-sufficiency as policy strategies in promoting the right to food.

The Arroyo administration has said it will implement a food voucher system to respond to the growing hunger of poor households. While this measure may serve to temporarily alleviate the needs of the food-deprived, more systemic policy changes are necessary in order for the Philippines to respect, protect and fulfill its obligations to progressively realize its peoples’ right to adequate food.
Endnotes


19 Regalado.

Unhealthy Conditions

"Mahirap ang panahon ngayon. Bawal magkasakit" goes the slogan of a local TV commercial for a vitamin supplement. This advertisement has been running for quite some time now and it will be replayed throughout the year or, perhaps, for years to come because it echoes the sentiments of poor Filipinos, and describes the situation of their right to health.

In 2004, health programs together with other basic services, took the backseat in government’s order of priorities. To start with, the national health budget decreased from P 10.8 billion in 2004 to P 10.3 billion this year.

The first six months of 2005 witnessed the shooting up of prices of many basic commodities, including health goods and services—access to which has now become more difficult for the poor.

This is a serious threat to the people’s enjoyment of their right to health, especially the 15.2 percent of the population who get by with less than P56 a day. The Arroyo administration’s performance from January to June of 2005 was dismal. Likewise, her government demonstrated lack of political will in addressing some of the perennial woes of the health sector. Worse, healthcare continues to be a non-priority.

Leaving on a jet plane

With the meager salaries they make, many Filipino doctors and nurses have packed their bags to work abroad. The mass migration of Filipino medical professionals to other countries in search of greener pastures continued unabated for the first semester of 2005.

Reports say that about 8,000 nurses leave the Philippines every year to work in hospitals in the United States, Continental Europe, the United Kingdom, Kingdom of Saudi Arabia, and other Middle East countries. About a quarter of them are physicians who took nursing courses to prepare them to work
abroad in exchange for higher salaries. Many of these Filipino specialists do not mind this “downgrading” because they still earn around $8,000 a month, about 1.6 times more than what doctors in government hospitals in the Philippines make.

The effects of the mass exodus of Filipino doctors and nurses are, in fact, now felt by the country’s health sector.

There is now an even wider gap in the ideal and the actual ratios of doctors to the population. Whereas the ideal ratio is one doctor for every 6,000 citizens, the current ratio is now 1:26,000.

Philippine Medical Association (PMA) President Bu Castro pointed out that in most government facilities in the countryside midwives serving both as doctors and nurses is commonplace. The rapid turnover of doctors and nurses in clinics and hospitals in towns and small cities has likewise elicited complaints from administrators not only due to the cost of training but also because of the poor quality of service such turnover has created.

Maltreatment of patients by doctors sometimes happens because of pressure from huge number of patients to attend to, both in public and private hospitals. Health Alliance for Democracy (HEAD) reported that cases of verbal abuse of patients were prevalent especially in government hospitals where employees are overworked and underpaid.

The PMA added that the most vulnerable to the effects of this trend are the rural areas where most of the country’s poor live and where health care is virtually nonexistent.

Both the World Health Organization (WHO) and the Department of Health (DoH) have warned that the country’s health system would be in great peril if Filipino health workers continue to fly out of the country as this would seriously affect the delivery of timely and quality medical care in hospitals.

Initiatives to avert the flight of Filipino doctors and nurses are now being undertaken by some medical schools. The University of the Philippines—College of Medicine in Manila has implemented a legally binding contract called Acceptance to Serve and Assumption of Liabilities (ASAL) that requires students to work in the country for the same number of years they spend in college. Still, enticing the remaining medical workers to stay and work in the country continues to be a huge challenge for the government.

AIDS: Good and bad news

The good news is that the Philippines is still among the countries with a relatively low reported cases of AIDS and HIV—2,260 cases as of April 2005. The bad news is that this figure is only the tip of the iceberg.

Based on latest DoH figures, 1,391 (61.5 percent) of the total 2,260 cases reported were acquired through sexual intercourse. Data show that 749
overseas Filipino workers are infected with HIV, of which 268 are seafarers, 126 domestic helpers, 69 employees, 52 health workers and 50 entertainers. About 69 percent of Filipinos with HIV/AIDS belong to the productive age group of 20-39.

Dr. Roderick Poblete of the Philippine National AIDS Council estimates that there could be around 10,000 Filipinos afflicted with the deadly virus. He pointed out that for every reported HIV case, the government could most likely be missing out three or four more cases because of the victims’ refusal to come out in the open, fearful that they might be discriminated against by society.

More than the alarm caused by this estimate is the fact that many Filipinos remain ignorant about HIV/AIDS over two decades after its discovery. There is low level of awareness among Filipinos on how the virus is acquired. Many Filipinos continue to think that HIV, the virus that causes AIDS, is transmitted through mosquito bites and food sharing. The 2003 National Demographic and Health Survey indicated that only 36 percent of women and 30 percent of men are adequately informed that the virus could not be transmitted through either mode.

A 2002 University of the Philippines study also revealed that at least 23 percent of Filipinos between 15 and 24 years believe that they are “invincible” against the virus. About 60 percent believe there is now a cure for HIV/AIDS so they have somehow become complacent in their sexual activities. These figures cause us to worry because 84 percent of recorded AIDS cases were a result of unsafe sexual intercourse.

Experts warn that the number of AIDS cases in the country could reach epidemic proportions if Filipinos continue to be ignorant about the disease.

The lack of knowledge of Filipinos on AIDS/HIV points to a deficiency in government’s efforts to make information concerning health issues accessible to its citizens. But this is not surprising since massive information drives would truly be impossible to pursue and sustain as the government continues to cut down on the health department’s budget.

The country runs the risk of facing an AIDS epidemic as the government fails to take a resolute stand on and provide sufficient support for sexual health issues. For instance, while the DoH acknowledges that condoms prevent the spread of AIDS/HIV, the task of distributing condoms has been assumed and facilitated largely by non-government organizations. The DoH’s distribution of condoms for this purpose has been faltering out of fear of being misconstrued as being part of the population control program. The government chose to heed the ultraconservative stand of the Catholic Church on reproductive health that bans all sorts of artificial contraception.

Malaria, Dengue and Cholera outbreaks

Reports of malaria, dengue, and cholera outbreaks in some parts of the country gripped the public in fear during the first semester of 2005.
While the DoH has declared that there is technically no malaria outbreak in any province but only ‘clustering of cases,’ many are apprehensive in light of the lamentable attention given by the government to fight the disease.

The number of malaria cases is alarming. For instance, in Cagayan Valley alone, between 18,500-36,000 malaria cases have been reported. DoH statistics confirm that there are around 100,000 victims of malaria in the country everyday. Malaria is endemic in 65 provinces in the country.

Even as the DoH has declared malaria a “curable and preventable disease,” it is still distressing to note that it is the 9th most common disease in the country and that many deaths have resulted from it in the past decade.

What is equally disturbing is the fact that DoH has appropriated a measly budget for malaria prevention—P4.3 million for 2005. This translates to four centavos per Filipino per day. Legislators like Palawan Rep. Antonio Alvarez have criticized the insufficiency of the malaria budget saying that it is not even enough to purchase mosquito nets as majority of the budget would be spent for the treatment of those already afflicted with the disease.

According to DoH, 67 percent of the malaria budget is allocated for the purchase of drugs, laboratory reagents, and insecticides, mosquito nets, and indoor residual spraying. The remaining 33 percent will be used for the training doctors and health professionals, policy development, and technical assistance to local government units.

Health officials have declared that the key to combat malaria is education and awareness raising. However, given the abovementioned expenditures in contrast with the ridiculously small budget, many ask whether massive information drives on prevention of the deadly disease could indeed be sustained.

Meanwhile, dengue cases have also been reported in several areas in the country. Dengue cases this year have already reached 3,771 with 53 deaths. The DoH pointed out that dengue cases are usually high in areas where there is water shortage and people have to store their water.

While the DoH insists that these outbreaks are not of epidemic proportions and are under control, the prospect of many Filipinos getting afflicted with malaria, dengue, and cholera remains troubling in light of the fact that many barangays in rural areas do not have potable water supply and proper sanitation facilities. These outbreaks would have been prevented had the government given attention to the development of health and sanitation infrastructures in the rural areas and effectively implemented information drives on the control of diseases in both urban and rural areas.

Debate on reproductive health and population

Public debate on reproductive health and population figured prominently during the first semester of 2005. While the debates ensued, the government
Symptoms of an ailing health sector: Anemic government health interventions, shortage of health practitioners, insufficient medical facilities, emaciated budget for the health department, and unaffordable medicines and medical services. Children, who comprise the bulk of the population, become easy targets of common diseases like diarrhea, respiratory ailments, and other communicable diseases that – with an adequate health program in place – are easily preventable.
failed to take a resolute stand on the matter and the reproductive health rights of Filipino women continue to be disregarded and the population continues to grow faster.

To appease clamors from various sectors over the rapidly increasing population, the Ligtas Buntis Program was launched by the Department of Health (DoH) on February 25, 2005. The National Statistical Coordinating Board (NSCB) predicts that the country’s population would reach 85.2M in 2005.

The Ligtas Buntis program entails the conduct of house-to-house survey on fertility control methods used by couples and popularization of sex education. The program aims to educate some 2M target couples on responsible parenthood.

The program has been berated for its failure to integrate material support for family planning. Among other voices, the Commission on Population assailed the Ligtas Buntis Program as ineffective as it will not be conducted hand-in-hand with the distribution of supplies such as contraceptives thereby leaving frustrated Filipino couples demanding for supplies.

The Arroyo administration has been criticized for its failure to act on the population issues. To date, there is no national population policy in place. The government has, instead, left it to individual local government units (LGUs) to implement their own family planning programs. Likewise, the President has been widely criticized for acceding to the ultraconservative position of the Catholic Church, which bans all forms of artificial contraception. The President has expressed her preference for the natural family planning methods espoused by the Church. The Catholic Church in the country has staunchly opposed the passage of bills that promote reproductive rights of women and population management such as House Bill 3773.

The government’s lack of political will on the issue of population control becomes more evident in the light of a study cited by DoH which points to the Philippine situation as warranting “increased attention and immediate action to strengthen family planning and maternal care program.”

The 2003 National Demographic Health Survey has indicated that about 17 percent of women would like to plan their pregnancy but do not have access to family planning services. In many health centers all over the country, such as those in Manila, there are no birth control pills and condoms available because local executives discourage their distribution and use.

Women’s groups have pointed out that the government’s failure to implement population programs and policies is a clear disregard of their rights as they impinge on the rights of women to make their own decision over their health and bodies.

Reproductive health and population issues become even more salient amid alarming figures regarding women’s health. Statistics show that ten women
Unhealthy Conditions

die everyday due to pregnancy complications. Maternal mortality rate remains high at 96.13 per 100,000 live births in 2000. A study by the UP Population Institute in 2001 also revealed that an estimated 400,000 women undergo abortion every year due to unplanned pregnancy.

Conclusions

The Philippine government ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1974. By doing so, it has committed itself to, among others, undertake measures in order that its citizens may enjoy equal access to the highest standards of health and health care. The 1987 Constitution likewise acknowledges the government’s obligations to protect and promote the people’s right to health.

Three decades after its ratification of the ICESCR, the government’s performance in improving the Filipino’s quality of life, in general, and the health sector, in particular, remains wanting.

The first six months of the year bore witness to the resurgence of some of the health sectors’ old woes. If the government continues to relegate the people’s right to health as a non-priority, it should be no surprise if the same bleak scenario would prevail until the end of 2005.

If the government continues to cut the national health budget, the perennial dilemma of inaccessible health care, the deterioration of facilities and services, the outbreak of deadly diseases due to poor education drives and lack of support facilities on health sanitation, and the mass migration of doctors and nurses, will continue to persist.

If the government keeps its flip-flopping stand on the reproductive health issue, women’s health and welfare will be sacrificed. As it remains politically blackmailed on the population issue, it shall go on courting the dangers of a population out of control where gaps between demands and supply of social services, as in health, will become even wider.

In the midst of all continuing neglect, just who would ever want to be sick?
Bibliography:

Providing security of tenure to hundreds of thousands of informal settlers and homeless Filipinos has been one of the most daunting tasks for every administration that has come to power.

President Gloria Macapagal Arroyo (PGMA), at the onset of her first term (2001-2003), promised to provide security of land tenure to 450,000 urban poor families. Through presidential proclamations, Community Mortgage Program (CMP) and other housing programs, GMA has accomplished 62 percent (280,932 families) of her housing target.

Now on PGMA’s second term, housing is in her ten-point agenda unveiled during her inaugural speech in June last year (2004):

“6. The decongestion of Metro Manila by forming new cores of government and housing centers in Luzon, Visayas, and Mindanao.”

Housing in the Medium Term
Philippine Development Plan (MTPDP)

Taking cue from the president, the country’s top economic managers through the MTPDP for 2005-2010, intends to meet the housing demand by adopting a “strategic framework anchored on a multi-stakeholder / tripartite, market-based, private sector and LGU-led reforms and approaches.”

Based on the estimates of the Housing and Urban Development Coordinating Council (HUDCC), the country’s housing need stands at 3.75 million units for 2005-2010.
The housing sector also sets the following goals under the MTPDP: a) job generation; b) shelter security of the different housing market segments; and c) the Millennium Development Goal (MDG) of improving the lives of slum dwellers.5

The MTPDP also included in its action plan the provision of predominantly socialized and low-cost housing units to 1,145,668 families6.

### Housing Need, 2005-2010

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Backlog</td>
<td>984,466</td>
</tr>
<tr>
<td>- Doubled-Up Housing</td>
<td>387,315</td>
</tr>
<tr>
<td>- Replacement/Informal</td>
<td>588,853</td>
</tr>
<tr>
<td>Settlers</td>
<td>8,298</td>
</tr>
<tr>
<td>- Homeless</td>
<td>186,334</td>
</tr>
<tr>
<td>Substandard (Upgrading)</td>
<td>2,585,272</td>
</tr>
<tr>
<td>New Households</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>3,756,072</td>
</tr>
</tbody>
</table>

Source: HUDCC

The housing sector also sets the following goals under the MTPDP: a) job generation; b) shelter security of the different housing market segments; and c) the Millennium Development Goal (MDG) of improving the lives of slum dwellers.5

The MTPDP also included in its action plan the provision of predominantly socialized and low-cost housing units to 1,145,668 families6.

### MTPDP Housing Target (2005-2010)

<table>
<thead>
<tr>
<th>HOUSING PACKAGE</th>
<th>NUMBER OF UNITS</th>
<th>PERCENTAGE SHARE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Socialized (below PhP225, 000)</td>
<td>780,191</td>
<td>68.1 %</td>
</tr>
<tr>
<td>Low Cost (PhP225, 000-2 M)</td>
<td>365,282</td>
<td>31.8 %</td>
</tr>
<tr>
<td>Medium (PhP2 M-4 M)</td>
<td>195</td>
<td>0.01 %</td>
</tr>
<tr>
<td>Total</td>
<td>1,145,668</td>
<td>100.0 %</td>
</tr>
</tbody>
</table>

Source: HUDCC

However, there are unsettling questions and inconsistencies in the government’s housing framework and strategy that cast doubts on its capability to provide accessible, affordable and quality shelters to informal settlers and homeless Filipinos.

The administration as stated in the MTPDP views housing as an economic activity that has a 16.6 multiplier effect, “meaning for every P10 B worth of housing units, it can contribute a total of P166B.” There is nothing wrong with this because this can generate jobs and stir economic activities as stated in the MTPDP goals for housing. However, the government has no intention of directly financing housing activities but instead calls on the private sector to take the lead. This policy direction is no different from what is happening now, wherein housing projects end up either vacant because the intended beneficiaries could not afford them or accessible only to middle and upper class families.

Even the socialized and low cost housing programs of the government classified as direct housing provision under the MTPDP are mostly accessible only to those employed and members of PAG-IBIG, Government Service Insurance System (GSIS), and Social Security System (SSS).

As part of the scheme to lure private investors into housing finance and
construction, the government plans to create an active and liquid secondary mortgage market and peg housing credits and loans at market-based interest rates. Simply put, the government intends to sell existing housing loans and amortizations in the forms of mortgage-backed securities to the private sector. These approaches may succeed in generating funds for housing but again the question is who will benefit and who can access housing projects that are market-based and controlled?

So, where would the informal settlers claim their housing entitlement? The National Housing Authority (NHA) as well as the Community Mortgage Program (CMP) implemented by the National Home Mortgage Finance Corporation (NHMFC) has very limited capacity to cover the existing and incoming informal settlers in urban areas. It is true that the MTPDP aims to strengthen these programs and establish an “on-budget” amortization subsidy scheme but it did not specify where the needed resources would come from.

The MTPDP also endorses the institutionalization of the Socialized Housing Finance Corporation (SHFC) that would have an authorized capital of P15 Billion and would address the housing needs of the bottom 30% poor families. However, this early, a controversy threatens the establishment of the SHFC. The NHMFC created the SHFC in 2003 to separate and protect the CMP funds, but now under a new president, the former is refusing to release the funds for the registration and operationalization of the SHFC.

Worse, the NHMFC came out with new CMP policies geared towards lessening community participation in transacting with the landowners and in the whole financing process of the program. Meaning, the institution is bent on transforming CMP into an ordinary housing program just like the ones being administered by the NHA that has inefficient collection performance.

Demolitions

Apart from government neglect, informal settlers have to live under constant threat of being forcefully evicted from their communities. Most of the time, government agencies—local government units and private landowners order demolitions without complying with the requirements mandated by the law, specifically RA 7279 or the Urban Development and Housing Act (UDHA).

RA 7279 clearly states that evictions of informal settlers could only be done under three circumstances: a) when people are in danger zones and other public places; b) when government projects with funding are about to be implemented; and c) when there is a court order for demolition.

To protect urban poor communities from arbitrary and forced evictions, the same law laid down the following pre-requisites for demolition activities: a) 30-day notice prior to the eviction date; b) adequate consultations; c) presence of local government officials during the demolition; d) proper identification of those taking part in the demolition; e) no use of heavy equipment; f) proper uniforms for the police; and g) adequate relocation or financial assistance if the former is unavailable.
Stark poverty and lack of access to land, compounded by a lackluster government housing program and the prohibitive cost of construction materials, have deprived decent shelter to a lot of Filipinos. For the poor majority, home is a cramped, makeshift accommodation in congested, unhealthy and unsafe surroundings.
The downside of this law is that these safeguards do not cover structures and houses built after its ratification on March 28, 1992. The weird logic for the cut-off date is that after the law has been passed, there is no more reason for people to squat on private or public lands since UDHA is supposed to have solved land tenure problems by then.

In the first half of 2005, the Urban Poor Associates (UPA) monitored sixteen demolition incidents that affected 901 families or 4,505 individuals. This figure is remarkably high compared to the eight (8) demolitions also monitored by the UPA for the whole year of 2004.

Of these incidents, 12 were conducted by the government and 4 by private entities; five (5) cases were confirmed to have taken place without any consultation, two (2) were verified to have been conducted without any notice given to the affected families, and four (4) cases left the evicted families without any relocation nor any form of assistance.

Ironically, the government agencies that affected the twelve (12) demolition operations were guilty of violating the law by failing to secure Certificate of Clearance (COC) from the Presidential Commission on the Urban Poor (PCUP).

Two of the demolitions recorded were violently conducted. One was carried out by the wrecking crew of the Metro Manila Development Authority (MMDA) in Barangay Sta. Cruz in Quezon City and resulted in the burning of the housing materials and personal belongings of the residents. The other was by a court sheriff in Barangay Tonsuya, Malabon involving the 6-hectare property of the Gozon family. It was reported that without warning or consultation the sheriff, escorted by policemen and demolition crews, arrived in the community and immediately began tearing down houses. The angry residents retaliated by stoning them. Policemen claimed that some of the people fired guns. Eleven (11) persons were hurt in the said incident.

Government Projects

Based on HUDCC data, four major projects of the government, namely the North Rail and South Rail relocation programs, Pasig River Rehabilitation, and Esteros Program would necessitate the relocation of 108,358 families and would require P19 billion funding.

The long delayed $503 million North Rail relocation program of the government funded by China’s Eximbank has begun to affect the lives of thousands of families living along the “riles.” Vice-President and HUDCC Chair Noli de Castro stated that 27,000 families were to be relocated along the old tracks of the Philippine National Railways (PNR) in Caloocan, Malabon, Valenzuela, Bulacan and Pampanga. The said project should have started by fourth quarter last year but it has not kicked off yet.

However, late last year (2004), several senators led by Sen. Richard Gordon criticized the planned reconstruction of railway tracks from Caloocan City to Clark Air Base in Pampanga as too costly and even
branded it as a “white elephant”\textsuperscript{15}.

The perennial problem of resources also threatens the smooth relocation of affected families. Officials estimate that P7.3 billion is needed to relocate the 40,000 families living along the railways and this amount could not be taken out from the Chinese loan. NHA already allocated P1 billion for this but the remaining amount is yet to be appropriated by Congress as part of the national budget\textsuperscript{16}.

But even with this amount, NHA had a hard time looking for relocation sites for the 4,000 families in Malabon and 7,000 in Valenzuela City. Negotiations for acquiring a relocation site in Barangay Bignay in Valenzuela broke down when NHA refused to pay the price set by the landowner Santa Lucia Realty Corp\textsuperscript{17}.

Later in October last year (2004), still no relocation has been agreed upon between the NHA, the Malabon residents and the local officials. The affected families rejected the NHA offer to relocate them to Barangay Panghulo and in Towerville, Bulacan. Instead they expressed their desire to be transferred to Valenzuela but its mayor, Sherwin Gatchalian, refused to accept them\textsuperscript{18}.

Due to lack of adequate relocation, disagreements between the residents and government agencies, and protests of the affected families, the House Committee on Housing and Urban Development imposed a moratorium on scheduled demolitions in Malabon and Caloocan. The said order temporarily stopped the execution of notices of eviction already distributed in these areas\textsuperscript{19}.

But according to UPA, authorities have begun to carry out demolitions in Malabon and Valenzuela in January this year (2005) and have so far transferred 6,902 families. UPA added that the Caloocan demolitions involving 1,300 families took place earlier during Mike Defensor’s term as HUDCC chairperson, in late 2003.

Conclusions

The government is a signatory to various human rights instruments that guarantee housing among others as a human right of every individual. These treaties mandate the Philippine government to realize this right by making housing and other related services affordable, accessible, habitable and culturally sensitive. For the vulnerable groups such as the urban poor and the homeless, the government is obligated to exert extra effort and allocate resources to fulfill these sectors’ housing entitlement.

But the reality is definitely far from the ideal.

The cash-strapped administration dutifully prioritizing its foreign and local debts, even onerous ones, has treated informal settlers with contemptuous neglect. And worse, the government in its inefficient implementation of projects and in cohort with private usurpers has been arbitrarily evicting informal communities. Those who were “lucky” enough to be moved to relocation sites
had to contend with lack of or non-existent basic services and infrastructures and higher transportation costs going to work.

The government would also be violating the right to housing of its constituents if it continues to view housing purely from an economic vantage point and allows and even encourages private capital to dominate the housing sector. This is tantamount to government abandonment of its duty to provide equitable housing opportunities to its citizens especially the underprivileged, homeless and landless Filipinos.

But to be fair, there are still times when government officials and politicians suddenly remember to care for the urban poor and order demolitions to halt to a screech particularly during election season, for obvious reasons.

Endnotes

1 Railroad tracks
3 GMA Ten-Point Agenda, http://www.news.ops.gov.ph/pgma_10point-agenda.htm
5 Ibid
6 Ibid p. 65
7 Ibid p. 59
8 Ibid p. 62
9 CMP is a program that allows urban poor communities to borrow money from the government or access government-backed loans from the banks to purchase land. The community acting as an association has a big role in negotiations with the landowners, the government, and the banks, and in collecting contributions for amortization.
10 Ibid p. 63
11 Ibid p. 67
13 Ibid
14 Philippine Daily Inquirer, 27,000 Families to be moved to pave way for railway plan, p. 15, June 4, 2005
15 Ubac, Michael Lim, Dick Bucks Northrail; Noli defends relocation cost, p. 9, November 11, 2004
16 Fernandez, Butch, North Rail relocation to cost government P7 billion, Today, p. 2, November 26, 2004
17 Vicente, Julius, GMA urged to intervene in PNR project, Today, p. 2, July 12, 2004
18 Tandoc, Edson C. Jr, Northrail families told to leave site by Nov.15, Philippine Daily Inquirer, p. A20, October 14, 2004
19 Tandoc, Edson C. Jr, Displaced rail folks’ woes not yet over, Philippine Daily Inquirer, p. A23, November 6, 2004