



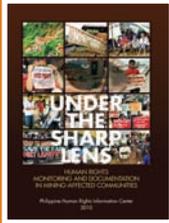
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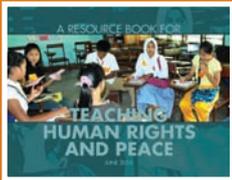
AN ANNUAL HUMAN RIGHTS SITUATIONER

## RECENT PUBLICATIONS



### UNDER THE SHARP LENS: HUMAN RIGHTS MONITORING AND DOCUMENTATION IN MINING-AFFECTED COMMUNITIES

In building a culture of human rights, the role of monitoring and documentation (M&D) cannot be overemphasized. The promotion and defense of human rights depend to a great part on accurate, credible and timely data that can only come from the constant monitoring and documentation activities of human rights defenders. In communities affected by large-scale mining operations, M&D can be a capacitating tool for impoverished and marginalized sectors in claiming and defending basic rights and freedoms. This two-part publication discusses the important role of M&D in the promotion and protection of human rights (Book I) and reports on M&D efforts in communities threatened by large-scale mining activities (Book II).



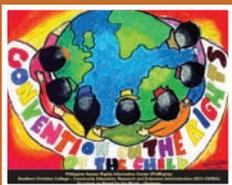
### A RESOURCE BOOK FOR TEACHING HUMAN RIGHTS AND PEACE

This resource book is primarily intended for high school teachers interested in integrating human rights and peace issues in their pedagogy. It seeks to increase and deepen the teachers' knowledge and understanding of human rights and peace particularly in the context of the history and current situation in Mindanao. The materials presented can also be used by those in the non-formal education sector, including community organizers and popular educators, human rights and peace defenders and anyone interested in learning about peace and human rights.



### LIVING IN THE MARGINS: ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN AN URBAN AND RURAL COMMUNITY

Living in the Margins looks at the state of economic, social and cultural rights of the residents of two focus communities, specifically on the rights to work, food, health, housing and education, and how the State has complied with its obligations under international human rights instruments like the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.



### A PRIMER ON THE CONVENTION ON THE RIGHTS OF THE CHILD

Artworks produced by children from North Cotabato illustrate the articles of the Convention on the Rights of the Child (CRC).

For these and other publications, contact: Philippine Human Rights Information Center



## THE CHANGING OF THE GUARD: HUMAN RIGHTS UNDER A NEW PRESIDENT



Philippine Human Rights Information Center (PhilRights)  
 An Institution of the Philippine Alliance of Human Rights Advocates (PAHRA)



# THE CHANGING OF THE GUARD: **HUMAN RIGHTS UNDER A NEW PRESIDENTS**

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# Foreword

FOR MOST Filipinos, 2010 promised a lot of changes. Mid-way through the year, the electorate voted for new officials, from the president to the municipal council, in the first-ever automated elections in the country. For those who had long hoped for a change in administration, the end of the decade-long presidency of Gloria Arroyo could not come too soon enough.

While human rights was not exactly on the top agenda of most of the candidates, whether national or local, the HR community still looked forward to how the elected officials would tackle the tattered human rights record of the country.

This issue of *In Focus* looks at how human rights and basic freedoms fared in 2010, under a departing president whose popularity ratings had sunk to the abyss and a newly-sworn in president whose popularity seemed to rest more on his parents' accomplishments than by his own feats.

Threats to life and liberty continued. The Task Force Detainees of the Philippines (TFDP) details in "NOT QUITE OVER THE HUMP YET" a number of civil and political rights violations it had documented in 2010. As TFDP points out, the Aquino administration has yet to make public its policies regarding human rights.

Cecilia Soriano describes the roadblocks to attaining universal pri-

mary education, a commitment under the Millennium Development Goals (MDGs). “IN THE MARGINS OF LEARNING” details the various obstacles to achieving education for all, and warns that the country’s failure to provide free basic education to its young population can only mire more people in the vicious cycle of poverty and disenfranchisement.

In “PICKING UP THE CRUMBS,” Raffy Hipolito looks at the failures of the Accelerated Hunger Mitigation Program (AHMP) in solving hunger and malnutrition, and challenges the new administration to formulate a comprehensive, long-term plan that would solve the basic food needs of some 12 million food-poor Filipinos.

The Medical Action Group (MAG) details the ills of the health care sector in the country, where health is more a privilege than a basic right. In “CHALLENGES IN ATTAINING UNIVERSAL HEALTH CARE IN THE PHILIPPINES,” MAG presents a number of ways by which the government can put in place the foundations of universal health care for its citizens.

John Francis Lagman dissects the problem of housing, especially for the urban poor population, in “ANATOMY OF THE NATION’S HOUSING PROBLEMS.” The article calls attention to an unrecognized crisis: the growing number of homeless persons and the lack of a coherent strategy and policy to address the problem.

Finally, Sonny Melencio examines the situation of workers in 2010 (“THE RIGHT TO WORK UNDER THE AQUINO GOVERNMENT”). In describing the plight of some 3,000 employees of the Philippine Airlines, the article depicts the woes that plague workers in the Philippines in general – woes that are compounded by the seeming indifference of the Department of Labor and Employment, the agency tasked to protect the rights of workers but whose decisions tend to favor the cause of employers.



# Not quite over the hump yet

# Civil and Political Rights in 2010

**BY THE TASK FORCE DETAINEES OF THE PHILIPPINES**

The worst will soon be over.

**T**HIS WAS the people's general sentiment at the beginning of 2010. This is, after all, the year when the almost decade-long reign of impunity of the Arroyo administration will close. Most of the people believed that the time when the soaring numbers of cases of human rights violations, such as the massacre of 57 persons in Maguindanao, will soon come to an end, and the violations brought on by Oplan Bantay Laya, the Arroyo administration's counter-insurgency program, would somehow ease up.

Expectations for major changes after the May 10 national elections were not exactly high, since most of the candidates were traditional politicians supported by businessmen; but a change in administration and an end to the state-sponsored impunity were still things to look forward to.

As the election fever heightened, election-related violence involving feuding political clans also intensified. Candidates and party-list groups branded as left-leaning were heavily vilified.

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In this year's election, Filipinos were notably vigilant, and they had every reason to be: there were speculations that a failure of elections would be declared, especially since it would be the first automated elections, and there were still glitches in the system. It was feared that should a failure of elections happen, Arroyo would continue as president by default.

Arroyo's declaration to run as representative of the 2nd district of Pampanga was largely met with criticism. It was regarded as an attempt to avoid prosecution for all the violations committed by her administration.

Together with the rest of the nation, the human rights community looked forward to what the new president would say during his inaugural address. As expected, Aquino's slogan against corruption became the mantelpiece of his speech. He made it clear that his administration will look into the "midnight appointments" made by the previous administration. He also mentioned the "Emergency Employment" program as done by Cory Aquino; the strengthening of anti-corruption measures in the Bureau of Internal Revenue (BIR) to fund education, health, and housing development; the implementation of stable economic policies to make the country conducive to foreign investors; intensified response to concerns of Overseas Filipino Workers; and last, but not the least, the quest for justice by the Filipino people.

He instructed the Department of Justice (DOJ) to "begin the process of providing true and complete justice for all". He also announced the formation of a Truth Commission headed by former Chief Justice Hilario Davide, Jr.

No mention was made, however, regarding justice for the victims of human rights violations. Questions of human rights advocates as to the stand of the new president regarding human rights remained unanswered.

## Political Detainees

The plight of political detainees hardly improved during the decade-long Arroyo administration. Not until her last days in office did President Arroyo make any executive action for the release of political prisoners.

In July 2010, eight long-held political prisoners were released. Orlando Bundalian, Rogelio Galero, Ruperto Lopez Pedro Madera, Anacleto Mercader, Pedro Pascual, Mariano Reyes and Rodolfo Tubera were granted freedom through conditional pardon (with parole conditions) signed by the former president. Before their release, all of them spent more than ten years in prison.

While their release was welcomed as a positive development, it was just a small token compared to the injustice, violation of human rights and repression meted out to human rights defenders and freedom fighters.

When Aquino took his oath as the country's new president, the scent of sweet freedom for the political prisoners could almost be smelled. Aquino's father, after all, was one of the most notable political detainees during the Marcos dictatorship. And it was during the administration of Aquino's mother when amnesty was granted to all political prisoners and detainees within the first five hundred days of her presidency.

In the early part of October, President Aquino signed Proclamation No. 50 which granted amnesty to the members of the Armed Forces and their supporters in connection with the Oakwood Mutiny, the Marines Stand-Off and the Manila Peninsula Incident. The amnesty was proclaimed "to promote an atmosphere conducive to the attainment of a just, comprehensive and enduring peace," in line with the government's peace and reconciliation initiatives.

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No amnesty, however, has yet been granted to the 296 political prisoners and political detainees. If the Aquino government is indeed serious in its efforts for peace and reconciliation, the initiative should include not only a few select groups or individuals.

## **Illegal Arrest, Detention and Torture**

Aside from the continuing phenomenon of political detention, another cause for concern is the harsh regulations in some detention centers.

On October 17, 2010, a staff of the Task Force Detainees of the Philippines (TFDP) went to the Bataan District Jail (formerly Bataan Provincial Jail) following a request for assistance from a relative of a political detainee. The officers of the Bureau of Jail Management and Penology (BJMP) had arbitrarily demolished the prisoners' cubicles. This prompted the inmates to hold a noise barrage. In response, jail officials hosed down the protesting inmates, after which gunshots were heard by witnesses.

Based on reports received by TFDP, the destruction of the cubicles ("tarimas") was the latest in a series of unreasonable policy changes that followed the turnover of the provincial jail into the hands of BJMP officials last September 20, under BJMP Chief Rosendo Dial.

Prior to the demolition, the BJMP closed down the cooperative store run by political detainees. Conjugal visits were also shortened to an hour. There were also reports of "excessive" frisking and inspection of relatives during visits.

For the period of January to September 2010, TFDP documented 56 cases of illegal arrest and detention, with 109 individuals as victims. From these cases, there were 26 cases of torture, involving 45 victims.

One such case is the illegal arrest, detention and torture of Hilo Idlao Aytag, a Mangyan farmer.

On March 12, 2010, at around nine o'clock in the morning, 20 members of the 4th Infantry Battalion of the Philippine Army arrested Aytag. His personal belongings were confiscated. He was suspected to have taken part in an ambush of army soldiers in Oriental Mindoro on March 6, 2010.

According to Aytag, he was brought to the ambush site and was forced by the soldiers to guide them in looking for other members of the rebel group in the area.

He spent three days and nights in the mountains with the government troops. During the time he spent with the army, he was tortured. Aytag was hit with wooden sticks on different parts of his body. A plastic bag was placed over his head to suffocate him. He was also hit and beaten with a gun.

The army brought Aytag to a camp in Bansud while he was blindfolded and tied. There, he was tortured again. The soldiers placed something in his mouth while he was fingerprinted and made to sign a document. Gunshots were fired near his ear while he was being forced to admit participation in the ambush and divulge the names of his alleged comrades.

He stayed overnight in Bansud and later was transferred to Roxas Sub-Provincial Jail, where he is still detained.

Another case is that of Abdulbayan Guiamblang, a member of the Moro Islamic Liberation Front (MILF). He was arrested on February 26, 2010 at about 4:30 PM in Brgy. Makagiling, Sultan Kudarat, Maguindanao by members of the 38th Infantry Battalion of the Philippine Army.

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Guiamblang was passing through a military detachment in Barangay Solon, Sultura when he was stopped by the military. Later, he was brought to a nearby purok house. There, Guiamblang was made to sit down. He was blindfolded with packaging tape and his hands were tied behind his back. His legs were also tied with packaging tape.

He was later transported in an army truck and brought to an unknown place about 20 minutes away from the purok. There, he was interrogated.

According to the military, they have a warrant for his arrest. They said he was an MILF Commander under the command of Commander Ameril Umbra Kato. Guiamblang denied the allegations.

Guiamblang narrated that for every question that was asked, his interrogators hit his head with a water bottle. Overnight, he was handcuffed to the door; he was unable to sit or lay down.

On February 27, he was taken to another room. He was again asked the same questions. During the interrogation, he was told to put his face on the table. He was asked how many houses he burned. When he said none, they told him he was lying and his head was again hit with a water bottle. He was hit on the head and on the nape thrice. His interrogation lasted for about an hour.

The following day, Guiamblang was again interrogated and tortured for about an hour.

The interrogation and torture continued on March 1 and 2, but this time, his ordeal for each day lasted for more than an hour.

According to him, every time he was interrogated, his blindfold of packaging tape was thickened.

6 On March 3, his captors checked his blood pressure.

The next day, he was brought to the court in Midsayap, North Cotabato. When he got off the vehicle, his blindfold was removed, but he remained in handcuffs. He was made to sign some documents in the court.

At one o'clock in the afternoon, he was remanded to the North Cotabato Provincial Jail in Amas, Kidapawan. His handcuffs were removed by the jail guards.

According to Abdulbayan, during his stay in the custody of the military, he was only fed twice a day. For five days, his legs were tied. He was also held incommunicado. He requested the military to inform the barangay captain, who will in turn contact Guiamblang's wife, but the military ignored his request.

It was only on March 12 when Guiamblang's family was able to visit him.

Guiamblang is currently facing multiple charges.

Torture is an inhumane barbaric act and the authorities' continued use of torture raises a grave concern.

The recent release of a video of torture done by a certain Sr. Inspector Joselito Binayug in a police detachment in Asuncion Street, Tondo, Manila all the more proves that torture is used as a practice by state agents.

In the video, the police senior inspector is seen pulling a cord attached to a naked person's genitals during interrogation.

According to National Police Commission (NAPOLCOM) Vice Chairperson Eduardo Escueta, they have information from two other victims of torture from the same precinct; aside from Binayug, there were three other members of the Asuncion Police Community Precinct (PCP) who

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may be involved in the alleged acts of torture.

Vice Chairperson Escueta however said that should there be probable cause for the actions of Binayug and the other policemen, they will be preventively suspended for 90 days. They will then undergo administrative hearing, after which, the NAPOLCOM will decide whether Binayug and his men should be dismissed from service.

The enactment on November 10, 2009 of Republic Act 9745 or the Anti-Torture Law should serve as deterrent to the continued use of torture among the military and law enforcement authorities. Unfortunately, the lack of Implementing Rules and Regulations (IRR) for RA 9745 has hindered the strong and actual application and implementation of the law.

Another case (possibly the first documented case of politically motivated torture under the new administration) is that of the torture of Lenin Salas and his friends in the hands of authorities of the San Fernando City Police and Provincial Public Safety Office.

Lenin Salas, Jerry Simbulan, Daniel Joseph Navarro and Rodwin Tala were arrested on August 3, 2010, at around 9:30 in the evening. They were allegedly members of the Marxist-Leninist Party of the Philippines–Rebolusyonaryong Hukbong Bayan (MLPP-RHB).

According to Salas, he and his companions were on their way to visit a friend in Villa Barcelona Subdivision in Barangay Sindalan, Pampanga when the subdivision guard approached and asked them who they were looking for. When they told the guard the name of the person, the guard called other subdivision guards for backup.

According to Salas' testimony, he saw a policewoman from one of the houses talking to someone on her mobile phone. Before long, three police personnel arrived; the three were identified as Senior Police Officer (SPO4) Hernando Sarmiento, Police Officer (PO3) Arnold Barrion



JAY AZUCENA

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TRACY PABICO

and Police Officer (PO1) Edward Bengbeng.

Afterwards, the police called for reinforcement from the Provincial Public Safety Office (formerly Regional Mobile Group or RMG) under the command of Supt. Madzgani Mukaram.

Salas and his companions were already on the ground when the reinforcement arrived. Salas said Supt. Mukaram hit and kicked them. They were made to board separate vehicles. Salas narrated that the police continued to beat him inside the car. He and his companions were taken to the Provincial Police Office (PPO) where they were blindfolded and tortured.

Salas recounted how he was beaten with a gun and his neck and body burned with a cigarette. A plastic bag was placed over his head to suffocate him. He was kicked in the genital area. While blindfolded, he was made to listen to the clicking sound of a gun. Salas and his companions were also deprived of food.

It was only at 2 o'clock in the afternoon of August 4 when the torture of the victims ended. They were taken to the prosecutor's office in San Fernando, Pampanga, where they were charged with illegal possession of firearms, ammunitions and explosives.

## **The Killing Goes On**

Although decreasing in number, cases of extrajudicial killings have continued. From January to September this year, eight cases (involving ten victims) have been documented by TFDP. Most of the victims were human rights defenders; the identities of most of the perpetrators were unknown.

One such case is the extrajudicial killing of Casiano Abing, a 56-year-old political activist from Eastern Samar.

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During the Arroyo regime, at the height of cases of extrajudicial killings, Abing received a death threat from a certain “Anti-Communist Vigilante Leysam”. His other activist friends also received similar threats, in the form of a letter tied with a black ribbon.

Abing did not take the threat lightly, especially since the others who received the same threat were eventually killed. There were a few who were attacked, but fortunately survived. Abing decided to lay low.

But on August 25, 2010, at around 6:45 in the evening, an unidentified gunman came to Abing’s house and killed him.

According to witnesses, a man knocked on the gate of Abing’s house in San Lorenzo Street, Poblacion, Balangiga, Eastern Samar and handed a letter to the domestic helper. Since the man did not leave, Abing figured that he might need something else. He decided to come out to talk with the man. While Abing was walking towards the gate, the unidentified man shot him thrice.

The gunman walked away from Abing’s house. According to a witness, about a hundred meters from the house, the gunman, as if he knew nothing about the killing, casually said that somebody had been shot and pointed to the direction of the victim’s house.

Abing was rushed to the hospital in Balangiga, and later transferred to another hospital in Tacloban. He expired at around nine o’clock in the evening, at the emergency room of the Divine Word Hospital.

In another case of extrajudicial killing, the perpetrators were identified to be members of the Zambales Provincial Mobile Group of the Philippine National Police (PMG-PNP). The police however claimed that the incident took place during an encounter. The victims were the Miraflores brothers.

Roosevelt Miraflores had three sons who help him farm their field in Sitio Hobol, Masinloc, Zambales. They harvest mangoes and make charcoal from dried branches.

On June 2, 2010 at seven o'clock in the morning, the elder Miraflores and his sons, Eric, 27, Raymond, 23, and Rosmil, 16, were on their way to their farm. He was riding his improvised motor vehicle ("kuli-glig") while his sons were in their tricycle, ahead of him.

He arrived at Sitio Hobol at around eight o'clock in the morning, expecting that his sons had already arrived and were already going about their tasks.

He was alarmed when he heard several gunshots. He became concerned for his sons and wanted to check on them, but he was afraid. He took refuge in a mining firm's guardhouse near his lot. When the gunshots stopped, the terrified Miraflores decided to go home.

Less than an hour after Miraflores arrived home, the dead bodies of the three Miraflores boys were brought to their parents. The three boys were barely recognizable; their bodies and faces were riddled with bullets.

Roosevelt and his wife, Mila, noticed that their sons were no longer wearing the clothes they wore when they left the house that morning. Instead, their sons were clothed in camouflage uniforms.

According to the Miraflores couple, Inspector Rolando Delizo of the Philippine Mobile Group-Philippine National Police (PMG-PNP) of Zambales made a statement that the Miraflores boys were members of an armed rebel group and that they were killed during an encounter. Roosevelt maintains that his sons were civilians and not affiliated with any group.

The couple submitted the bodies of their sons to the National Bureau

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of Investigation (NBI) for autopsy. Investigators from the Commission on Human Rights (CHR) Region 3 have visited the place of incident and apparently found a bag full of empty bullet shells which may have been from the shots fired at the Miraflores brothers.

The couple is planning to file charges against the PMG-PNP once the reports of the NBI and CHR are available.

## **Enforced Disappearance**

After the enactment of an anti-torture law in 2009, the human rights community hoped that there would soon be a law criminalizing enforced disappearance. Unfortunately, though the bill was approved by the House of Representatives on the third and final reading on both the 13th and 14th Congresses, the Senate failed to act on the measure because of the “C-5 controversy” hearings.

The Families of Victims of Involuntary Disappearances (FIND) has been lobbying, since the 9th Congress, for a special law that penalizes enforced disappearance as a distinct crime.

From January to September 2010, TFDP documented three cases of involuntary disappearances, involving five victims. In some of these cases, the victims were later found incarcerated in detention centers, while others were found dead with signs of severe torture. Such was the case of Sumar Abdulwahab.

Abdulwahab was a former member of the MILF. On June 3, 2010, he was arrested by NBI agents in Sitio Manil, Brgy. Daliao, Maasim, Sarangani.

According to a witness, Sumar was in the Barangay Defense Force (BDF) post when members of the NBI aboard four vehicles came and apprehended him. He was handcuffed behind his back.

The witness said that the NBI agents showed a warrant to the victim. A member of the arresting team asked the other person manning the post to take Abdulwahab's motorcycle to the office of the barangay captain.

The next day, June 4, Johaniya, the victim's sister, along with a barangay kagawad, went to the office of the NBI in Lagao, General Santos City. They were told to visit Abdulwahab the next day and that they should bring some personal belongings for him.

They returned the following day at about three o'clock in the afternoon but they were not allowed to enter the NBI office. They were told that Abdulwahab had escaped by breaking the window of his detention cell.

From then on, the victim's family did not receive any information about him.

On June 8, there was a news report on the radio about a man's body found inside a container drum in Malag, Davao del Sur, a place far from Abdulwahab's hometown. Upon hearing the news, Abdulwahab's family immediately went to Malalag. They found Abdulwahab's body in a funeral parlor. They learned that he had been wrapped in a plastic sack and buried in cement. His hands were tied with a nylon rope. All his teeth had been pulled out.

The post mortem report showed that the victim had a 5.2 centimeter wound at the back of his ear, a skull fracture and contusion on his right cheek. By the time he was found, his body was already in a state of decomposition.

He was recognized through the picture of his child found in his pocket. The clothes he was wearing matched the clothes he had on at the time of his arrest.

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The NBI issued the victim's family a certification for the turn-over of his belongings, which were taken during his arrest. The certification stated that Abdulwahab, alias Aman Kabalu, was arrested by virtue of a warrant of arrest for murder, multiple frustrated murder and multiple attempted murder, but escaped detention between 11 o'clock to 11:30 in the evening of June 3, 2010.

Abdulwahab's family does not believe that he escaped. They are currently planning legal action against the NBI.

## **Harassment**

The military tactic of harassing human rights defenders by tagging them as "communists" continues to be practiced.

On June 26, 2010, at around 2:20 in the morning, unidentified men believed to be linked to the Aurora Pacific Economic Zone (APECO) Project harassed Fr. Jose Francisco "Jofran" Talaban, a parish priest in Aurora.

Fr. Jofran was sleeping when unidentified men fired gun shots at the parish house. The men also threw a grenade inside the parish house, which exploded outside Fr. Jofran's room.

At five o'clock in the morning, Fr. Jofran decided to check out the damage done by the assailants. Inside his room, about two meters from his bed, he found marks from the grenade blast. He also found countless bullet marks and shrapnel.

Within the church compound, Fr. Jofran found three laminated flyers that called him "evil", stating he was no longer welcome in the community and that he should get out of the place. The pamphlets also contained a threat, stating that his days "are numbered." Included in the threat were other community leaders, namely, Edwin Garcia, Pedro Calivara, Alfonso Jan, Arnold Gamaro, Arnel Turzar, Rachel Pas-

tores, Marlon Angara and Jerry Fabro. The pamphlets were supposedly issued by the “Aniban ng Ayaw sa Komunista” (anti-communist group).

Outside the gate, the priest also discovered three empty shells from an M16 rifle and three empty shells from an M14 rifle. Fr. Jofran narrated that one of his neighbors saw a vehicle without a license plate going around the vicinity. Hours later, the local police went to the site to conduct an investigation. Fr. Jofran requested the assistance of the regional office of the Commission on Human Rights (CHR), but at the time of the interview, the CHR had yet to act on the matter.

Fr. Jofran believes that the attack is related to his advocacy and assistance to sectors opposing the establishment of an economic zone in the province. According to him, the project will displace indigenous peoples, farmers, fisherfolks, and their families, particularly those within the municipality of Casiguran. Fr. Jofran emphasized that despite the enormous impact that the project will bring to the people, no consultation with them was made.

The townspeople believe that the harassment has something to do with the help Fr. Jofran is giving to those affected by the ASEZA (Aurora Special Economic Zone Authority). The attack occurred after the priest brought the issue of land conversion to advocacy groups in Manila.

## **Illegal Demolition and Forced Evictions**

In the beginning of 2010, there was a notable decrease in the number of documented cases of illegal demolitions. This was not surprising; with elections just around the corner, politicians did not want to alienate their voters. After the elections, however, cases of illegal demolition and violent evictions rose.

On August 18, at around eight o'clock in the morning, around 100

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personnel of the Task Force for the Control, Prevention and Removal of Illegal Structures and Squatting (COPRISS), accompanied by the Quezon City police based in Camp Karingal, came to Purok 2, Luzon Avenue, Quezon City to execute a supposed administrative order from the city government to demolish the houses of around 120 families.

The demolition team carried mallets, pickaxes and crowbars and were about to tear down the houses when the residents formed a human barricade to protect their homes and belongings. They resisted and refused to let the COPRISS personnel in. Later, according to the residents, the demolition team started throwing stones at them. Five persons, including a woman who was five months pregnant, were injured. The scuffle ended when the community leaders told the residents not to retaliate.

On August 16, 2010, during the State of the City Address of Mayor Herbert Bautista, Irene Basilio, Jun Semilla and Deo Baccay were arrested by security officers. The three were carrying placards denouncing the series of violent evictions in their area.

The three were taken to the Quezon City Police Station 10. Two lawyers dispatched from the office of Quezon City Councilor Edcel Lagman lobbied for their release. They were all discharged without charges.

## **Fleeting Honeymoon**

After almost six months in office, Aquino administration has yet to make any declaration regarding his administration's policy on human rights. During the new president's State of the Nation Address (SONA), there was a very brief statement regarding the cases of extrajudicial killings; but other than this, no substantive pronouncement on improving the human rights situation in the country has been made.

dream again. And indeed, the Filipino people are hoping that his presidency will be different from the previous ones – especially the one he replaced.

The president has always made it clear that the previous administration had done a lot of damage to the country. How best to start repairing that damage than to dismantle the past administration's legacy of gross human rights violations.

## FOOTENOTES

- <sup>1</sup> Proclamation No. 50 by the President of the Philippines, October 11, 2010
- <sup>2</sup> According to TFDP documentation, as of September 2010
- <sup>3</sup> Ayttag ARD, TOR, TFDP Luzon documentation
- <sup>4</sup> Guimblang ARD, DIS, TOR, TFDP Mindanao Documentation
- <sup>5</sup> ABS-CBNnews.com, More torture reports in Tondo emerge, 8/19/2010
- <sup>6</sup> Ibid.
- <sup>7</sup> Ibid.
- <sup>8</sup> Salas et al ARD, TOR, TFDP Luzon documentation; fact sheet from the Kilusan para sa Pambansang Demokrasya (KPD)
- <sup>9</sup> Abing EJK, TFDP Visayas documentation
- <sup>10</sup> Miraflores Brothers EJK, TFDP Luzon documentation
- <sup>11</sup> Abdulwahab EJK, DIS, ARD, TFDP- Mindanao documentation

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- 12 Fr. Jofran HART FDP Luzon documentation
- 13 Luzon Ave HAR, FE FDP Luzon documentation
- 14 Basilio, et al., ARD FDP Luzon documentation

Not quite over  
the hump yet:  
Civil and  
Political Rights  
in 2010

# In the Margins of Learning

## The Imperative of Claiming the Right to Education

BY CECILIA SORIANO

### From MDG 2 to EFA

**T**HE IMPLEMENTATION of the Millennium Development Goals (MDGs) was assessed this year to gauge how the country fared in meeting its goals. Of utmost concern for MDG 2 is Universal Primary Education.

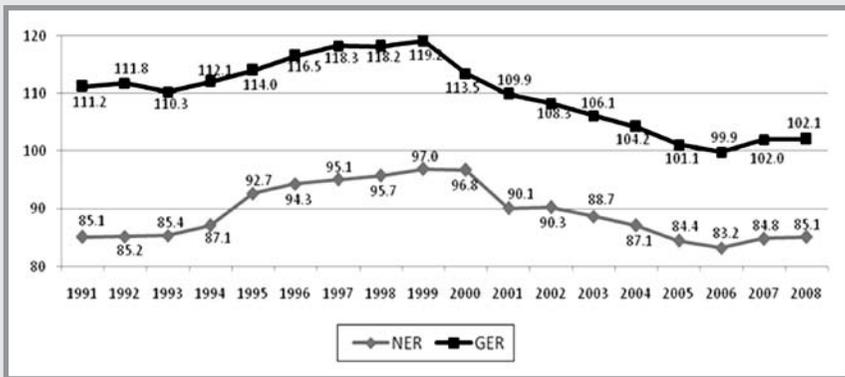
MDG 2 promises to “ensure that, by 2015, children everywhere, boys and girls alike will be able to complete a full course of primary schooling.” According to the report of the National Economic Development Authority (NEDA), this goal is in great risk of not being achieved. MDG 2 basically looked into access to education by measuring indicators such as the net enrolment ratio (NER) which is the enrolment of school-age children (6-11 years old) in school, gross enrolment ratio (GER) which is the total enrolment including those who are beyond elementary age, cohort survival rate (CSR) which is the number of children who entered grade 1 and who reach grade 6 and lastly, completion rate (CR) which is the number of children who entered grade 1 and completed grade 6. The report also analyzed the inequality in access

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to education across regions and as it relates to gender.

Both the net enrolment ratio (NER) and the gross enrolment ratio (GER) follow the same general downward trend:

**Figure 1. Elementary NER and GER (%), SY 1991-1992 to SY 2008-2009 (Public and Private)**



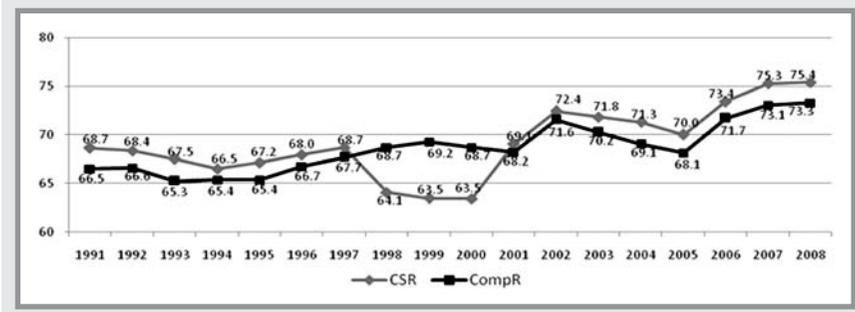
Source of basic data: Department of Education  
Quoted from NEDA's MDG 2010 Report

NEDA argues in the report that parents prefer to send their children at the age of 7 or 8 instead of the required entry level at 6 years old. However, a look into the cohort survival and completion rate shows that low participation is not caused by delayed entry of children in school. Indeed, the fluctuating CSR and CR indicate that students are trying hard to remain in school.



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**Figure 2. Elementary education CSR and CompR (%), SY 1991-1992 to SY 2008-2009 (Public and Private)**



Source of basic data: Department of Education

It is surprising that the decreasing NER and GER started in 2000, the year when the Philippines, together with other countries, launched the second Education for All (EFA) initiative in Dakar, Senegal. EFA is a set of commitments to education comprised of six goals, namely:

- 1) comprehensive early childhood care and development
- 2) universal primary education
- 3) appropriate learning programs for youth and adults
- 4) halving the adult literacy rate
- 5) gender parity and equality in education and
- 6) quality education with concrete outcomes.

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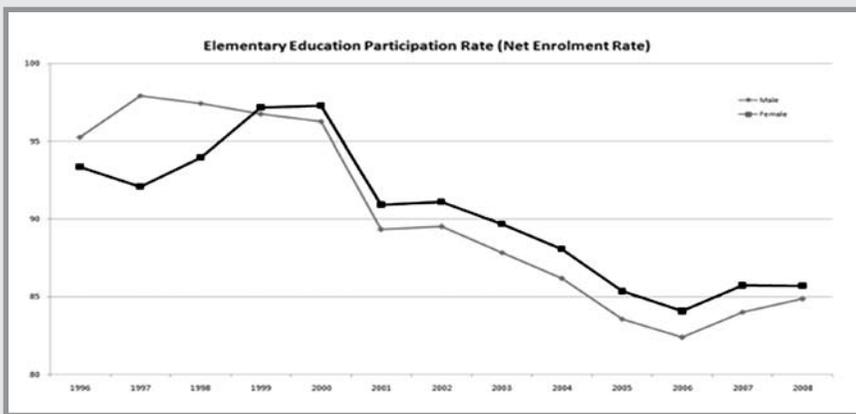
Instead of riding on the second wind for EFA, the country has failed to take stock of the past challenges in education and act on them swiftly and boldly to arrest the deterioration of public education. What is even more alarming is that the country is failing in its MDG 2 target, though this goal is grossly minimal compared to those under the Philippine EFA Plan 2015.

**Gender Parity in Education**

The MDG Report hailed the success of the Philippines in MDG 3 which is that on gender equality and women’s empowerment. In education,

while there are more girls than boys in school and are performing better than boys, the celebration might be too soon. Indeed, a scrutiny of the situation of girls and boys access to education and the situation of women requires a deeper analysis of MDG 3.

**Figure 7: Participation Rate or NER by sex, 1996-2008**



Source: Department of Education

A study by Dr. Agnes Quisumbing<sup>1</sup> on “Intrahousehold Resource Allocation” (2001) suggests that in Filipino rural communities, parents and grandparents who co-reside with the nuclear family prefer to bestow more education to the girls and more land to the boys. The bestowal of land to the boys is based on the perception that rice farming requires intensive male labor and that boys provide the necessary assistance to farm work at an earlier age. On the other hand, girls are perceived more to succeed in school—having been socialized to be responsible and loyal to their families, and more likely to remit incomes to their families once they migrate. Filipino parents and co-residing grandparents have adopted diverse forms of risk-taking (more education for girls and more land for the boys) depending on perceived gains and returns from sex-based investments.<sup>2</sup> Such decision-making is not unexpected given that women are finding work abroad as domestic workers, care givers, entertainers and service

crews. In fact, the MDG 2010 Report said that more than half of the 1.23 million overseas Filipino workers in 2008 were women.

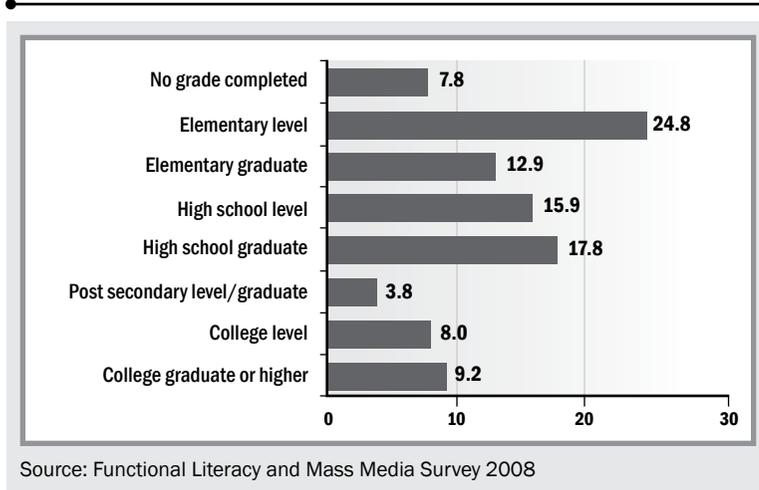
## Who are Marginalized from Education?

When he completed his certificate course on governance and development, Rep. Emmanuel Pacquiao recalled his years as an elementary student. He narrated how he had to sell goods before going to school so he can save money for school supplies and “baon.” Pacquiao is a Grade 3 dropout who escaped poverty through a career in boxing. After his success, he pursued high school by attending the Alternative Learning System program of the Department of Education and received his diploma in 2006.

Pacquiao’s story of education deprivation is shared by countless Filipinos. In the Philippines, an estimated 45% of the population six years old and over have either not attended school or have only reached or finished the elementary level, according to the 2008 Functional Literacy Education and Mass Media Survey (FLEMMS). Another 34% of Filipinos either reached or finished high school.

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**Figure 3: Percent Distribution of Population 6 Years Old and Over by Highest Educational Attainment, Philippines, 2008**



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Photos by JIM VILLERO



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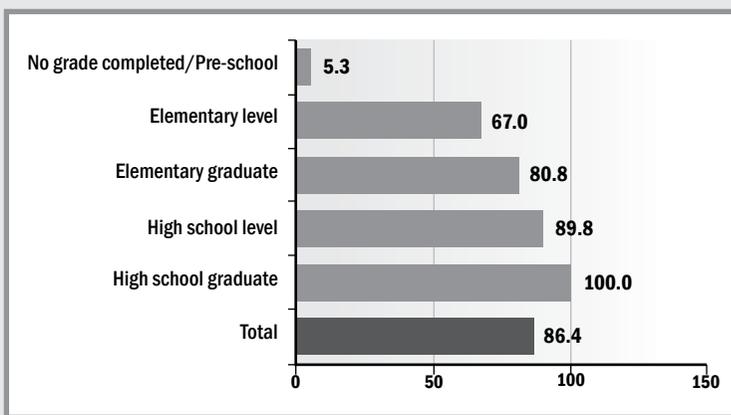
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FLEMMS also measured the basic literacy of the Filipinos aged 10-64 years old and compared it to the functional literacy rate. Basic literacy was measured by the ability to read and write and by numeracy skills. Functional literacy, on the other hand, was measured by having respondents answer the following questions:

1. Full name
2. Address
3. Complete date of birth
4. Highest educational attainment
5. If a kilo of rice costs P25.00, how much will two kilos cost?
6. If a kilo of sugar costs P38.00, how much will a half kilo cost?

To measure the comprehension ability, each respondent was also asked to read a paragraph and answer a set of questions. The FLEMMS showed that even with a number of years in school, a percentage remains not functionally literate, a reflection of poor quality of public education. An alarming finding is that even elementary graduates and those who had reached high school are functionally illiterate.

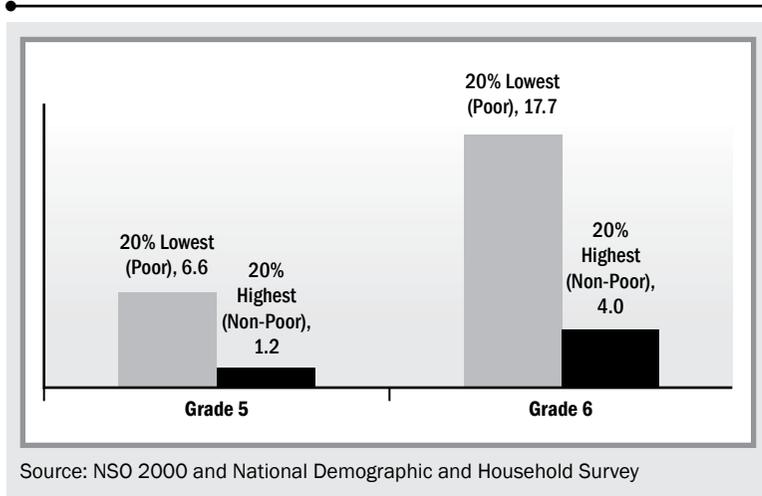
**Figure 4: Functional Literacy Rate of Population 10 to 64 Years Old, by Highest Educational Attainment, Philippines, 2008**



Source: FLEMMS 2008

The marginalized groups are those who are denied the right to education. Based on a survey conducted by the National Statistics Office (NSO) in 2000, the poor are most likely to drop out from primary education (by a factor of one for every five poor students). Localized studies on education attest to this. In Central Mindanao, for example, education performance is twice as severe as the realities at the national level. The Education Watch in Armed Conflict Areas<sup>3</sup> reported that 44 per cent of school-age children and youth are out of school due to poverty and the continuing conflict in the region.

**Figure 5: Drop-Out Rate in Grades 5 and 6 by Quintile Index**

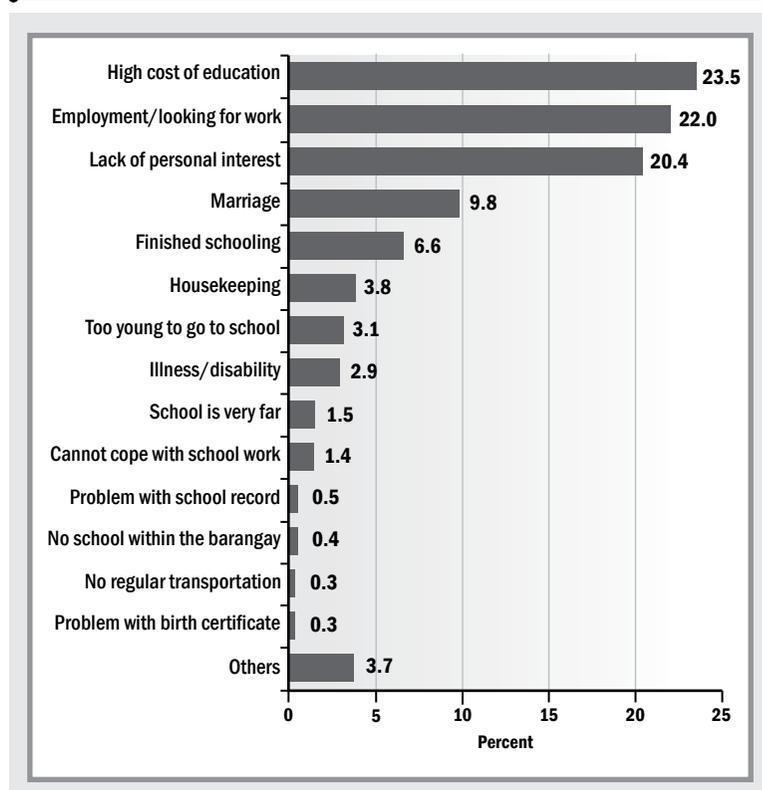


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Every year, at least half a million students drop out from elementary and secondary schools, with a significant percentage permanently staying out of school. For 2007, UNESCO<sup>4</sup> estimated that 1.003 million Filipino children, 6 to 11 years old, were not attending school. The Action for Economic Reforms, a member of E-Net Philippines, estimated that a total of 2.2 million school leavers and another 2.8 million youth (16 to 21 years old) were not attending school and had not completed basic education.<sup>5</sup> UNESCO's Global Monitoring Report (2010) noted that the Philippines, along with Myanmar, Vietnam, Thailand and Indonesia, are countries facing the greatest challenge in the number of out-of-school children.

Among the out-of-school children and youth, the main reasons cited for not attending school were economic and poverty-related factors. FLEMMS 2008 reported that 23.5% of Filipinos age 6 – 24 years old were not in school because of the high cost of education, while 22.0% skipped school because they were working or looking for work. The third reason for not staying in school is the lack of personal interest reported by 20.4% of those surveyed by FLEMMS. Alarmingly, marriage (which did not figure much in the 2003 FLEMMS) came out as the fourth reason for dropping out in the 2008 survey. It is also significant to note that a higher percentage of those who mentioned housekeeping chores, difficulty in coping with school work and illness/disability belonged to the poorer section of the population.

**Figure 6: Percent Distribution of Population 6 to 24 Years Old Who are Not Attending School, by Reason for Not Attending, Philippines: 2008**



The Civil Society Network for Education Reforms also known as E-Net Philippines, a network of organizations working for EFA, attempted to understand the lack of interest factor by holding workshops with children and youth. It is worth noting that the lack of personal interest was the most frequently cited reason for children in the primary and secondary school age groups. For the older age groups, employment and financial considerations were the oft-cited reasons for not attending school.

The lack of interest among school children indicates a weakness on the part of the school system to make education interesting for the students. This may be due to poor teaching quality, inadequate facilities and supplies and poor infrastructure. Poverty, social exclusion, school distance and poor health are, likewise, factors that weigh heavily on children and dampen their interest to pursue schooling. The challenge, therefore, is how to make the school interesting and encouraging rather than intimidating; how to make it inclusive, non-discriminatory and sensitive to the marginalized rather than exclusive and elite-oriented; and how to make it accommodating rather than restricting. Finally, the education content, process and experience should be made more meaningful to the children's life experiences by ensuring appropriate, culture-sensitive and values-based interventions. The need to address curriculum content becomes even more pronounced for indigenous communities.

As the country nears the deadline for EFA 2015, the poor, excluded and vulnerable groups remain in the margins of the public education system which focuses mainly on school-based interventions. While almost a third of the school-age children and youth are denied full basic education, not to mention the adults who have remained non-literate, good practices and programs designed to reach out to disadvantaged groups remain marginalized as well. For one, the Alternative Learning System Program of the DepEd receives a meager 1% of the DepEd budget and will even be slashed by 25 million in 2011. Indeed, marginalized communities and advocates need to launch collective

advocacy and actions to claim the right to education. Otherwise, the education neglect will further the cycle of poverty and deepen disenfranchisement of the poor not only from education but more importantly in economic, social and political development of the country.

**NOTES:**

- <sup>1</sup> Quisumbing, Agnes R. Discussion Paper No.23. Better Rich, or Better There? Grandparent Wealth, Co-residence and Intrahousehold Allocation. International Food Policy Research Institute, Washington, D.C. January 2007.
- <sup>2</sup> A comprehensive analysis on gender equality in education was produced by E-Net Philippines in 2008. Please see [www.e-netphil.org](http://www.e-netphil.org) to download paper.
- <sup>3</sup> The PIECE Education Watch in Armed Conflict Areas was conducted in 2008 by E-Net Philippines using the research and survey framework and instruments from the Asian South Pacific Bureau of Adult Education (ASPBAE).
- <sup>4</sup> UNESCO's Global Monitoring Report 2010.
- <sup>5</sup> Rene Raya, 2010.

Picking Up the Crumbs

# The Right to Food Situation

BY RAFFY HIPOLITO

## AHMP Framework

**I**N JULY 2006, the Arroyo government launched the Accelerated Hunger Mitigation Program (AHMP). Its main goal was to cut hunger incidence by half within one year. An Anti-Hunger Task Force was created through Executive Order # 616 with the National Nutrition Council (NNC) as the oversight agency. The AHMP's basic framework is that hunger is caused by two factors: the unavailability/insufficiency of food (supply side) and the lack of money of the people to buy food (demand side).

To address the supply side, productivity programs for crops and livestock, Food for School program and an efficient delivery system (highways, ports, bagsakan centers, 'Tindahan Natin' outlets) were seen as the answers. For the demand side, the programs formulated were micro-financing, vocational/technical trainings, emergency employment programs, planting of rubber and jatropha in upland areas, inter-cropping in coconut lands, promoting breastfeeding, nutrition education in schools and population management.

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The priority areas of the AHMP are the top 10 food-poor provinces based on subsistence incidence, including the National Capital Region (NCR), the top 20 poorest provinces based on the 2003 Family Income and Expenditure Survey (FIES) and other food-insecure provinces and those with existing hunger mitigation measures.

## **Reported Accomplishments of AHMP**

Based on the reports of the members of the Anti-Hunger Task Force, the following were the accomplishments:

- More than 81,000 individuals were hired by the Department of Public Works and Highways (DPWH) from 2007-2009 for its road maintenance project.<sup>1</sup>
- The National Anti-Poverty Commission (NAPC) said 292,000 persons were given vocational/technical skills trainings to enable them to find high-paying jobs.<sup>2</sup>
- 10,761 individuals were able to work in the repair or construction of irrigation projects.<sup>3</sup>
- 176,254 children between 3-5 years old in 5,043 day-care centers were served under the Healthy Start Feeding Program of the Department of Social Welfare and Development (DSWD).<sup>4</sup>
- 3.5 million families with children attending day care centers and public elementary schools benefitted from the Food for School program. Each child received 1 kilo of rice/day for every day that they attended school.<sup>5</sup>
- 2.4 million poor individuals received micro-finance loans for livelihood projects.<sup>6</sup>
- 1.6 million families were provided with vegetable seeds under the Gulayan Para sa Masa program of the Department of Agriculture.<sup>7</sup>
- There were 692,798 beneficiaries of the Pantawid Pamilyang Pilipino Program (4Ps), the World Bank-supported conditional cash transfer program of the government. Each beneficiary

received P500/month for health and nutrition and P300/month per child for education (a maximum of 3 children per family). The 4Ps covered 664 towns and 60 cities in 80 provinces.<sup>8</sup>

## An Assessment of the AHMP

Did the AHMP achieve its overall goal of cutting by fifty percent the hunger incidence? Was the number of food-poor individuals in the top 10 food-poor provinces reduced? It might be difficult to answer these questions, since the official 2009 poverty and subsistence incidence report will be issued by the National Statistical Coordination Board in March 2011.<sup>9</sup> Whenever hunger rates go down in the Social Weather Stations' survey, the past administration would claim that its anti-hunger programs were effective; but whenever the figures increase, the Arroyo government would claim that SWS surveys are "mere perceptions" of the respondents.



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At this time, the best evidence would come from the 7th National Nutrition Survey (NNS): 2008 conducted by the Food and Nutrition Research Institute (FNRI) and the hunger surveys of the SWS.

The 7th NNS covered 5,014 households between May–December 2008. Using the Radimer/Cornell instrument for the Food Insecurity Component of the survey, FNRI found out that 28.6% of mothers and 17.9% of children experienced food insecurity in the 3 months prior to the survey. Food insecurity was manifested by skipping meals, not eating even when hungry, or not eating for the whole day. Indicators of food insecurity at the household level included the following:

**Table 1: Percent of Households Experiencing Food Insecurity in the 3 Months Prior to the Survey**

Indices	% of Households
“I worried that food would run out before we get money to buy more.”	69.80% of 5,014
“The food just bought did not last and we did not have enough money to get more.”	58.50% of 5,014
“The children were not eating enough because we did not have enough food and cannot afford to buy more.”	45.80% of 4,569
“We could not feed the children nutritionally adequate meals because we did not have enough food and enough money to buy more.”	50.40% of 4,569

Source: NSO 2000 and National Demographic and Household Survey

The FNRI said the national estimate of households experiencing food insecurity in the 3 months prior to the conduct of the survey was 72.7%; the national estimate for households with children who experienced food insecurity was 52.8%.



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The 7th NNS also revealed that the number of underweight children between 0-5 years old increased from 24.6% in 2005 to 26.2% (estimated at 3.35 million) in 2008. The same is true with children 6-10 years old: from 22.8% in 2005, the number of children aged 6-10 who were underweight increased to 25.6% (2.58 million) in 2008.

The SWS quarterly surveys on hunger also reveal the same trend. In 2006, the year AHMP was launched, the average hunger rate was 16.67%. Yet the hunger rate in the next three years increased.

**Table 2: Annual Average Hunger Rate**

Year	Overall Hunger Rate
2007	17.80%
2008	18.50%
2009	19.20%

Source: Social Weather Station, Degree of Hunger in Households, Philippines: July 1998 – December 2009, 4th Quarter 2009 Social Weather Report

## Program Implementation

The AHMP obviously has not made significant inroads into the country's hunger and malnutrition problems.

### ***Food for School Program and Tindahan Natin Outlets***

In their study on the Food for School Program and the Tindahan Natin Outlets, Rosario Manasan and Janet Cuenca of the Philippine Institute for Development Studies (PIDS) observed that “the inclusion of all the cities and municipalities in the NCR results in a substantial leakage of FSP benefits to non-poor beneficiaries.” In school year, 2006-2007, there were 418,308 beneficiaries in Metro Manila while the poorer regions like the Autonomous Region of Muslim Mindanao (ARMM), a region that experiences hunger and poverty at its most acute, had only 62,864; Bicol had 97,233 beneficiaries and CARAGA, 27,947.<sup>10</sup> Manasan and Cuenca also pointed out that the under-coverage and leakage rates would have been substantially reduced had the targeting of beneficiary municipalities been based on the 2003 City and Municipal Level Poverty Estimates (National Statistical Coordination Board). Instead, the targeting of beneficiary areas was based on the FIVIMS (Food Insecurity and Vulnerability Information System) priority provinces and municipalities.

Manasan and Cuenca likewise observed that the Tindahan Natin out-

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lets are mostly in urbanized areas. 180 or 40% of the targeted 452 local government units (LGUs) have Tindahan Natin outlets in poblacion barangays. They estimate that about 66% of the benefits of the Tindahan Natin program go to non-poor families.<sup>11</sup>

Many poor families are not able to buy sufficient low-priced rice from TN outlets because the National Food Authority (NFA) has been reducing their rice deliveries. Those with Family Access Cards issued by the Department of Social Welfare and Development (DSWD) are supposed to be entitled to purchase 14 kilos per week from TN stores. But this has been gradually reduced from 14 kilos/week to 7 kilos/week to 5 kilos/week.<sup>12</sup>

In Region 6 (Western Visayas), the Commission on Audit (COA) reported that each TN operator should get 70 sacks of rice/week to sell. However, the NFA delivered only 10-30 sacks per week.<sup>13</sup> The reduction of the rice supply has negatively affected not only the consumers but also the income of the TN operators whose sales have dwindled.

### ***Seeds distribution***

The Department of Agriculture (DA) is in charge of palay, corn and vegetable seeds distribution under the AHMP. The COA audit found out that only 109,786 bags of palay certified seeds (or 21% of target) were distributed out of 522,699 bags targeted for distribution under the Rapid Seed Supply Financing Project. It also discovered some irregularities: in Region 6, the signatures of 35 persons (or 13% of beneficiaries) were different from the ones appearing in the distribution list; in Region 10 (Northern Mindanao), 186 farmer-beneficiaries interviewed were not the original farmer-owners, they were traders or mortgagors who had somehow come in possession of the farms; in Region 2 (Cagayan Valley), farmers who were already dead, who had migrated to other provinces or have sold their farms were still in the distribution list.<sup>14</sup>

## **Micro-finance**

As for the micro-finance program, it is hardly expected to make a difference in the lives of the target beneficiaries because:

- The sustainability of the program was uncertain because collection of repayments was not adequate enough to bring back the capital;
- Lack of monitoring of the beneficiaries by the implementing government agencies;
- Lack of documents to track down the NGOs/Micro-Finance Institutions that got the loans for re-lending to individual clients;
- Non-liquidation of the funds by the NGOs/MFIs.

COA's audit revealed the following:

- The Microfinance and Enterprise Development Loans is one of the micro-financing programs being implemented by the DSWD. The COA noted that out of P13.32 million loans due and demandable in Regions 6, 7 (Central Visayas), 11 (Davao Region) and 13 (Caraga), 59% or P7.9 million remained uncollected.<sup>15</sup>
- The past due loans of the People's Credit and Finance Corporation (PCFC) has been increasing from P104.42 million in 2007, P186 million in 2008 and P222 million in 2009.<sup>16</sup>
- The Department of Trade and Industry (DTI) also had loan projects such as the Tulong sa Tao (Self-Employment Loan Assistance) Program for the poorest of the poor and the Micro-Enterprise Development Program which are coursed through the Land Bank of the Philippines (LBP), Development Bank of the Philippines (DBP) and Philippine National Bank (PNB). According to the COA, the government banks in Regions 1 (Ilocos Region), 3 (Central Luzon), 7 and 12 (SOCCSKSARGEN) could not provide a complete list of NGO beneficiaries

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JOY ANNE ICAYAN



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JOY ANNE ICAYAN

TRACY PABICO



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with unsettled accounts “due to the absence of subsidiary ledgers of NGO loan beneficiaries and other documents such as Memorandum of Agreement or loan documents.”<sup>17</sup>

### ***Animal dispersal program***

DA’s Bureau of Animal Industry (BAI) was tasked with livestock dispersal under the AHMP. One of the problems documented by the COA was the lack of/inadequate monitoring of the livestock distributed. The usual agreement between BAI and the recipients is that the latter would give one offspring of the goat/cow/carabao he/she received. But BAI failed to collect the offspring which would have been further dispersed to other persons. P464,000 worth of high-breed goats were given to Cristina Farm in Bantay municipality, Ilocos Sur. But there was no monitoring and payment was not demanded. The farm closed down in 2005 but BAI was not even aware of it. The same thing happened with the 25 goats provided to the Pangasinan provincial government. There was no monitoring and the payment was not collected from the beneficiaries.<sup>18</sup>

### ***Pantawid Pamilyang Pilipino Program (4 Ps)***

In its 2009 audit report on DSWD, COA noted that “The lack of sufficient monitoring system to determine compliance by all beneficiaries of the conditions imposed...and to constantly validate the eligibility of selected beneficiaries may hinder the achievement of the objectives of the program.” In Caloocan City, COA discovered that 5 beneficiaries did not belong to the “extremely poor families.” One is a dealer of dried fish and owns apartments; one has an income of P15,000/month and another one has a lending business. In Region 9 (Zamboanga Peninsula), the audit team found out that there were some poor families who were not enrolled in the program while some families that did not belong to the poorest of the poor were included.<sup>19</sup>

In Tanza, Navotas City, the usual complaint of the 4Ps beneficiaries was the long-delayed release of their cash benefits. In 2009, for instance, the January-March cash transfer came only in the 2nd quarter of the year, and only after a letter was sent to the DSWD Secretary by an international human rights organization.<sup>20</sup>

## **Aquino's Anti-Hunger, Anti-Poverty Program**

The President's State of the Nation Address touched on job creation; conditional cash transfer and other social services. The revival of the emergency employment program, implemented during former President Corazon Aquino's term, the construction of irrigation, provision of extension services and marketing of products of farmers were also mentioned in the SONA.

The continuation of the conditional cash transfer program has generated much attention not only from food rights advocates but also from legislators. It is, after all, a multi-billion peso undertaking. The DSWD's budget more than doubled from P10 billion to P34 billion as it aims to target more than 2.3 million beneficiaries in 2011.<sup>21</sup> The Food for School Program, however, seems to be on its way out. The appointed Agriculture Secretary, Proceso Alcala, declared that his department's goal is to become self-sufficient in rice in three years. Agrarian Reform Secretary Virgilio de los Reyes said his department would focus on eight priority areas where there are still huge backlogs in land distribution. These areas are Western Visayas, Bicol, ARMM, Central Visayas, Central Mindanao, Eastern Visayas, Southern Mindanao and Northern Mindanao.<sup>22</sup>

## **A Comprehensive, Long-Term Anti-Hunger Plan**

The main weakness of the AHMP is that it was implemented by a government that was not serious in wiping out hunger but was more concerned in salvaging its popularity among the people. Its lack of sincerity can be seen from the improbable target it set – that of cut-

ting by half the incidence of hunger within a year.

If the Aquino government wants to give the more than 12 million food-poor Filipinos a greater chance of freeing themselves from the grips of hunger, it must formulate a comprehensive, long-term plan that would address short-term needs as well as long-term ones.

Equally needed in the elimination of hunger and poverty is the democratization of the economic resources through agrarian, aquatic and other asset reforms, provision of adequate social services to the marginalized sectors, creation of jobs through industrialization, fair wages for workers, provision of livelihood credit to the poor, and political reforms that would allow more people participation in decision-making, especially on budget spending. "Public-private partnerships" or anti-corruption measures would not suffice to achieve these goals. It is only by having social justice, wider ownership and control over economic resources, and transparent and participatory political processes that would enable more Filipino families to feed themselves with dignity.

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# Challenges in Attaining Universal Health Care in the Philippines

**BY THE MEDICAL ACTION GROUP**

**W**HILE EVERY Filipino is entitled to health care as provided by the Constitution, health care in the country is regarded more as a privilege than a right as poor Filipinos find it extremely difficult to avail of health care services.

## **Health care inequities**

### Infant and child mortality

While child mortality rate<sup>1</sup> in the Philippines has been declining since 1998, the rate is still high compared to other countries in the region such as Vietnam, Brunei, Singapore, Thailand and Malaysia. According to the State of the World's Children Report 2009 of the United Nations Children's Fund (UNICEF), the Philippines is one of the 68 countries where 97 percent of all neonatal, child and maternal deaths worldwide occur.

Based on the 2008 NDHS results, about one in every 30 children dies before reaching the age of five. The IMR for the five years before the

survey (roughly 2004-2008) has declined from 29 deaths per 1,000 live births in 2003 to 25 deaths per 1,000 live births in 2008. The under-five mortality rate (U5MR)<sup>2</sup> has also declined: from 40 deaths per 1,000 live births in 2003 to 34 deaths per 1,000 live births in 2008.

**Table 1. Infant and Child Mortality Rate in the Philippines, 1990-2008 (Per 1,000 live births) (in percent)**

	1990	1993	1998	2003	2008
Under-five mortality rate	80	54	48	40	34
Infant mortality rate	57	34	35	29	25
Proportion of 1-year old children immunized against measles	78		71	70	76

Source: National Demographic and Health Survey

The neonatal mortality rate<sup>3</sup> is 16 deaths in a thousand live births before they reach their first month of life and the post neonatal mortality rate is 9 deaths per 1,000 live births. Neonatal and post neonatal deaths decreased from 1998 to 2008 with a rate of less than 10 percent. Child mortality is 9 deaths per 1,000 live births and U5MR is 34 deaths out of 1,000 live births.

According to a UNICEF study, a newborn child in the Philippines is almost 14 times more likely to die during the first month of life than a child born in a developed country.

**Table 2. Early Childhood Mortality Rates, 2008**

Neonatal, Post Neonatal, Infant, Child, and Under-Five Mortality Rates for Five-Year Periods Preceding the Survey, Philippines, 2008

Years preceding the survey	Approximate calendar years	Neonatal mortality (NN)	Post neonatal mortality (PNN) <sup>1</sup>	Infant mortality (1q0)	Child mortality (4q1)	Under-five mortality (5q0)
0-4	2004-2008	16	9	25	9	34
5-9	1999-2003	17	13	31	10	41
10-14	1994-1998	18	14	32	14	45

<sup>1</sup> Computed as the difference between the infant and neonatal mortality rates

Source: 2008 National Demographic and Health Status



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The 2008 NDHS results confirm the pattern of declining childhood mortality in the past 15 years. But disparities across regions remain and vary by place of residence, socio-economic status and educational level of the mother. In 2008, eight out of 17 regions were estimated to have IMR and U5MR higher than the national average. Rural areas are worse off with IMR of 35 deaths per 1,000 live births compared to 20 out of 1,000 before reaching one year old.

The U5MR has decreased: from 48 deaths per 1,000 births (1998 NDHS) to 40 in 2003 and 34 in 2008. The IMR shows a similar trend: from 35 deaths per 1,000 to 29 deaths per 1,000 to 25 deaths per 1,000 for the three surveys, respectively.

Neo-natal deaths in the Philippines were caused by preterm birth (28 percent), asphyxia (23 percent), sepsis/pneumonia (26 percent), congenital anomaly (8 percent), tetanus (7 percent) and diarrhea (3 percent). Indirect causes are maternal-related risk factors, newborn-related risk factors, and low birth weight (13 percent) due to pre-maturity and poor intra-uterine growth rate.<sup>4</sup>

**Table 3. Early Childhood Mortality Rates by Socioeconomic Characteristics, 2008**

Neonatal, post neonatal, infant, child, and under-five mortality rates for the 10-year period preceding the survey, by background characteristic, Philippines 2008

Background Characteristic	Neonatal mortality (NN)	Post neonatal mortality (PNN) <sup>1</sup>	Infant mortality (1q0)	Child mortality (4q1)	Under-five mortality (5q0)
<b>Residence</b>					
Urban	13	8	20	8	28
Rural	20	15	35	12	46
<b>Region</b>					
National Capital Region	15	7	22	3	24
Cordillera Admin Region	20	10	29	(2)	(31)
I Ilocos	15	9	24	2	26
II Cagayan Valley	24	13	38	(8)	(46)
III Central Luzon	14	10	24	5	29
IVA CALABARZON	12	8	20	8	28
IVB MIMAROPA	23	14	37	13	49
V Bicol	11	8	19	16	34
VI Western Visayas	28	11	39	5	43
VII Central Visayas	22	9	31	4	35
VIII Eastern Visayas	22	23	45	19	64
IX Zamboanga Peninsula	6	8	14	17	31
X Northern Mindanao	11	8	19	8	27
XI Davao	29	6	34	10	44
XII SOCCSKSARGEN	12	11	23	11	34
XIII Caraga	15	6	21	10	30

Note: Rates in parentheses are based on 250-499 unweighted children.

<sup>1</sup> Computed as the difference between the infant and neonatal mortality rates

Source: 2008 National Demographic and Health Status

Not surprisingly, mortality rates in urban areas are much lower than those in rural areas. In the rural areas, the ratios are 46 deaths in 1,000 live births for U5MR and 35 per 1,000 live births for IMR, compared to 28 deaths in 1,000 live births for U5MR and 20 deaths per 1,000 live births for IMR in the urban areas.

U5MR and IMR both registered highest in ARMM at 94 deaths per 1,000 live births and 56 deaths per 1,000 live births, respectively; followed by Eastern Visayas with 64 deaths per 1,000 live births under U5MR and 45 deaths per 1,000 live births for IMR. Notably, the U5MR and IMR are lowest in NCR and Ilocos.

The poorest Filipinos have IMR of 40 per 1,000 births, compared to 15 per 1,000 live births among the rich, according to the 2008 NDHS. The 2008 NDHS results also show that U5MR is most prevalent in the rural areas and among the poorest sections of society. In every 1,000 live births, 59 children from the poorest families die before their fifth birthday, compared to 17 children among the rich.

**Table 4. Child Mortality Rates by Wealth Status and Mother’s Educational Status, 2008**

Neonatal, Post Neonatal, Infant, Child, and Under-Five Mortality Rates for the 10-Year Period Preceding the Survey, by Background Characteristics, Philippines, 2008

Background Characteristic	Neonatal mortality (NN)	Post neonatal mortality (PNN) <sup>1</sup>	Infant mortality (1q0)	Child mortality (4q1)	Under-five mortality (5q0)
<b>Wealth Quintile</b>					
Lowest	20	20	40	19	59
Second	19	10	29	9	38
Middle	15	9	24	8	32
Fourth	15	8	23	4	27
Highest	10	5	15	2	17
<b>Mother’s education</b>					
No education	(37)	(50)	(87)	(53)	(136)
Elementary	16	16	32	15	47
High school	19	10	29	8	37
College	11	5	15	3	18

Note: Rates in parentheses are based on 250-499 unweighted children.

<sup>1</sup> Computed as the difference between the infant and neonatal mortality rates

Source: 2008 National Demographic and Health Status

The mother's educational attainment is related to mortality rates: children born to mothers who have limited or no education had a lesser chance of reaching their 5th birthday when compared to mothers with education. U5MR is 136 deaths in 1,000 live births compared to 18 deaths per 1,000 live births for children whose mothers have attended college.

For the past 10 years, the trend in gender disparity in mortality rate shows that more male children die than female children. IMR is consistently higher for male children than for female children. For males, IMR is 31 deaths per 1,000 live births, compared to 25 deaths per 1,000 live births for females.

### Immunization

Immunization is one of the most important and cost-effective interventions that the government's health system can provide to the poor and most vulnerable populations. Routine immunization of children and women leads to the control and eventual eradication of preventable diseases if they receive prompt and appropriate treatment when they are sick.

According to the WHO, a child is fully immunized if s/he has received the following vaccinations before reaching one year of age: one dose of BCG vaccine at birth or at the first clinical contact; a measles vaccination at about nine months of age, and three doses each of diphtheria, pertussis, tetanus (DPT) vaccine and oral polio vaccine (OPV).

In the Philippines, immunization rates had steadily gone up from 1990 until 1999. When the government changed its strategy of procuring vaccines in 2000, the coverage plummeted because the supplies were not delivered on time and inevitably resulted in stock shortage. Complete immunization coverage for children below 2 years old reached almost 70 percent in 2003.

**Table 5. Vaccination Status, 2008**

Percentage of children age 12-23 months who received specific vaccines at any time before the survey (according to a vaccination card or the mother's report), and percentage with a vaccination card, by background characteristics, Philippines, 2008

	2003	2008
Measles	70	76
All basic vaccinations (1-12 months)	60	70
All basic vaccinations (12-23 months)	70	80

Source: National Demographic and Health Status

The 2008 NDHS data shows that the proportion of fully immunized children increased to 70 percent from 60 percent in 2003. The data indicates that four in five children (or 80 percent of children age 12-23 months) received all of the basic vaccinations against six preventable childhood diseases: tuberculosis, diphtheria, pertussis, tetanus, polio and measles; and 70 percent of children received them before reaching one year old. Only six percent of children have not received any vaccination.

Data from the 2008 NDHS show (see Table 6) that immunization coverage also varies a little by residence: 81 percent in urban areas and 79 percent in rural areas, although there are large variations by region. As expected, ARMM has the highest U5MR and IMR; it also has the lowest vaccination coverage rate at 31 percent. Children in Western Visayas have the highest vaccination coverage at 92 percent. The percentage of children age 12-23 months who have received the six immunizations is 85 percent or higher in CALABARZON, Caraga and Western Visayas.

Full immunization coverage increases with mother's level of education, from 26 percent among children whose mothers have no education to 87 percent among children whose mothers have attended college. In general, immunization coverage increases with wealth status; only 64 percent of children in households in the poorest areas are fully immunized, compared to 87 percent of children in households in the highest wealth quintile.

**Table 6. Vaccinations by Background Characteristics**

Percentage of children age 12-23 months who received specific vaccines at any time before the survey (according to a vaccination card or the mother's report), and percentage with a vaccination card, by background characteristics, Philippines, 2008

Background characteristics	Measles	All basic vaccinations <sup>1</sup> (1-12 months)
<b>Sex</b>		
Male	85.0	80.5
Female	83.8	78.5
<b>Residences</b>		
Urban	86.8	82.3
Rural	82.1	76.8
<b>Region</b>		
National Capital Region	87.7	83.4
Cordillera Admin Region	90.8	84.0
I Ilocos	84.9	75.8
II Cagayan Valley	88.9	79.3
III Central Luzon	85.4	77.9
IVA CALABARZON	90.5	87.4
IVB MIMAROPA	77.6	70.6
V Bicol	76.3	71.3
VI Western Visayas	90.4	91.5
VII Central Visayas	87.5	82.9
VIII Eastern Visayas	77.3	80.3
IX Zamboanga Peninsula	78.3	81.5
X Northern Mindanao	80.8	83.0
XI Davao	88.8	84.1
XII SOCCSKSARGEN	80.9	77.0
XIII Caraga	91.1	89.4
ARMM	35.8	30.6
<b>Mother's education</b>		
No education	(32.5)	(25.9)
Elementary	71.0	65.9
High school	88.5	83.3
College	90.9	87.4
<b>Wealth Quintile</b>		
Lowest	71.4	63.6

Background characteristics	Measles	All basic vaccinations <sup>1</sup> (1-12 months)
Second	85.1	81.6
Middle	86.8	82.3
Fourth	93.2	89.4
Highest	91.3	87.1

Note: Figures in parentheses are based on 25-49 unweighted children.

<sup>1</sup> BCG, measles, and three doses each of DPT and polio vaccine (excludes hepatitis B)

Source: 2008 National Demographic and Health Status

## Maternal health care

Improving the quality of maternal health services is an important part of the health care system. The number of maternal deaths has stayed high despite more than two decades of efforts. The high rate of death among pregnant women only characterizes the country's inequitable health care system. This number will not decrease significantly until more women have access to skilled birth attendants and to improved health facilities.

Improve maternal health is the Millennium Development Goal 5 (MDG5).

Challenges  
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## MDG GOAL 5: IMPROVE MATERNAL HEALTH

**Target A: Reduce by three quarters, between 1990 and 2015, the maternal mortality ratio**

- 5.1 Maternal mortality ratio (52 maternal deaths per 100,000 live births by 2015)
- 5.2 Proportion of births assisted by skilled health personnel

**Target B: Achieve, by 2015, universal access to reproductive health**

- 5.3 Contraceptive prevalence rate (COP)
- 5.4 Adolescent birth rate
- 5.5 Antenatal care coverage
- 5.6 Unmet need for family planning



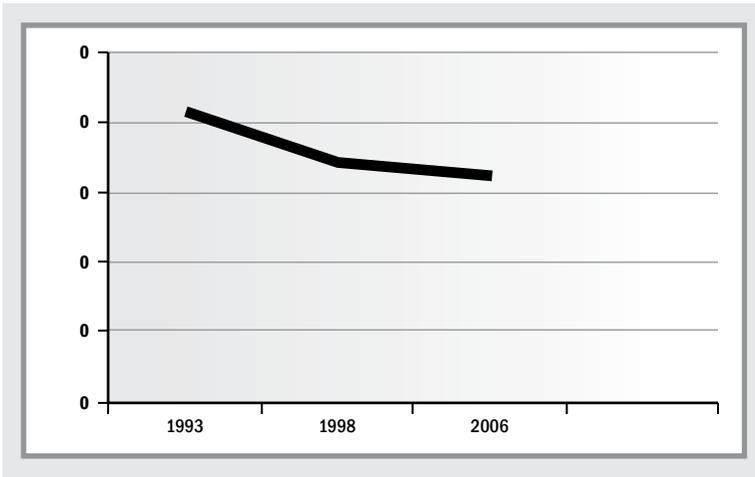
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By all indications, MDG5 remains to be the least likely to be achieved. The maternal mortality ratio (MMR) and proportion of births attended by skilled health personnel are the indicators set under MDG5. While the country has embarked on responses to reduce MMR, in many cases the results have lagged behind or faltered for long periods and are still far from the MDG5 target of 52 maternal deaths per 100,000 live births.

In the 2006 NSCB Technical Working Group Mortality Statistics, MMR of 0.014 fell short of the required annual rate of 0.031. The Philippines is one of the 55 countries that accounts for 94 percent of all maternal deaths in the world.<sup>5</sup> It is one of the highest in the region, with just Cambodia and East Timor having more maternal deaths.<sup>6</sup> In 2004, on the International Conference on Population and Development, it was reported that the ratio of maternal deaths in the Philippines was 170 while Thailand had 44 and Malaysia had 41. The UP Population Institute projects the number of maternal death to be about 4,700 annually (meaning 12 Filipino pregnant women die each day). This projection was based on MMR of 200 per 100,000 live births for 2008. In the 2008 NDHS, 26 percent of women 15-24 years of age have begun childbearing. Research has shown that Filipino teenage mothers have contributed to 20 percent of all maternal deaths in the country, a thousand of which are abortion related.<sup>7</sup>

There has been a declining trend in MMR, from 209 per 100,000 live births in 1993, to 172 in 1998 (NDHS data), and 162 in 2006 (DoH, Field Health Services Information System) (see Figure 1).

**Figure 1. Maternal Mortality Rate**



Discrepancies in MMR show a wide disparity between poor and rich regions. In 2006, MMR was highest in ARMM with 1.3 percent, followed by CARAGA with 1.2 percent and Region IVB (MIMAROPA) and Region XI (Davao) with 1 percent.<sup>8</sup>

Among the leading causes of maternal mortality in the Philippines are other complications related to pregnancy occurring in the course of labor, delivery and puerperium;<sup>9</sup> hypertension complicating pregnancy, childbirth and puerperium; postpartum hemorrhage; pregnancy with abortive outcome; and hemorrhage in early pregnancy. Over half of the cases of maternal deaths remain unreported. In 2002 alone, 56 percent of recorded maternal deaths in the civil registry were unaccounted for.<sup>10</sup>

Health-related practices that affect maternal health are antenatal care (ANC), including iron supplementation and tetanus toxoid vaccination; delivery care and services; postnatal care; and problems accessing health services. Antenatal care is essential to monitor the health of the mother and the baby and to diagnose pregnancy-related problems. The quality of antenatal care services provided to pregnant women can be assessed in terms of the type of service provider, the number

of antenatal care visits made, including whether a tetanus toxoid injection was received, the timing of the first visit, and the services and information provided during their antenatal checkups.

According to the 2008 NDHS, 91 percent of women with a live birth in the five years preceding the survey received antenatal care services from a skilled provider (52 percent provided by a nurse or a midwife and 39 percent provided by a doctor). Five percent of women received antenatal care from a traditional birth attendant, or hilot, while 4 percent did not receive any antenatal care services at all. These figures indicate that there has been an increase in the proportion of births attended by a skilled provider (from 88 percent in 2003 to 91 percent in 2008), and a decline in the percentage of births assisted by a traditional birth attendant (from 7 percent in 2003 to 5 percent in 2008) (NSO and ORC Macro, 2004).

**Table 7. Provision of Antenatal Care, 2008**

Background characteristic	Doctor	Nurse
<b>Residence</b>		
Urban	52.5	1.8
Rural	25.9	1.0
<b>Region</b>		
National Capital Region	63.8	3.2
Cordillera Admin Region	50.4	2.7
I Ilocos	48.3	0.4
II Cagayan Valley	27.8	1.5
III Central Luzon	50.7	1.1
IVA CALABARZON	55.7	0.2
IVB MIMAROPA	28.8	1.6
V Bicol	29.5	0.7
VI Western Visayas	33.7	1.3
VII Central Visayas	21.0	1.7
VIII Eastern Visayas	29.2	2.0
IX Zamboanga Peninsula	18.7	0.4
X Northern Mindanao	26.2	0.9
XI Davao	25.9	0.4
XII SOCCSKSARGEN	13.5	1.4
XIII Caraga	22.8	3.0
ARMM	21.5	1.3
<b>Mother's education</b>		
No education	6.1	1.8
Elementary	12.6	1.2
High school	35.6	1.7
College	69.3	1.1
<b>Wealth Quintile</b>		
Lowest	8.6	1.0
Second	24.0	1.7
Middle	39.6	1.9
Fourth	61.6	1.5
Highest	80.1	0.8

Note: If more than one source of ANC was mentioned, only the  
<sup>1</sup> Skilled provider includes doctor, nurse, midwife

Source: 2008 National Demographic and Health Status

Midwife	Hilot	No one	Other/ missing	Total	Percentage receiving antenatal care from a skilled provider <sup>1</sup>
39.9	2.3	3.5	0.1	100.0	94.2
61.1	7.6	4.2	0.2	100.0	88.1
27.4	1.5	4.1	0.0	100.0	94.4
38.8	1.1	7.1	0.0	100.0	91.8
41.3	3.5	6.4	0.0	100.0	90.1
65.5	2.7	2.6	0.0	100.0	94.8
43.9	0.5	3.6	0.3	100.0	95.6
39.5	1.0	3.5	0.0	100.0	95.4
54.9	9.7	4.9	0.0	100.0	85.4
61.8	5.2	2.8	0.0	100.0	92.0
59.5	1.8	3.3	0.4	100.0	94.6
74.4	0.6	2.0	0.3	100.0	97.1
59.0	4.1	5.7	0.0	100.0	90.2
66.8	9.4	4.3	0.4	100.0	85.9
65.2	2.7	5.0	0.0	100.0	92.2
67.3	5.3	0.8	0.4	100.0	93.6
71.2	7.3	6.6	0.0	100.0	86.1
70.7	1.3	2.2	0.0	100.0	96.6
23.9	48.9	4.4	0.0	100.0	46.7
36.1	39.4	16.6	0.0	100.0	44.0
66.8	10.5	8.7	0.2	100.0	80.6
56.8	3.1	2.6	0.1	100.0	94.2
26.8	1.6	1.2	0.0	100.0	97.1
67.5	14.5	8.2	0.2	100.0	77.1
65.7	4.3	4.1	0.2	100.0	91.4
54.4	1.5	2.6	0.0	100.0	95.9
34.4	1.2	1.1	0.1	100.0	97.6
17.4	0.1	1.5	0.0	100.0	98.3

1. The provider with the highest qualifications is considered in this tabulation.

Receipt of antenatal care from a skilled provider (see Table 7) is higher in urban areas (94 percent) than in rural areas (88 percent). In majority of the regions, 90 percent to 80 percent of women received antenatal care from a health care professional. As expected, there are wide variations in ANC coverage and services across regions: ARMM has the lowest antenatal coverage at 47 percent followed by Zamboanga Peninsula with 77 percent. Central Luzon and NCR have the highest antenatal coverage with 92.4 percent and 92.1 percent, respectively. Seven percent of pregnant women in Cordillera Administrative Region (CAR) and SOCCSKSARGEN received no antenatal care.

Midwives are the most popular antenatal care providers in 11 regions. In five Luzon regions (NCR, CAR, Ilocos, Central Luzon, and CALABARZON), antenatal care is provided mostly by doctors. In ARMM, 48.9 percent or almost half of women were attended by a traditional birth attendant.

#### Live Birth Delivery

More than half or 56 percent of mothers gave birth at home while 44 percent gave birth in a health facility.

This reveals that there are still a staggering number of births not being attended by a skilled birth attendant. In the 2008 NDHS results, 36 percent of births were attended by a hilot or traditional birth attendant (TBA). This is to be expected because the majority of deliveries take place at home. Based on the same study by the NDHS, only 62 percent of births were assisted at delivery by health professionals, 35 percent by a doctor and 27 percent by a midwife or nurse. While the proportion of births attended by a health professional has increased slightly from 60 percent in 2003 (NSO and ORC Macro, 2004), it remains lower than the target set by the DOH (80 percent by 2004).

There are large disparities in the delivery assistance by a skilled provider according to background characteristics of the mother and her

residence. Poor women are always least likely to receive maternal and reproductive health care services. Births in urban areas are twice as likely to be delivered in a health facility as those in rural areas. In urban areas, 78 percent of births are attended by skilled professionals, compared to 48 percent of births in rural areas.

Women in the lowest wealth quintile received the least health care services during delivery: 71.4 percent were assisted by hilot or TBA; and only 9.4% were attended by a doctor. In contrast, 77 percent of the women from the highest wealth quintile were assisted by doctors during child birth. Poor women who experience difficulties cannot avail of life-saving services: about 1.3 percent of them delivered by caesarian section (C-section), compared to 27.7 percent of the women in the highest wealth quintile.

Births in rural areas are more likely to be delivered at home than births in urban areas (70 and 40 percent, respectively). Across regions, delivery in a health facility is most common in NCR (69 percent). In five regions, at least 70 percent of births occurred at home: ARMM (85 percent), SOCCSKSARGEN (77 percent), MIMAROPA (73 percent), Zamboanga Peninsula (71 percent), and Cagayan Valley (70 percent). Eighty-seven percent of deliveries in NCR are assisted by health professionals (57 percent by a doctor and 30 percent by a midwife or nurse). In contrast, 80 percent of births in ARMM are assisted by a hilot or TBA. Interestingly, 12 percent of births in CAR are assisted by a relative or friend and 1 percent are delivered with no assistance.

The best way to reduce the risks of complications and infections that may cause the death or serious illness of the mother and the baby or both is to increase the proportion of deliveries in a safe and clean environment and under the supervision of skilled attendants and health professionals. However, the majority of the Filipinos, especially the poor, have yet to see a skilled attendant and many of our health facilities in the rural areas are located beyond the ideal four (4) kilometers from an individual's residence.

The HIV/AIDS epidemic, dengue outbreak and spread of other diseases

The Asian Development Bank (ADB)-UNAIDS Study Series pointed out that the countries of Asia and the Pacific are at a “make-or-break” point in HIV/AIDS. From the time the first HIV case was first detected in the early 80s, the incidence of the epidemic has remained low<sup>11</sup> and its prevalence rate remains to be below (0.01% among people 15-49 years old) in the Philippines. Over the past years, however, the number of new HIV reported cases has rapidly increased.

The DOH lists four high-risk behaviors that have contributed to the spike in the number of HIV infections in recent years: unprotected sex with multiple sex partners, unprotected anal sex between males, unprotected sex with commercial sex workers, and injecting drugs with used needles.

Anyone engaging in these types of behavior is at risk, but even among them, the DOH enumerates the “most at risk populations” (MARPs) which have the highest proportion of infections: sex workers, males who have sex with other males (MSM), injecting drug users (IDU) who re-use and share needles, and the clients of commercial sex workers. There is a fifth group along the chain of HIV spread that is equally at high risk: the partners of each person in the four identified groups.

Experts describe the surge in HIV cases among Filipinos as “disturbing” and “terrifying,” considering that HIV infections have increased significantly in the last three years, mainly among MSM and a community of IDUs in Cebu this year.

The increasing number of HIV reported cases constitutes one of the most pressing health threats in the country today.

The Philippine HIV and AIDS Registry that records confirmed HIV blood tests submitted by clinics and hospitals nationwide recorded 4,971

people living with HIV from 1984 to April 2010, with an average of 29 new cases per month registered for 2007. The first and second quarters of 2008 had an average of 40-50 new cases in a month. The registry's reports were in trickles, but starting December 2009, the monthly updates began listing more than 100 new infections, with a notable percentage among males: 126 in December 2009, of whom 121 were males; 143 in January 2010 (125 males), 130 in February (120 males), and 120 in March (104 males). This has surpassed the total number of HIV cases annually since the HIV and AIDS Registry started. Thus, from a low and slow character, it has become a growing phenomenon.<sup>12</sup>

**Table 8. Number of Recorded HIV Cases (as of April 2010)**

Demographic data	April 2010	January-April 2010	Cumulative data: 1984-2010
Total Reported Cases	154	547	4,971
Asymptomatic cases	152	539	4,131
AIDS cases	2	8	840
By Gender	154	547	
Males	144	493	3725*
Females	10	54	1235*
Youth 15-24 years old	36	162	886
Children <15 years old	0	1	53
Reported deaths due to AIDS	1	1	319

\*Note: No data available on sex for eleven (11) cases.

Source: DoH-National Epidemiology Center, April 2010

In April 2010, the HIV and AIDS Registry had 154 new HIV Ab seropositive individuals confirmed by the STD/AIDS Cooperative Central Laboratory (SACCL). This was a 133% increase compared to the same period last year (n=66 in 2009). Of the 154 individuals reported, most of the cases (94%) were males. The median age was 28 years (age range: 18-54 years). The 25-29 year age-group registered the highest number of cases (34%). NCR accounts for 44 percent or 67 of the reported HIV cases.

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The 2009 Integrated HIV Behavioral and Serologic Surveillance that determined the knowledge and behavior of at-risk populations and tested them for HIV showed that from 2006 onwards, 74 percent of HIV infections were occurring mostly among men. Sexual contact remains to be the most common mode of HIV transmission in the country. The predominant mode of transmission however has significantly shifted from heterosexual to bisexual and homosexual contact.

From January to April 2010, sixteen of the 154 (10 percent) reported cases were OFWs; fourteen (88 percent) were males. All cases acquired the HIV infection through sexual contact. In 2009, a total of 164 returning overseas Filipino workers (OFWs) were reported to be infected with HIV. This figure is the highest since 1984, but it only accounts for 20 percent of all individuals reported in the same year. In 2008, a total of 123 OFWs diagnosed with HIV comprised 23 percent of all reported HIV cases in the country. The increasing proportion of OFWs with HIV is indicative of the lack or absence of active government monitoring in this sector.

Reliable HIV data is a precondition for taking effective action against the epidemic. The current HIV surveillance systems in the country are overly dependent on limited data sources. The government needs to examine multiple sources of data to come up with an accurate understanding of the patterns, trends, and scale of the epidemic. The government could never be complacent with the unreported cases.

Dr. Eric A. Tayag, director of the DoH Epidemiology Center that conducts a survey every two years, said 53 percent of all HIV cases were reported in the last five years; of these, 62 percent were MSM. Among HIV-positive drug injectors, 86 percent were males. He further explained that “more males are getting infected because more males are practicing high risk behavior.”

The rise in cases among IDU is more upsetting, as infection through injecting drug use is faster than sexual transmission. From only seven

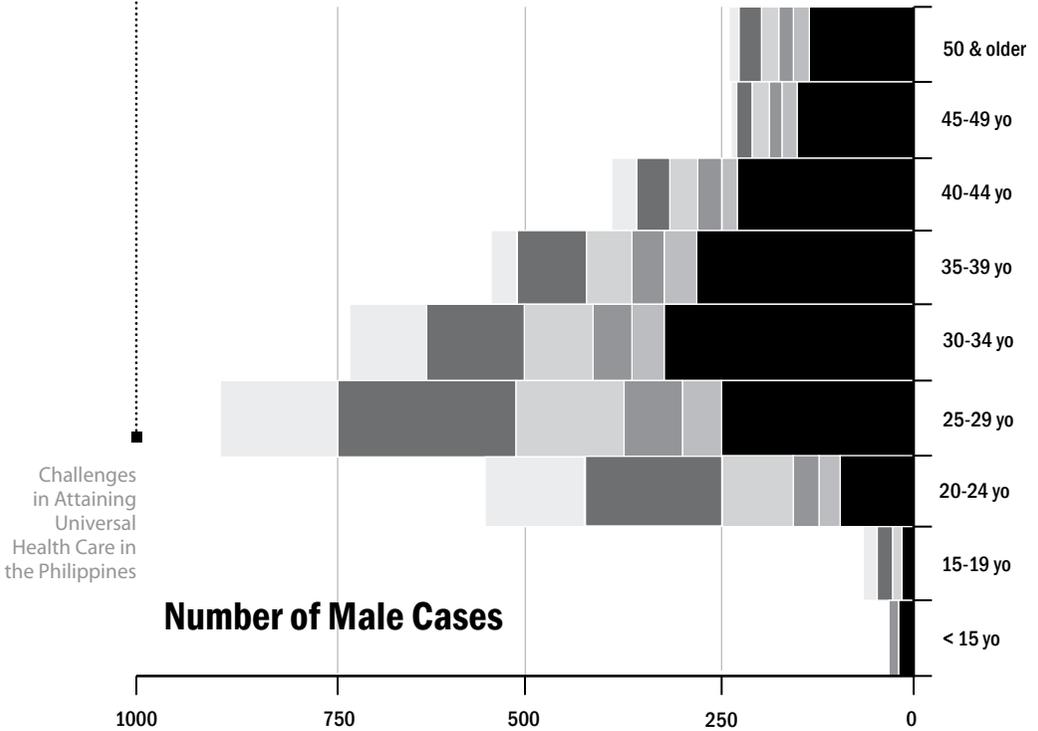


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HIV cases in 22 years, one in 2008 and zero in 2007 and 2009, HIV infections were noted among 63 IDUs in Cebu in the first three months of 2010 alone. In Zamboanga City, the DoH Region IX has recorded at least nine cases of persons diagnosed as suffering from the HIV during the first four months of this year. This is the first time that Zamboanga City registered such a big number of HIV-AIDS cases for just a short period of time.

Among the age groups, from 2006 to 2007, males aged 30-34 and females 25-29 years old dominated the infected groups; but in 2008, the cases appeared to be among the younger set: 25-29 for males and females, with huge increases in males 20-24 years old, a trend that continues up to the present. In the 2007 survey, seven tested HIV-positive among respondents; in 2009, there were 70 (46 males and 24 females aged 15 to 41).

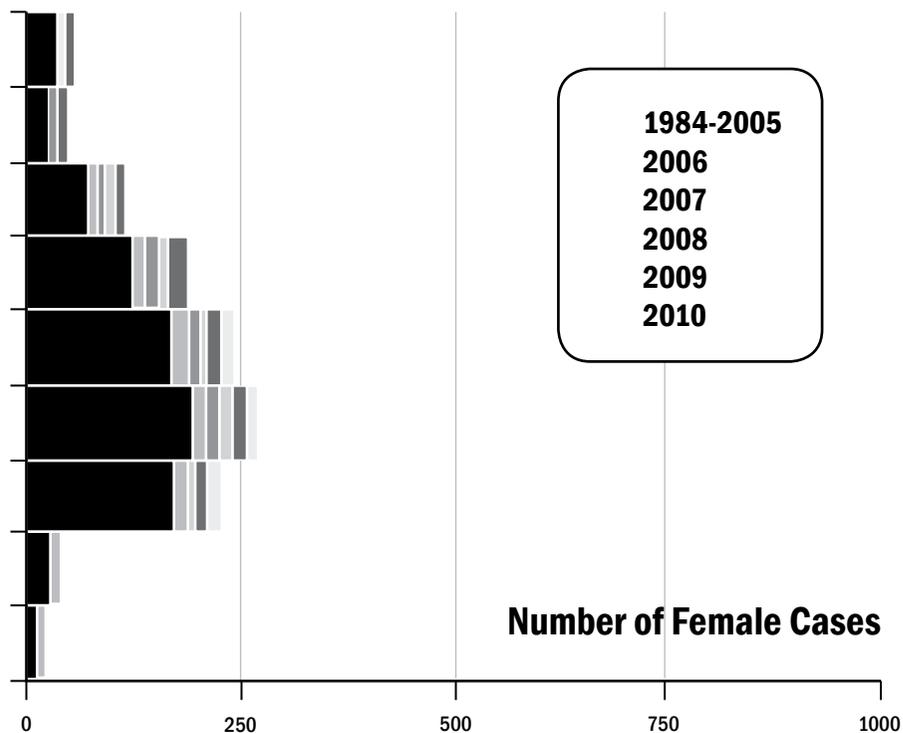
# Figure 2. HIV Cases by



	< 15 yo	15-19 yo	20-24 yo	25-29 yo	30-34 yo	35-39 yo	40-44 yo	45-49 yo	50 & older
2010	1	15	128	155	109	33	38	8	14
2009	1	22	179	227	124	80	41	19	28
2008	2	11	91	141	90	50	38	23	20
2007	8	1	38	74	54	43	30	15	19
2006	1	2	28	48	40	33	20	21	23
1984-2005	20	12	95	240	320	283	229	149	134

Source: DoH-National Epidemiology Center

# Age Group and Gender



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	< 15 yo	15-19 yo	20-24 yo	25-29 yo	30-34 yo	35-39 yo	40-44 yo	45-49 yo	50 & older
2010	0	4	15	9	13	4	3	3	2
2009	1	4	13	19	21	20	14	6	5
2008	0	0	8	14	8	10	9	3	3
2007	3	0	4	16	12	14	6	5	3
2006	3	3	13	13	22	15	8	4	8
1984-2005	15	30	174	198	168	124	78	28	93

Until 2007, the high rate of infection was concentrated in Metro Manila and Metro Cebu, but in 2008 and 2009, the list included Metro Davao. All the country's 17 regions and 72 of its 80 provinces are now reporting HIV cases.

The survey reflects the urgency of the situation and shows a two-year doubling time of infections. In 2000, from one new infection reported every three days, it rose to one case per day in 2007; and two a day in 2009. Based on this trend of increases, the government cannot afford to remain complacent. Dr. Tayag stressed that for 2010 the HIV epidemic is more alarming: from April 12 to June 30, there were 316 new HIV cases. By December 2010, there would be more than 1,500 new cases, and a range of 4,000 to 7,000 by 2011. This means that about four new cases will be reported per day in 2010.

In the bigger populace, young people who are at the receiving end of a barrage of social influences are just as vulnerable to acquiring HIV. This is according to a study by the UP Population Institute and the Commission on Population on the sexual risk behaviors and knowledge of HIV and AIDS among young workers in call centers and other industries in Metro Manila.

The study found that one-fifth (or 20 percent) of more than 400 respondents in all industries have multiple sex partners; 34 percent have casual sex; 14 percent pay for sex, and 15 percent have same-sex encounters. Only 11 percent perceive their risks for HIV infection. Regardless of industry, risky behaviors are high, and levels are slightly higher among call center employees when it comes to unprotected sex, sex with many partners, commercial sex and casual sex. This is especially alarming in view of the fact that the country's call-center industry employs those who had attained college education and are therefore expected to have access to more knowledge on HIV/AIDS and safer sex practices.

The Operational Plan of the AIDS Medium Term Plan: 2005-2010 (AMTP-IV) required about P849 million for 2007-2008. Given the aver-

age total spending of about P311 million per year, there is a funding gap of about P227 million or P113.5 million annually. For the government to be able to reverse the effect of HIV epidemic in the next three years (or by mid-term of the Aquino administration), it has to shoulder the financial burden of P2.6 billion for treating Filipinos with HIV.

During the HIV Summit 2010, former DoH Secretary Esperanza Cabral noted that more than 70 percent of spending for HIV and AIDS programs and services come from the international community; a mere 20 percent come from domestic sources and 13 percent from the private sector. Currently, the country's biggest donor is the Global Fund to fight AIDS, Tuberculosis and Malaria (GFATM), which has funded HIV prevention programs around the country and provided free antiretroviral (ARV) drugs for persons living with HIV (PLHIV). More than 800 PLHIV are currently receiving the free ARVs.

## Tuberculosis

The Philippines ranks ninth on the list of 22 high-burden TB countries in the world, according to the WHO Global TB Report 2009. TB has consistently been in the top 10 causes of morbidity and mortality in the country, in fact ranking eighth in both categories in 2003.

In 2007, approximately 100 Filipinos died each day from the disease, but significant strides have been made in increasing case detection and treatment. In 2004, based on the Philippines country profile of the United States Agency for International Development (USAID), the country achieved a TB case detection rate of 72 percent, exceeding the target of 70 percent set by the WHO; in 2007, case detection reached 75 percent. Still, the country's current ranking translates to some 250,000 Filipinos being infected with TB annually and reports indicate 75 patients dying every day from the disease.

The National Tuberculosis Program (NTP) was initiated in the country in 1968 and was integrated into the general health service based

on the WHO recommendation. Though the DoH remains to be the body tasked to formulate and monitor the program through its Center for Health Development (CHD), the direct delivery of NTP services is the responsibility of LGUs in accordance with the devolution of health services. The main strategy of the NTP is the Directly Observed Treatment Short course (DOTS) recommended by the WHO.

Financing of the Tuberculosis Control Program covers the treatment of TB cases, laboratory diagnosis, capability-building of health workers, operation of Public-Private Mix Department (PPMD) units, advocacy, monitoring and evaluation and other operating expenses. An annual amount of P606.877 million is needed to finance the programs and projects to combat TB in the Philippines. But only P428.077 million is provided by DoH and the Official Development Assistance (ODA). A total gap of about P178.8 million per year, or roughly P1.967 billion for the 2005 to 2015 operations, is still required to finance TB control.

## Malaria

The country has been listed by the WHO among the ten malaria endemic countries in the Western Pacific Region.

The Philippine Malaria Country Profile 2008 shows that 57 of the 79 provinces are malaria endemic, although 90 percent of cases are found in 25 provinces.<sup>13</sup> The islands of Cebu, Leyte and Catanduanes are malaria-free. In 2008, DoH declared six more provinces malaria-free, bringing the total to 22 out of 81 provinces. The provinces of Marinduque, Sorsogon, and Albay in Luzon; Eastern and Western Samar in the Visayas; and Surigao del Norte in Mindanao were declared malaria-free after having had no reported indigenous cases for five consecutive years. In 2006, Benguet, Cavite and Masbate were likewise declared free of malaria.

A report by the Asian Development Bank (ADB) indicates that malaria is no longer a serious health problem and no longer a leading cause

of death in the country.<sup>14</sup> Malaria cases were said to have been decreasing since the 1990s.<sup>15</sup> However, figures tell otherwise with an increasing trend from 1999. In 2006, according to the WHO World Malaria Report 2009, the number of malaria cases was estimated to be 124,152.

Although it is no longer the leading cause of morbidity in the country, malaria is still a major public health threat. In 2008, some 11,885 individuals got sick with malaria. This figure translates to 13.3 percent morbidity rate per 100,000 population.<sup>16</sup> However, malaria national surveillance mechanisms vary differently in quality and completeness, thus giving little information on the real picture of the malaria burden in the country. Aggregated data in the sub-national and regional levels present another story. While some have made progress as evidenced by the decrease in reported cases, other provinces continue to report malaria incidence.

## Dengue

Dengue, known as “break-bone fever” because it can be extremely painful, is prevalent in the Philippines. From about 50,000 recorded dengue cases in 1998, it afflicted more than 84,000 in the first nine months of 2010. As of September 11, some 84,023 Filipinos have fallen ill of dengue, a figure which is 117.73 percent higher than the number of reported cases for the same period in 2009.

These high figures graphically illustrate the tragic state of Philippine health care. Dengue is considered an easily preventable disease. Despite this, 543 deaths have been monitored across the country this year. Eastern Visayas registered the highest figure at 70, marking a 31 percent upsurge from 2009.

DoH records as of August showed that other regions heavily affected by dengue include Western Visayas with 10,026 reported cases (more than thrice the 2,977 cases reported during the same period

in 2009); Soccsksargen, 6,470; Calabarzon, 5,739; Eastern Visayas, 5,543; Metro Manila, 4,744; Davao, 4,658; and Northern Mindanao, 3,935. Of the dengue patients, majority of whom were male, 77 percent ranged in age from 1 to 20 years old. The provinces of Iloilo, Capiz and Guimaras had to declare a state of calamity when the cases of dengue rose nearly four times from August to September this year.

In the Bicol region, the number of dengue cases has topped the 1,000-mark. The DoH regional office said that 1,003 cases had been recorded from January to August 19 this year. In 2009, the number of recorded cases for the entire region was 943.

The treatment for dengue in a public hospital costs at least P7,000 and the patients have to queue in the so-called Dengue express-lanes in public hospitals for a long and dangerous time. Although public hospitals are relatively cheaper, these are understaffed and ill-equipped. So far there is no definite cure yet for dengue. Instead, what are being treated in dengue patients are the symptoms. The patients' vital signs are monitored to prevent dehydration and blood tests are administered often to monitor the blood platelet count. Some have to undergo blood transfusion, which is costly, if the platelet count plummets to a life-threatening level.

## **Failed public health care financing**

The country's deteriorating health care situation is urgent not just for the poor themselves but for all Filipinos whose general welfare depends on the good health of all. Radical changes in various arenas of the health care sector are imperative in order to reverse these trends. One of these is in public health care financing. Compared to other countries in the region, the country's level of health expenditure is below the 5 percent international standard set by the WHO. For the Philippines, the 5 percent GDP health expenditure is estimated at P440 billion.<sup>17</sup>

## Embarrassing

In the 2009 World Health Statistics, the Philippines registered a measly 3.8 percent share of total health expenditure to GDP in 2006. Compare this to Vietnam's 6.6 percent and Malaysia's 4.3 percent. The government spent a total of P234.4 billion for health care in 2007, which accounts for 3.2 percent of GDP. Though the total health expenditures showed slight improvements during the period of 2005-2007, the trend, according to the NSO, is decelerating both at current and constant prices.<sup>18</sup>

In 2000 prices, the real per capita DoH spending is from P172 in 1998 to P81 in 2006. This is way below the WHO estimate for health spending per person which is around \$35 dollars or about P1,575. In 2009, public spending on health per Filipino per day was at P83.04 for a population of 88,566,732, based on the DoH computation.

The average budget allocation for health since 2001 under the former administration of Gloria Arroyo was just 1.8% of the total budget – the lowest share for health spending among the last three administrations (Aquino, 3.1%; Ramos, 2.6%; and Estrada, 2.4%).

**Table 9. Comparative Health Budgetary Allocation, 2007-2011, in Billion Pesos**

Current Year	Amount in billion pesos (health)	General Appropriations (in trillion pesos)
2007	P 11.5	P1.226
2008	P 18.91	P1.227
2009	P 23.67	P1.415
2010	P 24.65	P1.41
2011	P 32.63	P1.645 (proposed)

For fiscal year (FY) 2011, the proposed budget of the DoH in the amount of P32.63 billion ranks seventh among all national government agencies. It accounts for 4.24 percent of the P1.645 trillion national budget for FY 2011. Of this, P32 billion (95.8 percent), based on the Health Policy Development and Planning Bureau (HPDPB), is allocated to the Office of the Secretary. As proposed for FY 2011, hospital services amounting to P16.43 billion (or 50 percent of the total DoH budget) will be allotted while public health item will only get a 28 percent share (P9.12 billion).<sup>19</sup>

The country's poor, who cannot afford to pay for healthcare and rely on free or subsidized government services, are the most affected by low government spending on health.

Budget support for public hospitals such as Tondo Medical Center, Rizal Medical Center, East Avenue Medical Center, Quirino Memorial and the Philippine Heart Center, among others, have been decreasing. This is one reason why out-of-pocket payments for health care services are increasing in the Philippines. According to the 2007 Philippine National Health Accounts (PNHA), 54 percent of healthcare expenditures came from out-of-pocket payments made by the patients; only 9 percent was shouldered by social health insurance, with 13 percent coming from the national government and local government units, and 11 percent from other sources. This practice is debilitating to the poorer majority of Filipinos whose pockets are empty to begin with.

The National Health Insurance Law, which established the Philippine Health Insurance Corporation (PhilHealth), called for health insurance for all Filipinos by 2010. However, from the time PhilHealth was created fifteen years ago, out-of-pocket payments have shot up from 40 percent to 54 percent of health expenditures. The national health insurance program devotes much of its resources reimbursing health care facilities and providers in the more developed and urbanized areas while reimbursements remain very low in rural and among the

poorest areas. PhilHealth coverage, according to the 2008 NDHS, is lowest in the poverty-stricken provinces of the Autonomous Region for Muslim Mindanao (ARMM).

With health insurance protecting only some 38 percent of Filipinos (2008 NDHS), PhilHealth has fallen short of its targets. As currently implemented, the Social Health Insurance scheme is far from its vision of ensuring “sustainable, affordable and progressive social health insurance, which endeavors to influence the delivery of accessible quality health care for all Filipinos.” PhilHealth has to increase its coverage, because enrollment in private health insurance is way out of the average Filipino’s budget; only 2 percent of Filipinos are covered by private insurance or have membership in health maintenance organizations (HMOs).

## **The exodus of health care professionals**

Health care professionals continue to leave the country in droves. Philippine Overseas Employment Agency (POEA) data show that more than 33,964 nurses were deployed abroad from 1995 to 2000. Aside from the United Kingdom and the US, Filipino nurses have also been hired in Austria, Norway and Japan. Midwives who are in the front line of health care provision are also seeking jobs as caregivers in other countries. In 2009, POEA reported that 13,014 professional nurses and 319 professional midwives went to work overseas.

Aside from migration, equally alarming during the past several years is the trend of health care professionals shifting to careers that would grant better compensation, like doctors taking up nursing as a second course with the objective of working abroad as nurses. According to former DoH Secretary Dr. Jaime Galvez-Tan, at a rate of 1,200 per year, at least 9,000 doctors have become “nursing medics.” About 80 percent of public health physicians have taken up or are enrolled in nursing courses.<sup>20</sup>

The country's health care system is in the sad state of disrepair especially in rural areas where health care facilities and services are badly needed. In November 2005, the Private Hospitals Association of the Philippines (PHAP) reported that some 800 hospitals have partially closed for lack of nurses and doctors,<sup>21</sup> while some 200 hospitals have already closed. Among the hospitals that closed were the Almagro Community Hospital in Western Samar, the Tapul Municipal Hospital, Tangkil Municipal Hospital, Pangutaran District Hospital, Siasi District Hospital and Panamao District Hospital in Sulu, and the Sergio Osmena District Hospital in Zamboanga del Norte. In Sulu, majority of the municipalities have only one doctor. The municipalities of Pata, Talipao, Lugus and Pandami have no doctors at all.

Partially closed were the Calbayog District Hospital, Gandara District Hospital, Basey District Hospital and Tarangnan District Hospital in Western Samar, the Malipayon District Hospital, San Jose District Hospital and San Andres District Hospital in Romblon, and the Jolo Provincial Hospital. In Samar and other poor provinces like Kalinga, Apayao, Mindoro, Sulu, Agusan and ARMM, one can find areas with no hospitals.

## **Weak health regulation**

Health regulation applies not only to those who produce or provide health services and goods but also those who finance, utilize or consume them (such as pharmaceutical companies, manufacturers of medical device, etc.).

For the past years, there has been an increasing range of policies required for effective health regulation, including Republic Act (RA) No. 8344 or the Act Prohibiting the Demand of Deposits or Advance Payments, RA 9439 or the Anti-Hospital Detention Law, RA No. 9502 otherwise known as the Cheaper Medicines Law of 2008, and RA 9711 or the Food and Drugs Administration Act of 2009.

The system for health regulations has been chronically weak, ineffective and has not been used as an effective policy instrument. According to the Blueprint for Universal Health Care 2010-2015 and Beyond, the country's healthcare sector suffers from "regulatory capture," being primarily driven by the interests of the enterprises trading in health care goods. Pricing and marketing of pharmaceuticals and other health care products have distorted national expenditures on these items in such a way that essential, life-saving goods are either too expensive or absent from the market while items of dubious value dominate trade and commerce.<sup>22</sup>

## Conclusions

It will be impossible to achieve universal health care without greater and more effective investment in health systems and services.

The widening health inequities, slow progress in reducing maternal deaths, high population growth, mal-distribution of health professionals and skilled workers, failed public health care financing and weak health regulation are among the realities that the government must address to reform the health system towards universal health care. To fulfill the right to health of its citizenry, the government must be guided by the WHO's Framework for Action, which identifies "six building blocks" of universal health care: service delivery; health workforce; information; medical products, vaccines and technologies; financing; and leadership and governance (stewardship).<sup>23</sup>

To address these challenges, according to the Blueprint for Universal Health Care, radical reforms in all components of the health system are required. Such reforms must be aimed at achieving universal health care in the country over a reasonable period of time (10-15 years). This means that every Filipino should have access to high quality health care that is efficient, accessible, equitably distributed, adequately funded, fairly financed, and directed in conjunction with an informed and empowered public. The overarching philosophy is that

access to social services is based on needs and not on the capability to pay.<sup>24</sup>

There are a number of ways by which the government can attain universal health care, some of which can be done within the medium term:

1. The government must go beyond the distribution of PhilHealth cards. Universal health care should mean that every Filipino will get not merely the card but more importantly, appropriate quality health care. The government must develop an initial package of basic health services to be made available to every Filipino given the present resources available to the health system:
  - a. expanding PhilHealth's outpatient health care benefits;
  - b. expanding the coverage of the Cheaper Medicines Law for all non-patent pharmaceutical products; and
  - c. ensuring that the 100 most essential drugs (in generics) are available in every health facility all the time.
2. The government should institutionalize public health financing at 5 percent of the national budget.
3. High population growth rate should be addressed (the country's projected population for 2010 is 94 million; 102.9 million for 2015). More than this, the Aquino government must realize that the controversy over the reproductive health bill concerns more than demographic targets or contraceptives, as the bill's opponents would have everyone believe.
4. Strict enforcement and implementation of the following laws on the right to health:
  - a. RA 7305, the Magna Carta of Public Health Workers
  - b. RA 8344, the Anti-Hospital Detention Law

- c. RA 9173, the Nursing Act of 2002
  - d. RA 9502, the Cheaper Medicines Law
5. Full implementation of the Food and Drugs Administration Act of 2009 (RA 9711) based on the principle that health concerns take precedence over business interests. Registration and other regulatory requirements for health goods should be re-designed to ensure not only safety and effectiveness but also affordability of health products.
  6. A Presidential Legislative Agenda for Health that will harmonize existing laws related to health; guide actions of local government units, national government agencies and the private sector in safeguarding public health; and stipulate sanctions against violations and acts of negligence.
  7. Address the HIV epidemic, with the principle that prevention through education is the most cost-effective means of addressing it. The government should also ensure the strict and effective implementation of the Philippine HIV/AIDS Prevention and Control Act of 1998 (RA 8504) by providing sufficient funds in the HIV/AIDS prevention program and integrating HIV prevention in education at various levels.
  8. Sustaining the “Doctors to the Barrio” Program.
  9. Boosting the country’s health infrastructure by constructing more Rural Health Units and District Hospitals and providing them with modern health facilities.
  10. To address the woeful healthcare systems in the poorest areas, contributions from low-income and the poorest municipalities and provinces for PhilHealth premiums can be waived; such funds can instead be used to improve health facilities and services in these areas.

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## NOTES:

- <sup>1</sup> Child mortality, the probability of dying between the first and fifth birthday.
- <sup>2</sup> Under-five mortality rate, the probability of dying between birth and fifth birthday.
- <sup>3</sup> Neonatal mortality rate, representing death in the first month of life.
- <sup>4</sup> Winning the Numbers, Losing the War: The Other MDG Report, From 2010 and beyond: Children should live past age 5 by May-I L. Fabros.
- <sup>5</sup> A maternal death is “the death of a woman while pregnant or within 42 days of termination of pregnancy, irrespective of the duration or site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management, but not from accidental causes.”
- <sup>6</sup> Winning the Numbers, Losing the War: The Other MDG Report, From 2010 and beyond: Improve Maternal Health: A move towards universalizing health care by Mercedes Fabros.
- <sup>7</sup> Ibid, p. 89.
- <sup>8</sup> DOH, FHSIS 2006, NEC.
- <sup>9</sup> Period after childbirth: the period immediately after childbirth when the womb is returning to its normal size lasting approximately six weeks.
- <sup>10</sup> [http://www.doh.gov.ph\\_stat/html/maternal\\_deaths.htm](http://www.doh.gov.ph_stat/html/maternal_deaths.htm) and WHO, UNICEF and UNFPA, Maternal Mortality in 2000 as reported by Dr. Junice Melgar of Linangan ng Kababaihan, August 14, 2008.
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# Anatomy of the Nation's Housing Problems

BY JOHN FRANCIS LAGMAN

**H**ALF OF the world's population or 3.3 billion people live in urban areas, according to the United Nations' State of the World Population Report in 2007. By 2030, the present urban population is expected to rise to almost 5 billion. This means that three out of every five people will be urban dwellers 20 years from now. Presently, most of this urban growth is taking place in the less-developed regions of Asia and Africa, rather than in affluent countries. Cities like Dhaka (Bangladesh), Jakarta (Indonesia), Calcutta (India), Lagos (Nigeria) and Metro Manila have joined the ranks of cities with populations exceeding 10 million. They are projected to dominate the list of the so-called "megacities", which presently includes Tokyo and New York, very soon.

By the year 2030, an additional 3 billion people, about 40 percent of the world's population, will need access to housing. This translates into a demand for 96,150 new affordable units every day and 4,000 every hour.

Anatomy of  
the Nation's  
Housing  
Problems

## Pro-poor land and housing

The Philippines is beset with a huge backlog in providing for land security and housing for the poor. In the face of high rates of population increase and with urban areas continuing to be magnets of hope for economic opportunities, the demand for affordable land and housing remains a huge challenge. This was the prognosis of the United Nations Human Settlements Programme (UN-HABITAT) as stated in its Country Programme Document (2008-2009) – Philippines.

### STATISTICAL OVERVIEW

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#### Urbanisation (2008)

- Total population: 90m
- Urban population: 58m (65%)

#### Annual growth rates (2005-2010)

- National: 1.9%
- Urban: 3.0%

#### Major cities (2008)

- Manila: 11m
- Davao: 1.4m
- Cebu: 830,000

*Source: UN DESA*

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#### Slum indicators

- Slum to urban population: 44%

#### % urban population with access to:

- Improved water: 96%
- Piped water: 67%
- Improved sanitation: 95%
- Sufficient living area: NA
- Durable housing: 74%

*Source: UN-HABITAT, 2003*

The land market does not satisfy the needs of the poor for secure tenure. Prices of land in urban areas remain way beyond the means of families whose incomes fall within the bottom 30% of the income strata. The Annual Poverty Indicator Survey of the government (2004) revealed that four out of every 10 Filipino families do not own their house and lot. Such a scenario is evidenced by the proliferation of informal settlers in urban and peri-urban areas throughout the country, as well as by the increasing number of families sharing dwelling units. This scenario further aggravates the deteriorating quality of life of the poor as cramped spaces result in higher incidence of sickness and violence that mostly affects women and children.

Apart from poverty, there are other bottlenecks and issues hampering pro-poor land and housing programs. These include: high transaction costs due to the confusing and unclear land use policies; non-cooperation of land owners to engage in the Community Mortgage Program (CMP); and misinterpretation and/or non-implementation of local government units (LGUs) of the provisions set forth by the Urban Development and Housing Act (UDHA) and its implementing rules and regulations. Moreover, most LGUs do not have shelter plans and programs that would facilitate pro-active planning and results-based targeting of their local shelter concerns, resulting in non-appropriation of budgets, thus increasing land and housing backlogs.

Another major concern is the provision of land and housing to internally displaced persons (IDPs) due to natural hazards and armed conflicts. There are some 300,000 IDPs in Mindanao alone.

NHA has developed resettlement sites for 10,212 families affected by Typhoons Ondoy and Pepeng under the reconstruction program; completed the relocation and resettlement of 3,347 censused families affected by the development of the vital road infrastructure that provides east and west access to mainline NLEX, the NLEX-C5 Northern Link Project, Phase 2, Segment 8.1; and provided assistance to some 30,000 families rendered homeless by Typhoon Reming, under

the Bicol Calamity Assistance and Rehabilitation Efforts (CARE).

## **Housing problems**

In *The State of Philippine Cities*, Dr. Anna Marie Karaos and Gerald Nicolas of the John J. Carroll Institute on Church and Social Issues (JJCISI) reviewed the housing delivery performance of the government.

The rapid increase in the urban population produces an enormous demand for shelter and tenure security. But with prohibitively expensive lands and high rents in urban areas amidst stagnating real incomes, it is not unusual for cities to have huge numbers of families living in various types of unauthorized housing units with insecure tenure. Market values of residential lands in Metro Manila, for example, range from PhP3,000 to as high as PhP42,000 per square meter, far beyond the incomes earned by the majority of the urban poor. But because people need to live in areas where economic opportunities, including informal activities, are present, it becomes expedient for most of them to occupy idle lands owned by government or the private sector. The proliferation of slums in Philippine cities is thus seen as a coping mechanism for urban dwellers with incomes that are too fragile to afford land ownership.

Slum areas are often blighted, overcrowded, and lacking in standard conveniences such as electricity, water, drainage and health services. These settlements are usually located in high-risk areas such as flood-prone embankments, waterways, railroad tracks, under bridges and beside dumpsites; but shantytown dwellers endure these unsanitary and dangerous conditions to be close to their sources of income.

But not all informal settlers are income poor. While around 44 percent of the urban population in Metro Manila live in slums, 25 percent are not necessarily income-poor. Surveys and anecdotal evidence show that from the time they settle illegally on unoccupied tracts of land,

some informal settlers will have acquired non-land assets that allow them to gradually improve their conditions and status. Not a few middle-class urbanites and professionals also opt to reside in slum areas to avoid the financial burden attendant to owning formal housing or land. According to another World Bank report (2001), non-poor families, including those living in informal settlements, usually benefit from government housing programs. Although 95 percent of the beneficiaries of socialized housing programs are from the urban areas, the poor comprise only 20 percent of this number and few come from the bottom poor. Housing assistance programs extended by government institutions such as the Social Security System (SSS) and Pag-IBIG also discriminate against the poor, particularly those who are informally employed and are unable to meet the required contributions.

Housing programs that cater to the urban poor include those implemented through presidential land proclamations and the Community Mortgage Program (CMP). Lands occupied by informal settlers, most of them government-owned, can be declared open for disposition to qualified beneficiaries through a presidential issuance. The Housing and Urban Development Coordinating Council (HUDCC) reports that the 102 presidential issuances as of 2006 covered 26,367 hectares, most of them in Metro Manila and occupied by more than 195,000 informal settler families. On the other hand, CMP enables low-income families illegally residing in usually privately-owned properties to formally acquire the land through community mortgage. Data from the Social Housing Finance Corporation (SHFC), the agency which extends loans to community organizations, indicate that ever since the program started in 1988, a total of 190,530 families have been able to secure their tenure as of 2007. But the administrative steps and processes involved in these programs are believed to be too long and the delay in taking out the loan could subject beneficiaries to possible displacement. Without legal claim on the land they are occupying, informal settlers are under constant threat of eviction.



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Despite having done little to halt the migration of people into cities, both the local and national governments adopt squatter relocation as a policy to curb the proliferation of illegal urban poor settlements. The Urban Poor Associates (UPA), a non-government organization monitoring eviction cases, reports that from 1996 to June 2008, a total of 287 demolition cases have rendered more than 85,000 families or more than 400,000 persons homeless.

More disturbing is the finding that roughly 7 out of 10 demolitions undertaken involved government-owned land cleared of informal settlers to make way for infrastructure projects (road expansions, river rehabilitation and flood control) and commercial establishments such as shopping malls. There are also increasing concerns over demolitions conducted by the Metro Manila Development Authority (MMDA) for its urban renewal or “beautification” and flood control programs. In most cases the MMDA demolition drives involve violence and lack prior consultation with the affected families, which is mandated by law. Furthermore, because most informal settlers also have their sources of livelihood in or near the community, an eviction not only destroys their houses but also their livelihood.

UPA also estimates that only half of the evicted families receive relocation assistance. Take for example the particularly extensive clearing of informal settlements and the massive displacement of families resulting from the Northrail and Southrail Linkage Project, which aims to rehabilitate the existing railway system from Mabalacat, Pampanga to Cabuyao, Laguna to help decongest traffic in Metro Manila. The relocation of 92,000 families to different sites in Bulacan, Laguna and Cavite has started, with 36,000 families reportedly evicted after proper coordination, approval and clearance from the Presidential

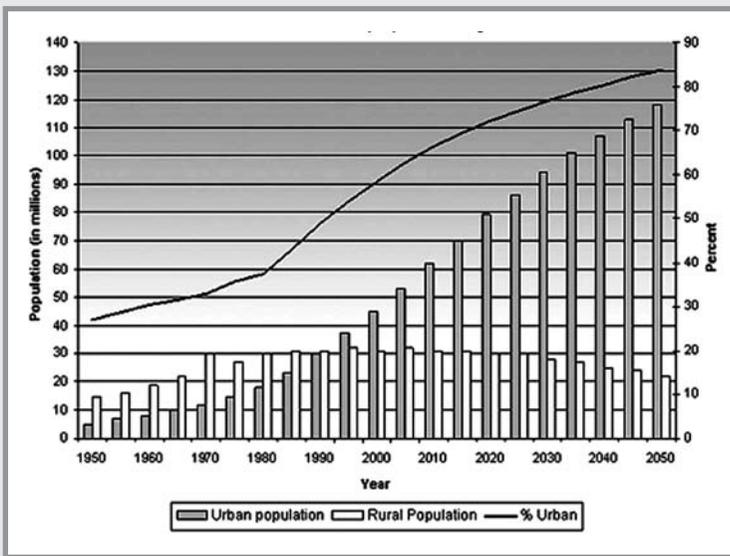
Commission for the Urban Poor (PCUP). But contrary to pronouncements of an in-city relocation policy, majority of the affected families were transferred to distant off-city sites such as Towerville (San Jose del Monte, Bulacan), Southville 2 (Trece Martires, Cavite) and Southville 1 (Cabuyao, Laguna). Relocation to sites far from their sources of income has disrupted these families' already meagre cashflow, and the absence of viable livelihood opportunities in the new sites is not easily remedied in the immediate term. The lack of basic services such as potable water, electricity, sanitation facilities as well as classrooms and health centers further exacerbates their situation. HUDCC, the agency overseeing these resettlement programs, explains these inadequacies as being part of what it calls the "incremental approach" whereby basic services are gradually provided as funds allow, even as families have already moved in. Those who do not receive relocation assistance are left to fend for themselves, and more often than not transfer to other slum areas or create new ones elsewhere.

## **Trends in urbanization and urban growth**

The Housing and Urban Development Coordinating Council (HUDCC) and the Philippine Institute for Development Studies (PIDS), with the assistance of UN-HABITAT and the United Nations Development Programme (UNDP), published in August 2009 the National Urban Development and Housing Framework (NU DHF) 2009-2016. It provided a macro framework for urban development and housing.

One of the significant phenomena that has characterized the development process in the Philippines has been the explosive and unabated growth of urban areas. In the early part of the post-war period in 1950, just a little more than 5 million or about one-fourth (27.1%) of Filipinos were residing in urban areas. Four decades later, the country's urban population surged to well over 29 million or almost one-half (48%) of the country's total population. By 2005, the urban population totalled more than 53 million or over 60 percent of the country's population. By 2050, some 117 million or 84 percent of Filipinos will be urban dwellers.

## Urban and rural population growth



Source: UN World Urbanization Prospects: The 2007 Revision

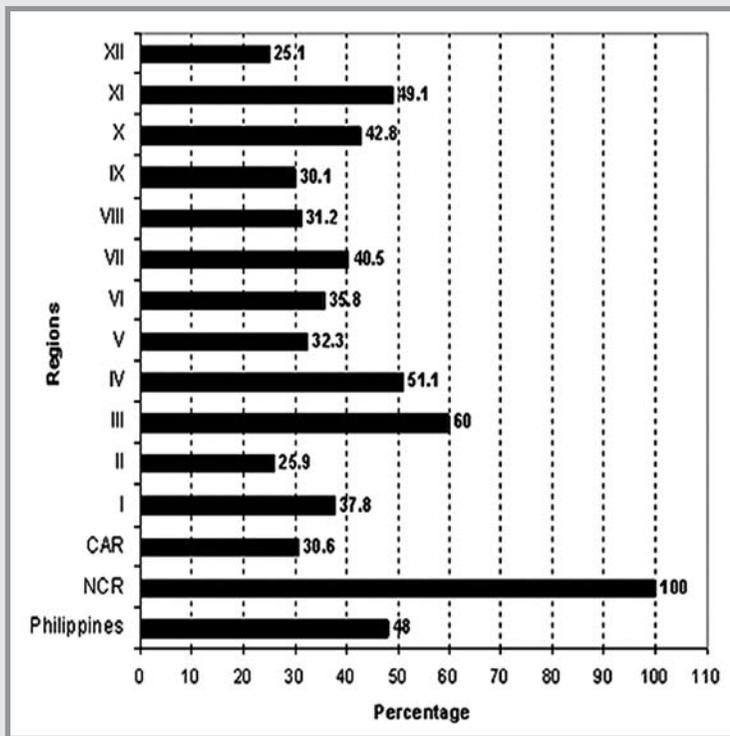
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Metro Manila (National Capital Region) is already 100 percent urban. The other regions that have high levels of urban populations are those adjacent to Metro Manila (Regions III and IV). This reflects a process of suburbanization and expansion of economic activities from the metropolis. Relatively high levels of urbanization can also be seen in Regions XI, X and VII where growing metropolitan areas (Davao, Cagayan de Oro, and Cebu, respectively) are located.



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## Urbanization levels by region, 2000



Note: The 2000 Census is the latest available data on urbanization levels by region in the country.

Source: National Framework for Physical Planning 2001–2030, 2002

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These trends strongly support the idea that the future well-being of Filipinos will depend largely on the performance and efficiency of urban areas. For instance, incomes in urban areas have been estimated to be 2.3 times higher than in rural areas. Available data also suggest that urban areas are the engines of the country's growth, accounting for a large proportion of the country's economic output (about 75%) and household expenditure (about 67%). In 2007, Metro Manila alone accounted for 33 percent of the gross domestic product (GDP). The massive and continuing rural-to-urban migration can obviously be attributed to the fact that urban areas offer opportunities for the rural poor.

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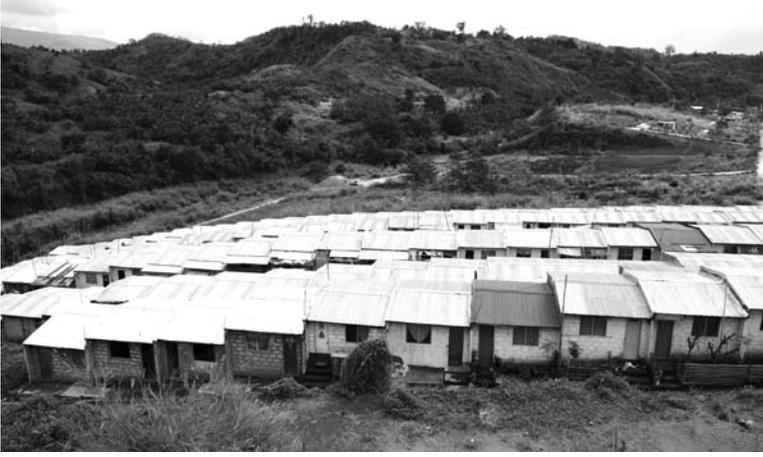
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It is largely in urban areas where job opportunities are sought, socio-economic mobility is achieved, and where most innovations are introduced. The Philippines has been transformed into an urban economy where most economic activity now emanates from the service and industry sectors. At the same time, agricultural employment (including the forestry and fisheries sectors) is in absolute decline and, in recent years, employment has largely been generated by the non-agricultural sector. Thus, the prospects for overall economic growth and employment creation would seem to rest, increasingly, on the productivity, efficiency, and performance of the urban areas.

## **Informal settlements**

The magnitude of the housing need (defined as backlog plus new households) is staggering and has been estimated to reach more than 3.7 million in 2010. In Metro Manila alone, the total backlog (to include new households) has been projected to reach close to 500,000 units. Addressing this backlog will roughly require about 3,000 hectares of land if designed to accommodate detached housing units, a prospect that suggests the need for a higher density housing strategy if the housing deficit is to be effectively addressed.

Beyond the provision of housing by the public sector, new approaches are needed especially since rural-urban migration is expected to continue and will exacerbate the housing problem.

## Housing need per region, 2005–2010

Region	Annual Backlog	Backlog + New Households						Total
		2005	2006	2007	2008	2009	2010	
NCR	58,412	82,182	82,434	82,689	82,946	83,206	83,469	496,928
CAR	1,309	6,494	6,589	6,685	6,783	6,882	6,984	40,416
I	5,556	25,027	25,446	25,874	26,310	26,757	27,212	156,626
II	4,078	17,725	18,032	18,346	18,667	18,995	19,330	111,094
III	12,569	71,938	73,837	75,798	77,821	79,909	83,064	461,368
IV	23,827	127,872	131,742	135,757	139,920	144,239	148,718	828,248
V	12,267	28,288	28,557	28,830	29,109	29,392	29,679	173,855
VI	16,816	36,941	37,255	37,574	37,898	38,227	38,561	226,455
VII	10,578	45,880	46,865	47,877	48,918	49,988	51,087	290,616
VIII	7,281	18,766	18,940	19,116	19,294	19,476	19,660	115,252
IX	7,642	21,824	22,133	22,449	22,772	23,101	23,438	135,717
X	5,912	18,880	19,164	19,455	19,751	20,054	20,364	117,668
XI	11,158	41,922	42,722	43,542	44,384	45,248	46,134	163,952
XII	6,661	18,033	18,270	18,511	18,758	19,009	19,266	111,847
ARMM	5,126	22,800	23,482	24,190	24,926	25,691	26,484	147,574
Caraga	5,942	12,791	12,902	13,016	13,131	13,248	13,367	78,456
Total	195,133	597,362	608,370	619,708	631,389	643,422	655,821	3,756,072

Source: HUDCC

It is also useful to note that except for the Home Development Mutual Fund (HDMF), also known as Pag-IBIG Fund, other shelter and finance agencies were unable to reach their accomplishment targets. There appears to be significant progress in reducing the processing time for housing loan applications by Pag-IBIG Fund, although the total amount of housing loans extended appears to remain at relatively low levels when measured against total housing need. In 2006, for instance, the total amount of loans extended was over P15 billion, well short of addressing the housing backlog which was estimated to be more than 608,000 housing units in the same year.



JOY ANNE ICAYAN

### Number of shelter security units constructed, financed and/or administered by the government

Year	NHA	NHMFC	HDMF	HGC	TOTAL
1996	27,828	14,668	69,265	71,898	183,679
1997	45,793	14,591	88,148	84,134	232,666
1998	32,875	11,102	52,670	48,962	145,609
1999	40,201	6,286	33,273	11,000	90,760
2000	42,807	6,088	23,944	75,282	148,121
2001	27,350	9,457	25,947	33,241	95,995
2002	22,683	12,331	19,125	28,651	82,790
2003	16,132	14,026	48,636	35,012	113,806
2004	11,443	12,137	56,550	17,167	99,297
2005	43,229	12,710	53,421	5,496	114,856
2005 Target*	55,000	15,360	44,716	24,822	139,898
Accomplishment Rate (%)	78.60	82.75	119.47	22.14	82.10

Source: HUDCC; Philippine Statistical Yearbook, 2007; \* MTPDP Chapter on Housing Construction.

### Housing loan granted under the PAG-IBIG Expanded Housing Loan Program by region (amount)

Region	1998	1999	2000	2001
NCR	7,040,110	4,202,762	3,544,312	2,130,213
CAR				
I Ilocos	159,070	116,861	53,707	92,838
II Cagayan Valley	92,235	121,916	51,691	78,439
III Central Luzon	339,148	957,779	219,428	223,130
IV Southern Tagalog	246,645	206,132	161,245	114,716
V Bicol	248,158	146,540	82,332	147,763
VI Western Visayas	381,181	308,326	242,101	240,767
VII Central Visayas	344,161	296,322	151,599	173,204
VIII Eastern Visayas	233,957	200,753	98,495	103,047
IX Western Mindanao	180,873	122,370	59,752	55,089
X Northern Mindanao	369,001	325,740	146,020	140,625
XI Southern Mindanao	562,118	500,699	224,816	288,314
XII Central Mindanao	153,851	185,872	53,522	43,109
XIII Caraga				
ARMM				
Total	10,350,510	6,994,510	5,089,020	3,831,254

Source: Philippine Statistical Yearbook, 2007

Nowhere is the housing problem more evident than in the phenomenon of slums and squatter settlements. Recent estimates show that more than a third of urban populations reside in slum areas and squatter settlements. In Metro Manila, a little less than four out of every 10 residents are living in slums and squatter settlements in 2002.

## Homeless

In cities of industrial countries, the numbers of homeless people have increased and their existence has become a social problem since the 1980s. In cities of developing countries, the numbers of street homeless who cannot live even in squatter areas have increased since the end of the 1990s. These people face serious problems in surviving on the streets. They are an urban minority deprived of human rights and excluded from society. However, the problem of the street homeless has not yet been constructed as a social problem in developing coun-

ount in thousand pesos)

2002	2003	2004	2005	2006
2,859,400	5,291,064	8,809,659	8,531,129	9,093,025
		166,317	150,133	98,771
190,863	264,281	112,059	187,006	236,552
102,569	182,219	416,136	512,435	382,947
351,956	901,642	1,823,353	1,811,869	1,573,631
198,970	316,621	596,387	727,157	63,132
199,196	257,163	336,205	295,158	261,399
394,433	479,440	536,059	614,865	752,203
340,516	481,630	606,571	843,701	1,027,238
122,528	144,784	166,530	152,797	229,472
84,039	85,717	155,801	198,982	324,633
199,036	362,638	352,191	299,744	459,502
326,212	527,439	552,423	716,091	645,327
30,315	29,631	60,597	126,766	109,569
		96,499	123,413	270,236
5,402,033	9,324,269	14,786,787	15,291,246	15,527,637

tries because it is overwhelmed by the large-scale squatter problem. The street homeless have been regarded as a part of the squatter homeless.

In *Globalization, Minorities and Civil Society* (2008), Dr. Hideo Aoki, director of the Institute on Social Theory and Dynamics, has explained how globalization produces the street homeless. He extracted two factors that induce poor people to the streets (pull-factors) and three factors that push poor people to the streets (push-factors).

Aoki estimates that there are some 140,000 homeless individuals in Metro Manila alone, about 75,000 of them streetchildren. Among the streetchildren, 80% have their own families. Most parents of streetchildren also live on the streets.

## **Globalization**

Globalization has brought about the expansion of the service economy in Metro Manila and has resulted in an increase in the supply of basic life necessities for the street homeless. First, the numbers of business facilities, convenience stores, restaurants and so on have increased drastically; these provide the most basic necessities, specifically food, for those living in the streets. They have also provided opportunities for the street homeless to beg. This process is called the first pull-factor that induces poor people to the streets. Second, the expansion of the service economy has urged the 'informalization' of the economy; that is, the increase of the new informal types of occupations that people can engage in with a small equity capital and without any special knowledge and skills. The existing informal sector has expanded, too. As a result, jobs on the street (vendors, scavengers, barkers and the carriers) have increased at the bottom of the informal sector. These jobs have increased the life chances of the street homeless. This process is called the second pull-factor that induces poor people to the streets.

## **Downward pressure on the worker's status**

Globalization made the labor market shrink through neoliberalism and resulted in labor becoming more flexible (workers are required to have the ability to perform various jobs) and the contractualization of employment, which limits the worker's employment period to between three to six months. It made the worker's employment status unstable and cut back the worker's real wage. As a result, there has been an increase in the number of workers who are paid the minimum wage, even in modern companies, including multinational corporations. These conditions have worsened the worker's situation. Some workers had part-time jobs with the informal sector, other workers transferred from companies to informal occupations. And other family members were set to work mostly with informal occupations. All of these conditions strengthened the downward pressure on the worker's economic status, and this labor situation became the general background against which people at the bottom of society became homeless. This process is called the first push-factor that pushes people to the streets. But not all economically depressed people become homeless. Only some people who do not have safety nets with their relatives are forced to go to the streets.

## **Eviction of squatters**

Capitalist globalization has accelerated the competition and urge to redevelop land. The real estate market has expanded. Unused lands have been redeveloped. And the gentrification of the inner-city has proceeded. Government policies such as privatization of public land, the improvement of dangerous areas and the beautification of the streets have accelerated these processes. People who were not given relocation lots on which to live, who rejected transferring to the relocation sites, who returned to Manila from the relocation sites or who did not have relatives with whom they could live were pushed to the streets. These processes are called the second push-factor that pushes people to the streets.

## **Deadlocked policies**

Globalization has given birth to a financially slim government through neoliberalism, and has accelerated the financial crisis of the developing country. As a result, the policies concerning the homeless became deadlocked: first, the policies of job creation for the urban poor, especially the squatter inhabitants; second, the policies to secure relocation lots and the construction of houses for squatter inhabitants (compensation to those evicted was only paid to some of the squatter inhabitants); third, the policies for preventing people becoming paupers and the street homeless; and finally, employment and welfare policies to provide relief to the street homeless were deadlocked. There are no measures for the homeless worthy of special mention, except the emergency aid for medical treatment and six temporary small facilities for the street homeless in Metro Manila. These conditions are called the third push-factor that pushes people to the streets.

## **Right to adequate housing**

The Special Rapporteur on adequate housing has called homelessness “perhaps the most visible and most severe symptom of the lack of respect for the right to adequate housing.”

There is no internationally agreed definition of homelessness. Definitions range from the narrow – equating homelessness with “rooflessness” – to the broad, based on the adequacy of the dwelling, the risk of becoming homeless, the time exposed to homelessness and responsibilities for taking alleviating action. For statistical purposes, the United Nations has defined homeless households as “households without a shelter that would fall within the scope of living quarters. They carry their few possessions with them, sleeping in the streets, in doorways or on piers, or in any other space, on a more or less random basis.” The Special Rapporteur on adequate housing has noted that narrow definitions are inadequate and that in developing countries the most common definitions recognize that an element of social exclu-

sion is part of the experience of the homeless. UN-Habitat underlines in this respect that homelessness implies belonging nowhere rather than simply having nowhere to sleep. Given the lack of a globally agreed definition of homelessness, limited data are available about the scale of this phenomenon, which in turn impedes the development of coherent strategies and policies to prevent and address it.

The Special Rapporteur on adequate housing has highlighted that poverty is a common denominator in the experience of the homeless. Other causes or factors which make people more vulnerable to homelessness are unemployment, a lack of social security systems, a lack of affordable housing, forced evictions, non-availability of social housing, conflicts and natural disasters, as well as a lack of attention to the needs of the most vulnerable.

The “deinstitutionalization” of mental health care, which first started in many countries during the 1960s and 1970s, led to persons with disabilities swelling the ranks of the homeless unless it was accompanied by a parallel growth in community or other support.

Besides the violation of their right to adequate housing, homeless persons may be deprived of a whole range of other human rights. Laws that criminalize homelessness, vagrancy or sleeping rough, along with street cleaning operations to remove homeless people from the streets, have a direct impact on their physical and psychological integrity. Merely by not having a secure place to live, nor any privacy, homeless persons are much more vulnerable to violence, threats and harassment.

States’ obligations towards the full realization of the right to adequate housing include taking measures to prevent homelessness. Among the steps to be taken immediately is determining the extent of homelessness, as well as adopting a national housing strategy which should reflect extensive genuine consultation with the homeless. Forced evictions should not result in individuals being made homeless.

**Sources:**

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National Housing Authority

Institute on Social Theory and Dynamics

Centre on Housing Rights and Evictions

Office of the United Nations High Commissioner for Human Rights

# The Right to Work Under the Aquino Government

BY SONNY MELENCIO

**I**N LATE October this year, Labor Secretary Rosalinda Baldoz decided to allow the management of Philippine Airlines (PAL) to lay off some 3,000 of employees. According to the Secretary, the termination of operations of PAL's in-flight catering, airport services and call center reservations were in accordance with the law.

Baldoz likewise said that the PAL management's decision to close these operations as a cost-saving measure was fair, reasonable, humane and a legal exercise of prerogative.

According to PAL spokesperson Cielo Villaluna, unless the company terminates the services of some 3,000 employees, the airline will be forced to shut down; 7,500 of its personnel will be jobless and will not receive separation pay. Should this happen, Villaluna added, PAL's shareholders, its passengers and the entire nation will suffer.

## Bad precedent

The Labor Secretary's decision affects not only the 3,000 PAL em-

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ployees; it imperils the country's 17 million workers. Baldoz has set a bad precedent, whereby companies can circumvent labor laws and dismiss its workers willy-nilly. This is especially disturbing given the fact that illegal termination of workers is a common practice resorted to by companies that want to replace regular employees with contractual and casual workers, to save on wages and benefits.

In favoring the PAL management, Baldoz affirmed an earlier decision by Acting Labor Secretary Romeo Lagman. The only difference in the two decisions is that Baldoz sought to increase the separation pay – from 100% to 125% for each year of service – and an added gratuity pay of P50,000 per employee.

The terminated employees also had the option to work in the spin-off companies for catering, airport services and call centers. It was not mentioned of course that the positions offered had lower salaries and benefits. And since they would be hired as casual/contractual employees, there would be no assurance of tenure. PAL's only assurance was that it will guarantee a year's salary of the re-hires, in the amount equivalent to the salary of new service providers.

Villanueva even ventured to say that the PAL employees were lucky compared to laid-off employees of other companies who did not receive such a deal.

## **Contractualization**

Members of the Philippine Airlines Employees Association (PALEA) cannot consider PAL's sacking of its employees as "fair, just and humane." According to Gerry Rivera, PALEA president, the dismissal is a move that violates the rights of unions and workers. As Rivera pointed out, how can there be justice when workers who have served the company for more than 20 years can just be sacked at a whim?



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PALEA members blame the dismissal on the management's plan of replacing regular employees with contractual and casual workers who receive lower salaries and measly benefits, if benefits are given at all. This is the essence of the labor flexibilization strategy under the neo-liberal economic framework being toed by the government.

What is happening in PAL is also being implemented at Fortune Tobacco, a company also owned by PAL's Lucio Tan. The same trend is happening in the SM Group of Companies owned by Henry Sy, in Universal Robina Corporation and other companies owned by John Gokongwei, as well as in other companies in the country, whether Filipino or foreign controlled.

## **Right to work**

The case of the PAL workers as well as those of other workers in other companies calls attention to the continuing violations of the right to work in the country. This right is guaranteed by the International Covenant on Economic, Social and Cultural Rights (ICESCR), a treaty to which the Philippines is a signatory.

The Right to Work Under the Aquino Government

The Right to  
Work Under  
the Aquino  
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JIM VILLERO

JM VILLERO



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TRACY PABICO



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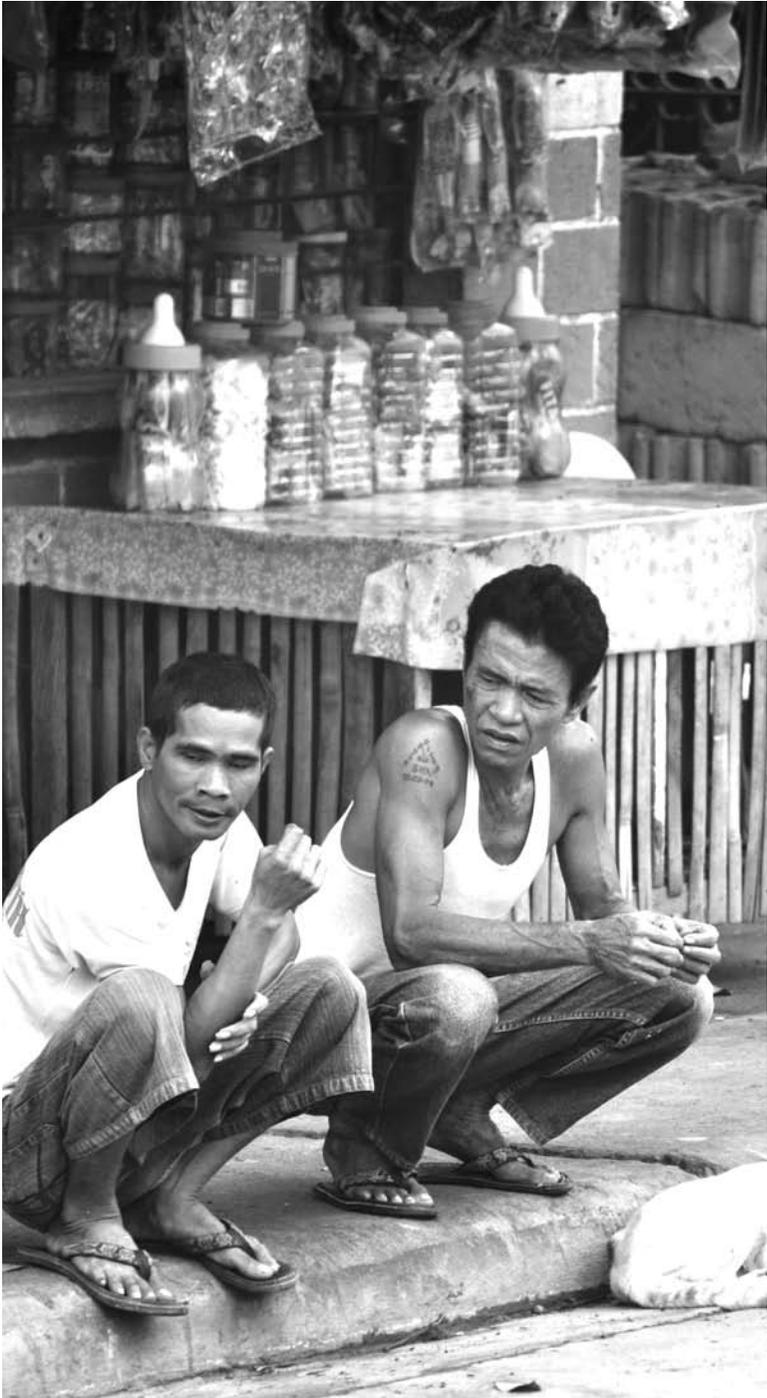




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Article 6 of the ICESCR recognizes the right of a person to choose his/her work. To fulfill this right, it is the obligation of the government to come up with policies and programs that will guarantee full employment for its citizens, without discrimination, coercion or resorting to child labor.

Article 7 of the same covenant guarantees the enjoyment of just and favorable work conditions, including decent wages. Article 8 safeguards the right to form and join trade unions and protects the workers' right to strike.

These are but a few workers' rights that have been violated in the case of the PAL employees, violations that have earned the imprimatur of the Department of Labor and Employment.

It is clear that contractual employment will never be voluntarily chosen by a worker, except, of course, when s/he has been deprived of all other options as a result of anti-labor practices and policies of hiring companies and the government.

Full employment is a right that has been deliberately removed from the targets of past and present administrations through the pursuit of a policy that undermines regular employment and condones the growing practice of "contractualization" and "casualization" of workers.

Currently, 8% to 11% of the labor force are unemployed. If the hidden unemployment figures (euphemistically termed "underemployment") are considered, the actual percentage of those who are deprived of full employment would be 25-30% of the labor force.

Because of contractualization, it is not therefore surprising to see a lot of young workers whose jobs do not last long and who eventually end up unemployed. Bureau of Labor Statistics show that in September 2010, more than half (53%) of the total unemployed workforce belong to the 15-24 age group.

Youth unemployment rate reached 17-19% in the previous year. There was not much difference in the unemployment rates for those who entered/finished high school (44%) and those who had years or were able to finish college (43%) – proof of the grim future awaiting the country's young generation.

## **Labor agenda**

The labor problem of PAL employees was one of the 22-point Labor Agenda agreed upon between Aquino and labor federations and unions during the campaign for the 2010 presidency. Aquino promised to review the case to ensure the interests of workers.

Yet what is obvious now is that the review ended up favoring the management of PAL, to the detriment of 3,000 regular employees. The fate of these employees is a reminder of how the administration of then-president Joseph Estrada acted in the interest of Lucio Tan, when the PAL union was denied the right of collective bargaining agreement (CBA) for a period of ten years. The curtailment of this right was upon the orders of DOLE, and was supported by the Supreme Court.

Almost half a year after President Aquino came into office, workers are asking what the president's labor policy would be: will the current administration honor its obligations under international human rights treaties or would it instead hinder the realization of these rights by coming up with anti-labor policies and supporting anti-worker practices?