



PHILIPPINES¹

Civil society is an essential component of any functioning democracy, as it seeks to make government accountable, articulate concerns of citizens, and undertake targeted development and humanitarian work. A sub-sector of civil society, developmental non-government organizations are non-profit social development agencies established to promote socio-economic development, particularly among marginalized sectors of society.

In the Philippines, the terms “development NGO” and “NGO” have been used interchangeably, particularly in more recent literature.²

NGOs engage in a wide range of social services. Majorities of NGOs deliver “multi-sectoral programs” (i.e. health, livelihood, social services, etc.), indicating a belief that problem such as poverty at the grassroots level is best addressed through integrated approaches (Cariño, 2002). Another study found that NGOs are primarily involved in education, training, human resource development, and community development (Association of Foundations, 2001). NGOs are also involved in networking, coalition-building, and policy advocacy (Yu-Jose, 2011).

Perhaps the greatest achievement of CSOs is the advocacy role it played in the passage of the country’s foundational social justice legislation for specific vulnerable sectors in the country, during the democratic restoration which began in 1986. Through social mobilizations, research work, and lobbying, CSOs were the catalysts in the passage of the Comprehensive Agrarian Reform Law, the Urban Development and Housing Act, Fisheries Code, Magna Carta for Women, and the Indigenous Peoples’ Rights Act. Alongside these major policy triumphs, several key CSO leaders also assumed high government posts in successive government administrations – a validation of the sector’s major contributions to national policymaking.

However, even as these major strides were being made, worrying trends were also beginning to manifest themselves, such as declines in CSO funding and erosion of some of the sector’s credibility.

¹Pagsanghan, J. (2022). *CSO Assessment Study: Legal and Political Environment for Developmental NGOs in the Philippines*. The said paper was prepared for the project, “*Study on Legal and Political Environment for CSOs in Asia*,” implemented by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and supported by the Fair Finance Asia (FFA) through the Initiatives for Dialogue and Empowerment through Alternative Legal Services (IDEALS)].

² See for instance, Gonzalez, 2005 and Tuaño in Yu-Jose, 2011.

The past several years have also seen a steep decline in democracy worldwide and with it, a corresponding constriction in the civic space needed by civil society to operate.

It is therefore imperative for CSOs to better understand the dynamics and drivers of the deteriorating civic environment, and design innovative responses to address the various issues and challenges presented. Thus, this study was conducted with the following objectives:

- to provide a brief description of civil society organizations in the Philippines;
- to assess the legal and political environment for developmental NGOs; and,
- to present recommendations on protecting and enhancing CSO space in the country.

Methodology, scope, and limitations

This study was based on an extensive review of books, journal articles, and news reports on Philippine civil society, as well as the larger domestic political situation. The paper also benefited from two focus group discussions (FGDs) with Philippine CSO leaders on “Emerging Challenges and Responses of CSOs,” conducted in July 2022. One FGD brought together CSO workers from the so-called “first generation” (senior leaders of the sector), while the other convened members of the “second generation” (middle managers aged 35 years old and below). Highlights of the study were presented then for validation to a group of CSO leaders in August 2022.

While effort was exerted to ensure that wide ranges of perspectives within the CSO community were considered during the research process, the study cannot claim to represent all the views within the sector. The author, with over 30 years of experience in civil society, also shaped the narrative in this paper.

A major limitation of the study was the lack of current published research on Philippine civil society, particularly after the 2010s. Perhaps an indication of the significant downtrend in CSO funding over the past decade or so. Be that as it may, the participants in the FGDs did converge around some common ideas, and these were major inputs in the study.

History and evolution

The evolution of CSOs in the Philippines can be understood within the context of six major periods of the country’s history: colonial, post-independence, period of social ferment, authoritarianism period, the democratic restoration, and the current democratic decline.

Colonial period (1521 to 1946)

The Philippines was a colony of Spain (1521 to 1898), and then the United States (1899 to 1945) until the latter recognized the country's independence in 1946.

Private welfare agencies established during the American colonial period may be considered the first NGOs in the country, although charitable work by the church and private individuals date back to the Spanish period. Welfare agencies were very much needed after World War II, as the need for relief, rehabilitation and reconstruction work was great (Alegre, 1996).

In 1906, the first Philippine Corporation Law was legislated, and it governed not just business firms but also nonstock corporations. The first nonstock corporations were Catholic hospitals and schools that were holdovers from the Spanish regime (Cariño, 2002).

The communist insurgency in the country had its roots in the opposition to American rule and the poverty in the rural areas, which led to restive labor and peasant sectors. More radical labor leaders formed the *Katipunan ng mga Anak Papis ng Pilipinas* that would later organize the Communist Party of the Philippines in 1930 (Cariño, 2002).

Post-Independence period (1946 to 1965)

In 1952, a group of social work leaders established the Philippine National Committee of the International Council on Social Welfare (ICSW), which eventually evolved into the National Council of Social Development (NCSO).

In response to the growing communist threat in the rural areas, some major NGOs were established. These included the Institute for Social Order (ISO) in 1947 and the Philippine Rural Reconstruction Movement (PRRM) in 1952. ISO was instrumental in organizing the Federation of Free Workers (FFW) and the Federation of Free Farmers (FFF) (Alegre, 1996).

Social ferment (1965 to 1972)

This period was characterized by heightened social restiveness and activism, as there was a convergence of key global processes and events such as growing resistance against the Vietnam War and colonialism, the convening of the Second Vatican Council and the rise of Liberation Theology, and the questioning of old development paradigms. This mood was reflected in the Philippines, as student activism and the leftist underground movement expanded rapidly in response to worsening poverty, graft, and corruption in the country. Community organizing

among basic sectors was the main strategy for educating and mobilizing the Filipino people against the structures of oppression (Cariño, 2002).

The Catholic Church established the National Secretariat for Social Action (NASSA) in 1967 as a coordination mechanism for its expanding social work, and conducted its own community organizing strategy. Even the business community was responding to the social problems, forming the Philippine Business for Social Progress (PBSP) as a structure for coordinated social concern initiatives of the sector (Alegre, 1996).

Authoritarian period (1972 to 1986)

President Ferdinand Marcos assumed the Presidency in 1965, and most of the protest movement during that time was directed at his mismanagement of the country's problems. In 1972, Marcos declared Martial Law, and, through the military and police, clamped down on protests. Student activists, sectoral leaders, journalists and others were arrested and many were tortured or even killed. Some progressive leaders were forced to go into hiding, as freedom of assembly and other constitutional rights were severely curtailed. According to Amnesty International, about 70,000 people were imprisoned, 34,000 tortured and 3,240 killed from 1972 to 1981. Estimates of how much public money the Marcoses plundered are between \$5 billion to \$10 billion. From \$8.2 billion in 1977, the country's debt ballooned to \$24.4 billion in 1982 (Francisco, 2016).

Even during this dark period, many progressive NGOs emerged, continuing to use community organizing as the major strategy for empowerment of the poor.

The international community, including donor agencies, began to channel more support to NGOs during this period. Community development work, sectoral organizing, and coalition-building across sectors began to expand and become more assertive.

The nonviolent 1986 People Power Revolution was successful in ousting Marcos from power because most of society was united and organized against the dictator. This broad, multi-sectoral opposition could be seen in the wide range of organizations and formations that composed the people power movement.

Democratic restoration (1986 to 2016)

The two decades following the People Power Revolution can be considered as the "golden age" of NGOs in the Philippines. In terms of the legal environment, the 1987 Constitution recognized the role of NGOs and People's Organization (POs) in national development. Various spaces for CSO participation in governance

were also opened (e.g., CSO representation in local development councils, representation of basic sectors in national and local legislative bodies, and the establishment of CSO desks in major government departments to attend to the concerns of the sector). This period also witnessed the expansion of CSO work and the formation of large CSO coalitions including Caucus of Development NGO Network (CODE-NGO) Convergence and Green Forum.

This period saw the enactment of many progressive legislations that stemmed from the advocacy work of CSOs. However, significant declines in funding began in the late 1990s onward, as the country rose to middle-income status and foreign aid began shifting to other less developed regions.

Further, the proliferation of fly-by-night NGOs and NGOs established and managed by politicians for their own vested interests caused the erosion of CSO credibility. Major scandals involving CSOs, such as the PDAF scam³ and the PEACe Bonds issue⁴ also hurt the sector's reputation (Gonzalez, 2005).

Authoritarian resurgence (2016 to present)

Many of the democratic advances achieved during the previous two decades were rolled-back with the assumption of the Presidency by Rodrigo Duterte. Its greatest impacts are the further erosion of so-called "checks and balances" in the country's democratic system, more restrictive laws on national security and the re-introduction of a more arbitrary and coercive form of governance – which the public apparently seems to have accepted.

It is important to highlight the elements or "building blocks" of the authoritarianism of the Duterte administration because these have profoundly influenced the country's institutions and governance.

The first element is Duterte's own "force of personality" and governance style, which is intolerant, paternalistic, and coercive. This governance style is in tune with the populist-authoritarian brand of leadership spreading across the globe over the last several years.

Duterte also relied on a cadre of loyal supporters in various government positions of power. Most of these supporters were his key allies in Davao City when he was

³ The Priority Development Assistance Fund (PDAF) is a discretionary, lump sum fund allocated to legislators for pet projects. In 2013, a scam was uncovered by authorities, wherein a businesswoman with ties to legislators embezzled P10 billion in PDAF funds using ghost projects given to fake NGOs, with scores of government officials, legislators and their staff in connivance. The businesswoman-mastermind and many conspirators have been convicted and jailed, but three Senators have eluded justice thus far. One has been acquitted, while two are out on bail awaiting the court's decision.

⁴ The Poverty Alleviation and Eradication Certificates (PEACe bonds) were bought and sold on the capital market by CODE-NGO, in partnership with a major commercial bank. CODE-NGO netted P1.4 billion from the transaction, and out of that money, created a fund facility to provide soft loans and grants to NGOs and POs. However, the transaction was criticized by some as a landmark case of civil society leveraging its influence with government for material gain.

mayor, and others were military and ex-military men appointed to high government posts. In 2018, one-third of the Duterte Cabinet consisted of ex-military and police officials (Ranada, 2018).

The former President's supposed mass popularity has been documented extensively in perception surveys (Panti, 2022), but this "popularity" must be analyzed within the context of the rise of social media, which has bred a toxic, polarized, and ill-informed public discourse.

Contextual factors even before the rise of Duterte played a role in facilitating his tight grip on power. For instance, the executive branch of the Philippine government has traditionally been very powerful, rendering the other branches of government unable to check the former's excesses (Guce and Galindez, 2018). Congress has always been composed of elite local families that rely on national government budgetary transfers to govern their localities and are thus extremely hesitant to antagonize the chief executive. The Supreme Court members are appointed by the President, and the country has experiences where sitting Presidents have been able to force incumbent Chief Justices out of office.

In May 2022, the nation elected Ferdinand "Bongbong" Marcos, Jr. as President and Sara Duterte as Vice-President. Bongbong Marcos is the son of the former dictator Ferdinand Marcos, while Sara Duterte is the daughter of outgoing President Rodrigo Duterte. Many CSOs see this new administration as a continuation of the resurgence of authoritarian rule.

Overview of CSOs in the country

Definition and Characteristics

Over the years, CSOs in the Philippines have been defined in different ways. In Article II, Sec 23, the Philippine Constitution declares that "The State shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation." In Philippine usage, the term "NGO" refers to "private, nonprofit, voluntary organizations engaged in development activities for society's disadvantaged sectors" (Aldaba, 1993).

NGOs are often mentioned alongside Peoples Organizations (POs), which are primary organizations mostly of the poor in the basic sectors of society (Alegre, 1996). The Constitution defines POs as "bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure" (Sec 15, Art XII).

According to Serrano (2003), the term “civil society” entered Philippine development language in the early 1990s, after the political upheaval in Eastern Europe in the late 1980s. The term was initially equated with NGOs. However, the term has evolved to include NGOs as well as other types of organizations and institutions which do not belong to the State or business sector.

Number and reach of CSOs in the country

The number of CSOs in the country is difficult to determine, and different studies use different methodologies and different definitions. Estimates during the early 1990s (Brillantes, 1992; Aldaba, 1993) indicate that there were 15,000 to 30,000 NGOs. In a study over a decade later (Cariño, 2002), this number grew to 34,000 to 68,000. The absence of recent surveys and studies (circa 2010s onwards) on the current number of CSOs is a major gap in the literature.

There is no authoritative data on the reach of NGOs. While there are NGOs involved in the more isolated and impoverished areas of the country, most NGOs are concentrated in urban centers (Clarke, 2008; Association of Foundations, 2001; Yu-Jose, 2011).

NGOs in the Philippines have formed networks for various purposes, involving different sub-categories within the sector. These include national networks, provincial networks, and thematic or issue-based movements.

Legal environment for developmental NGOs

Registration and Accreditation

NGOs that want legal personality should register with the Securities and Exchange Commission (SEC) as non-stock, non-profit corporations. Legal personality is needed to open bank accounts, enter into contracts and raise public funds. The main requirements for registration are the organization’s articles of incorporation, by-laws, and payment of a registration fee. These requirements are not considered burdensome (CODE-NGO and Alternative Law Groups, 2016).

Other types of CSOs register with the appropriate government agency. For instance, labor unions and workers associations register with the Department of Labor and Employment (DOLE) while cooperatives register with the Cooperative Development Authority (CDA).

In 2018, the SEC issued Memorandum Circular (MC) No. 15, ostensibly “to protect non-profit organizations from money laundering and terrorist financing abuse.” The MC requires NGOs who are deemed “at risk” to provide additional documents

and undergo, among others, background checks of all its officers and trustees, and an audit by the commission. NGOs that are “blacklisted” (the highest risk classification in the MC) will have their registration application denied or revoked in the case of previously registered NGOs.

While the State has the duty to guard against terrorist financing, this MC is troubling when viewed within the context of the over-all erosion of democracy and civil liberties during the past several years. Some NGOs involved in issue advocacy and basic sector organizing have reported difficulties in registration due to this MC.

Some form of accreditation is required for CSOs to participate in government programs and processes, or to be eligible to receive funding from these government agencies. For instance, to operate as social welfare agencies, CSOs must undergo a tedious process of registration, accreditation and licensing with the Department of Social Welfare and Development (DSWD).

Accreditation is also required for NGOs wishing to participate in local special bodies (LSBs) in local government units (LGUs) (Lerma and Los Baños in Cariño, 2002). The most important LSBs in the provinces, cities, and municipalities are the development councils, health boards, and school boards. While the accreditation process has, for the most part, been smooth in a majority of LGUs, there are still reports of the process being politicized. Some NGOs critical of the local chief executive have reported being denied accreditation (DILG, Urban Resources and Evelio B. Javier Foundation, 2001).

NGOs may enjoy tax deductions upon appropriate registration with the Bureau of Internal Revenue (BIR). In particular, donations made to qualified donor institutions are tax-deductible. The Philippine Council for NGO Certification (PCNC), a self-regulatory body of the NGO sector, provides a certification which serves as the prerequisite for BIR registration. The certification is provided if NGOs meet the PCNC’s established good governance standards (PCNC, 2022).

Funding

Operational funds are key to CSO operations. Many NGOs receive funds from foreign sources, corporate donations, CSO-managed funding facilities, and governments.

It is estimated that CSOs obtain 60 percent of their funding from foreign donors and corporate donors (Yu-Jose, 2011). However, foreign funding for NGOs has decreased significantly in the last decade or more, partly because the Philippines has become a middle-income country.

In February 2021, Department of Foreign Affairs (DFA) Note Verbale No. 2021-0592 was issued by the Duterte administration notifying all diplomatic missions that all foreign government funding for NGOs should be coursed through the DFA for “appropriate clearance.” According to then DFA Secretary Teodoro Locsin, this note verbale is part of “how responsible government monitors where money comes from and goes to in the face of insurgent and terrorist-secessionist threats” (Rocamora, 2021). Unfortunately, the note verbale effectively restricts CSO space, especially when viewed within the context of the many steps backward the Duterte administration has taken in terms of democracy and human rights.

When it comes to participation in Official Development Assistance (ODA) from foreign governments, NGO/PO engagement is very much limited to implementation and not in project design, monitoring and evaluation (Gonzalez, 2005).

In an attempt to mitigate dependence on foreign, project-based financing, CSOs developed CSO-managed fund facilities such as Foundation for the Philippine Environment (FPE) and the Foundation for Sustainable Society, Inc. (FSSI). The FPE was endowed through a debt-for-environment swap facilitated by USAID and other stakeholders from the United States and the Philippines to support biodiversity conservation and sustainable development (FPE, 2022). On the other hand, FSSI was established following a successful debt for development agreement between the Government of the Philippines and the Swiss Confederation to provide grants, loans and other assistance for social enterprises (FSSI, 2022).

Government provides only a small percentage of CSO funding. CSOs are generally averse to the rigorous requirements and tedious processes related to accessing and reporting on funds received. Some CSOs do not want to compromise their independence by accepting government funds (CODE-NGO, 2011).

Accountability mechanisms

Accountability measures ensure that CSOs continue to fulfill their functions while operating with integrity. Some of these mechanisms originate from the CSO sector itself. For example, a Code of Conduct for Development NGOs was ratified in 1991, consisting of the Covenant for Philippine Development (a development vision) and a code of ethics. To give flesh to the code of ethics, CODE-NGO convened a Committee on Internal Reform Initiatives. Only two NGOs have been sanctioned by the network for violations of the code of ethics (Aldaba, 2002).

CSOs are also able to report on their plans and achievements during the different administrations since 1986, through the various Government-CSO engagement

structures and platforms. Among the most significant of these initiatives was the Social Reform Agenda (SRA) of the administration of then President Fidel Ramos, launched in 1994. The SRA aimed to improve access of the basic sectors to social services and productive assets; incorporate sustainable development in the utilization of natural resources; and, increase participation of key stakeholders in governance (Raquiza, 1997). Towards the end of the Ramos term in 1997, the SRA was integrated into the country's governance framework through Republic Act No. 8425. Through this law, the SRC was institutionalized as the National Anti-Poverty Commission (NAPC) which serves as a body for promoting GO-NGO accountability.

Succeeding administrations though gave the SRA and NAPC varying degrees of priority, and during the Duterte administration it was not viewed by mainstream civil society as a viable mechanism for engaging government.

The local special bodies are also supposed to be mechanisms where government and CSOs discuss programs and report accomplishments. The local development councils (LDCs) are the development planning body of the LGU, and it also undertakes monitoring and evaluation functions. The Local School Boards (LSBs) and Local Health Boards (LHBs) also oversee activities in the education and health sectors.

Regrettably, various studies and informal surveys have indicated that the local special bodies are not as functional and effective as they should be. This is due to various challenges including lack of capacity and resources for participation on the part of CSOs, a sheer lack of CSOs in 4th to 6th class municipalities, and political interference on the part of local chief executives (LCEs). A 2010 study by the Philippine Partnership for the Development of Human Resources (PhilDHRRA) surveyed 91 CSO leaders on their perceptions on the functionality of the local boards. On a scale of 1 (not functional) to 5 (very functional), the respondents gave the local boards and development councils very modest ratings: 3.43 for the LDCs, 3.42 for the LSBs, and 3.40 for the LHBs (PhilDHRRA, 2010).

Government-CSO relations

Overview

From 1986 to 2016, relations between CSOs and the government were generally positive. However, the Duterte administration (2016 until 2022) has set back the country's democratic journey. This contemporary period is characterized by the infamous war on drugs, the passage of more restrictive national security legislation, and toxic, intolerant public discourse, among other setbacks.

The passage of new, more restrictive national security legislation is one of the most pervasive and most damaging legacies of the Duterte regime. Laws such as the Anti-Terrorism Act 2020 and Executive Order (EO) 70 have significantly constricted civic space and altered the State's posture towards civil society – from one of encouragement to suspicion and over-reaction.

The Anti-Terrorism Act of 2020 dangerously widens the definition of “terrorism.” This definition was so vague that the Supreme Court declared as unconstitutional a provision that considered mass actions, protests, and advocacy as possible terrorism. The law also allows suspects to be detained without warrant for 14 days, with 10-day extension. An Anti-Terrorism Council composed mostly of appointees from the executive branch is tasked with interpreting which acts should be considered terrorism, prompting Human Rights Watch to brand the council as “judge, jury, and jailer” (Human Rights Watch, 2020).

EO 70 created an inter-agency body, the National Task Force to End the Local Communist Armed Conflict (NTF-ELCAC) which is supposed to lead a “whole-of-nation” approach to combating the communist insurgency in the country. The NTF-ELCAC has been accused by peace advocates of “...sowing hatred and violence instead of a culture of dialogue and peace to resolve the more than five decades of insurgency in the country” (Cantal-Albasin, 2021). The inter-agency body has also been flagged by the Commission on Audit for P33 million in unliquidated funds (Marcelo, 2022).

One positive development during the Duterte administration, however, is the passage of the Bangsamoro Organic Law and the establishment of the democratic-parliamentary Bangsamoro Autonomous Region of Muslim Mindanao (BARMM), which possess the potential to bring peace and development to a Muslim Mindanao plagued by conflict for decades (Marcelo, 2018). While the road to peace in Southern Mindanao is still delicate and complex, initial success in terms of reduction in armed confrontations and improvement in development indicators are already being felt.

Meanwhile, a new government has just been elected last May 2022. There is much pessimism surrounding it for obvious reasons: the current President is the son of the former dictator, Ferdinand Marcos Sr. while the new Vice President is the daughter of outgoing President Duterte.

The overall trend in Government-CSO relations can be analyzed through the developments and dynamics along major thematic areas such as the rights to freedom of expression, assembly and unrestricted mobility, the right to information and participation, various other rights, and partnership and coordination mechanisms.

Right to freedom of expression

The Philippines is known for a vibrant media and robust commentary culture, co-existing uncomfortably with being the deadliest peacetime country for journalists (Curato, 2022). Philippine media has a strong tradition of opposing the Marcos Sr. dictatorship in the early 1980s, and exposing corruption from the 1990s to the present, but it has come at a high price – the harassment and even killing of many journalists through the years.

During the Duterte administration, the President's intolerance and virulent rhetoric against critics created a climate of fear. The administration also mobilized a State-sponsored troll army that created a toxic online environment that punished dissenting voices (Curato, 2022). Online disinformation is also a strategy being employed by the current administration.

The Duterte administration's vindictiveness against critics was also demonstrated in two high-profile actions: the closure of the ABS-CBN TV network and the persecution of the Rappler news organization. The President, in collusion with a compliant Congress, succeeded in denying the company's franchise renewal because ABS-CBN had displeased Duterte during the presidential campaign period (People's Dispatch, 2022). With regards to Rappler, it had been a constant critic of the Duterte drug war and other perceived abuses. Suddenly, Rappler found itself dealing with a tax evasion case, and its registration with the SEC was revoked (the case is pending on appeal in the courts at this time).

Right to freedom of assembly; unrestricted mobility

The country has a rich tradition of protest and mass action, but also has a history of State suppression of such gatherings. Over the past three decades, different CSOs, movements and coalitions have staged various mass actions, and violent dispersals of some of these actions have occurred.

The COVID-19 lockdowns in the Philippines (also under the Duterte administration) have been described as one of the "longest and strictest in the world" and have been a source of numerous human rights violations. The amount of food or cash assistance provided to communities has been inadequate when compared to the length of the lockdowns, resulting in hunger for many. Organized mass protests against these lockdowns have been met with violent dispersal operations. The President himself gave controversial orders to "shoot quarantine violators" (BBC, 2021).

Right to information

The right to information is enshrined in the Constitution (Article III, Section 7); however, there is no freedom of information (FOI) law to operationalize it.

Former President Duterte passed a FOI Executive Order covering the executive branch of government only, but the 30-page Implementing Rules and Regulation includes 11 pages of information that cannot be requested, and the requesting party must provide detailed information (Canares, 2017). A study of the Philippine Center for Investigative Journalism (PCIJ) on FOI requests indicates that many are rejected due to procedural issues, the concerned agency not having the information requested, or the agency not considering the request as covered by FOI (Perez, 2020).

Both Duterte and Marcos, Jr. have not disclosed their statements of assets and liabilities (SALNs), despite the filing of a SALN being a basic requirement for holding public office in the Philippines.

Right to participation

The Constitution provides that “reasonable participation...at all levels of decision making shall not be abridged,” and the State must establish “adequate consultation mechanisms” (Art 13, Sec 16).

Institutionalized mechanisms for CSO participation exist, but there are questions as to their effectiveness. CSOs have mandatory representation in local special bodies, but studies indicate that CSOs lack the leverage and capacity to be effective (PhilDHRRA, 2010).

The basic sectors are supposed to be represented in Congress through the party-list system, but infirmities in the law and its implementation have led to a perverse situation where elite families have gained even more access to Congress by forming pseudo party-list organizations that are not linked to underprivileged sectors (Philippine Daily Inquirer, 2022). Given the top-down governance style of the Duterte administration, it had little interest in consultation. It remains to be seen if the Marcos, Jr. administration will be an improvement, though critics are far from optimistic.

Attacks on leftist and progressive organizations

A separate section on leftist and progressive organizations is necessary because these organizations have borne the brunt of the Duterte administration’s repression. This includes threats, “red-tagging,” surveillance, unlawful arrests,

illegal searches, abductions and even murders. These acts have been documented and commented upon extensively by various international human rights organizations including Human Rights Watch, Amnesty International, Global Witness, and many others.

It is not an exaggeration to say that when it comes to Government-CSO relations under the Duterte administration, there are two standards – one for “non-leftist” CSOs, and another for perceived leftist organizations. The standard for non-leftist groups is one of indifference or tolerance, while perceived leftist organizations are considered enemies of the State. In the same breath, it should be mentioned that even organizations that are not leftist but are somehow in conflict with the administration’s goals – such as NGOs and church groups working with drug addicts, victims of human rights abuses, or environmental defenders – have also received their share of bullying from the administration.

The broader context should also be kept in mind - the conflict between the Philippine government and the communist movement has gone on for decades, with periods of rapprochement at certain conjunctures. However, the Duterte administration has escalated the repression of the leftist movement to a level not seen since the dictatorship of Marcos, Sr. It should also be emphasized that the communist movement has also committed its share of atrocities, and the responsibility for paving an authentic path to peace falls on both sides.

Under the new regime of Marcos, Jr., the NTF-ELCAC has recommended amnesty for the rebel movement. It remains to be seen if this recommendation has deep roots within the incoming regime, or whether it is merely political posturing.

Over-All assessment

Since the Marcos, Sr. dictatorship was toppled in 1986, the environment of government-CSO relations may have been described as “supportive.” The Duterte administration however, plunged the country into a new era of populist-authoritarian rule, which has affected CSOs – especially perceived “leftist” organizations - severely. These developments are sufficient to downgrade government-CSO relations to “regulative”, meaning that the State is intrusive and sometimes coercive in its engagement with the CSO sector.

Conclusion and recommendations

Conclusion

From 1986 to 2016, the legal and political environment for CSOs was generally positive. However, the decline of Philippine democracy since 2016 has been

significant – damaging institutions, culture, governance practice, as well as the GO-CSO relations.

May 2016 to April 2022 witnessed a major contraction of democratic space, affecting NGOs significantly. The period was characterized by the extrajudicial killings of thousands of drug suspects, heightened persecution of administration critics and progressive organizations, and the polarization of political discourse. A new President has been elected and it is too early to tell where the new administration will lead the nation. However, since the President is the son of the former dictator Ferdinand Marcos, Sr. and the Vice-President is Duterte’s daughter, there is no optimism within civil society that the new administration will reverse the current authoritarian drift.

GO-NGO accountability mechanisms that were useful from 1986 to 2016, have become largely token structures since the 2016 to 2021 Duterte administration, and the current administration has not articulated interest in reinvigorating GO-NGO engagement.

The Anti-Terrorism Act of 2020 has widened and obfuscated the definition of terrorism. Unless repealed, the anti-terror law and EO 70 will continue to define how anti-insurgency operations will be conducted for years to come. In addition, the “mindset” underlying these laws will continue to influence the conduct of law enforcement and the military.

Perhaps the most significant challenge emerging from the two authoritarian traditions (Dutertes and Marcoses) is the erosion of the independence and integrity of foundational institutions designed to check abuses of executive power. The Legislature and the Supreme Court have already been compromised – the former by the pork barrel system and the latter by the fact that 13 of 15 sitting justices are Duterte appointees (Galvez and Torres-Tupas, 2022). Other government offices that are crucial to promoting accountability and rule of law are headed by persons known for partisanship. The new Chairperson of the Commission on Human Rights was appointed by Marcos Jr. (CNN Philippines Staff, 2022).

The misinformation, intimidation, and division being spread over the internet is the newest threat to democracy – an approach used by the former President Duterte, as well as the President-elect Marcos, Jr. to propel his successful candidacy. Social media has now become the arena where the battle for the truth must be fought. Coincidentally, CSOs also must be adept in the use of social media and the internet to be successful even in their own sectoral and thematic advocacy campaigns.

Threats and harassment experienced by the media, activists, so-called “leftist” organizations, and even the progressive CSOs not aligned with the Left,

became significantly worse under the Duterte administration due to the latter's confrontational governance style and "militarist" perspective on solving the nation's problems.

It must also be emphasized that authoritarianism is making a comeback amidst a very complex Philippine reality. The foundations of genuine democracy have been unstable for decades, given continued elite dominance, weak institutions, and persistent inequality. On the other hand, the gains of the past three decades must not be ignored – the achievement by the country of middle-income status and investment grade ratings, the passage of some of the most progressive social justice laws in the world, the attainment of a peace framework in long-troubled Mindanao, and the existence of one of the most vibrant civil societies in the world.

Recommendations towards strengthening CSOs as change agents for democracy and good governance

When thinking about how CSOs must respond to the current situation, it must first be acknowledged that the current conjuncture is a difficult one. There is currently a convergence between external threat and internal weakness. The external threat is the dominance of the Dutertes and Marcoses, coupled with the compromised state of other governmental institutions. The internal weakness is the diminished state of the CSO sector due to lack of funds, leading to reductions in CSO institutional capacity, geographic coverage, and advocacy influence. Thus, crafting viable responses is complex.

Responding to the current challenge is also determined by one's definition of the nature of the challenge. There are various ideological perspectives within the CSO sector which determines how each CSO views the current problems facing the nation. Broadly, CSOs may be described as either "reformist" or "revolutionary." (This paper does not include the CSOs and civil society individuals that support the administrations of Duterte and Marcos Jr.) Reformists believe that the current structures of society can be made to work better for the underprivileged majority. Revolutionaries believe that the current neo-liberal structure must be dismantled if the country is to achieve meaningful development and democratization. There are various strains within the reformist and revolutionary camps, and they have different strategies, organizational profiles, and alliances.

The following are possible responses of the CSO sector to the current environment. Some are more appealing/viable than others, depending on each CSO's development perspective.

Further Reflection and Monitoring. The experience of the 2022 election is too recent and too significant to be digested immediately. More time is needed for a full reflection and action planning. It is also too early to decipher the regime's full intentions since it has only been in office for a few months. An area of concern though is that initial reflection processes are occurring mostly in silos – among alliances within one sector, among CSOs within one network, etc. There is not enough NGO-initiated conversation across sectors and among broad alliances and coalitions.

Challenge Marcos Jr. government to prosecute Duterte and reverse the country's authoritarian drift. This was actually done by CSOs led by the Council for People's Development and Governance during the "CSO Consultation on the UN Universal Periodic Review (UPR) of the Philippines" on 22 to 23 June 2022. The recommendations of the groups included "ensuring an enabling and safe environment for democratic participation, stopping red-tagging and repealing laws that inhibit people's civil and political rights" as well as "rejecting the profit-biased and overly market-oriented neoliberal development framework" (Council for People's Development and Governance, 2022).

Strengthen CSO security measures. This course of action is currently being undertaken by "progressive" CSOs that have been under threat during the previous administration and continue to feel threatened under the new regime. A dimension of security that is being emphasized in recent years are online security (e.g. hacking and online surveillance) and physical security of NGO offices, files, and personnel. Harassment, surveillance, abductions and even murders are tactics that have been employed by the Philippine government in its campaign against insurgency and terrorism.

Invest in the Youth and Social Media. Social media as the new battleground of perception and reality. The battle against the disinformation and polarization in today's political discourse cannot be won with just the traditional tools such as mass mobilizations, press statements, and the like. CSOs must learn to be more effective in the internet and social media arena. Developing the younger generation of CSO leaders is aligned with building-up social media effectiveness, since young people are generally more adept at technology.

However, developing the younger CSO generation is not just about them "continuing" the work that was started by older generations – it is about them re-imagining development work for the future. Training on development theory, program management, leadership, strategic planning, and the like are needed to ensure that the younger CSO generation will have the core skills to build upon as they take the sector into the next decade and beyond.

Work with credible officials within the new regime. For some NGOs, development work goes on. In every government including the current one, there are always competent and well-meaning officials in certain offices who could be “champions” of reform efforts in various areas of governance or service delivery.

Focus on Local Governance/Local Development. The COVID-19 pandemic shined a light on many outstanding local chief executives (LCEs) and LGUs whose innovative response to the crisis indicates that there is much hope for good governance at the local level, where partnerships with LCEs may yield more significant results. A cadre of progressive LCEs is also a building block for alternative political forces.

Expand coalition-building. Perhaps the decline in funding within the sector has contributed to a reduction in networking and coalition-building efforts within and across sectors. However, there is a need to bridge the different silos within the CSO sector and re-engage in conversations with other sectors including business, academia, and professionals – to build a major political force.

The recent Leni Robredo presidential campaign (discussed below) clearly indicates that cross-sectoral civic energy is very much alive. The major question is whether the NGO/PO community today is still capable of playing a proactive, catalyst role in bringing the other sectors of society together.

There is also room for expanded coalition-building at the international level. Authoritarian populism is a global trend. Surely, there is much to be learned from comparative discussions on the dynamics of this global threat, and a coordinated international response may be able to provide support to individual countries dealing with this challenge.

Translate Robredo Campaign to a Social Movement. Though it did not result in electoral victory, the 2022 Leni Robredo presidential campaign was similar to the 1986 people power revolution because it was able to mobilize large-scale voluntary action from various sectors of society. The massive “social energy” created by the campaign should be sustained beyond elections. In addition, social change needs to become more of a mainstream undertaking, and generating this type of scale is well beyond the capacities of just the NGO sector. There is a need to harness the capacities of the other major sectors of society.

Sustain and Expand Efforts to Strengthen/Build Alternative Political Parties/Formations. Certain NGOs, basic sector groups, and even cooperatives, have been involved in building alternative political parties and movements for years. Some groups have been doing this to gain representation in Congress through the

party-list system. For others, the ultimate goal is to become major players in national politics. In whichever case, it is important that these be done more sustainably. There are many such efforts that have been met with initial success, but the CSO groups concerned are often unable to sustain or expand on this over the course of several elections. There needs to be greater analysis as to why this is the case (although availability of funds has probably been a factor).

In summary, Philippine NGOs face significant challenges in the coming years, as democracy goes down a slippery slope and funding for the non-government sector continues to decline. But the CSO sector is resilient, especially when faced with adversity. The nonviolent 1986 people power revolution that ended the dictatorship of Ferdinand Marcos Sr. is a reminder of what concerted civil society action can inspire. Today, though the political landscape may seem parched, the seeds of another bold and innovative CSO response may already be germinating. ■

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Acknowledgments

The author wishes to thank Nathaniel Don Marquez, Tony Quizon, Denise Hyacinth Joy Musni and Marianne Jane Naungayan of ANGO for their editorial and administrative support. Thanks also to the following organizations for their participation in the various processes leading to the finalization of this study: Alyansa Tigil Mina, Association of Foundations, Caucus of Development NGO Networks, Center for Agrarian Reform and Rural Development, Global Organic and Wellness Corporation, Initiatives for Dialogue and Empowerment through Alternative Legal Services, Inc., Foundation of Media Alternatives, Jollibee Group Foundation, Konsyensya Dabaw, Philippine Business for Social Progress, Sorosoro Ibaba Development Cooperative, The Silent Majority - Silent No More Inc. (Youth), and Xavier Science Foundation, Inc.

Citation

Pagsanghan, J. (2022). CSO Assessment Study on Legal and Political Environment for Developmental NGOs in the Philippines. In ANGO (Ed.). (2022). *Shrinking Civic Space: The legal and political environment for CSOs in Seven Asian Countries*. ANGO.

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