

SOCIAL SCIENCE INFORMATION

VOLUME 19 NUMBERS 1 & 2

JANUARY - JUNE 1991

**issues of governance: taming
or uplifting labor?**

lourdes rebullida

**political development for the
muslims in mindanao**

carmencita aguilar

**solving the mindanao conflict
through the multilateral approach**

rudy rodil

**the corporate stock distribution scheme
in agrarian reform:
a study on hacienda luisita**

dolores tan



SOCIAL SCIENCE
INFORMATION

Philippine Social Science Council
P.O. Box 205-UP Post Office, Diliman, Quezon City, 3004

May be opened for postal inspection

SOME ISSUES IN GOVERNANCE

Carmencita T. Aguilar

Governance refers to the dynamics of the political structures and institutions and the nature of the political will that can make the political system effective and responsive, or inert and stagnant. Whatever form of political system there is, it is necessary for the leadership to commit to development and social services programs that can bring about self-sufficiency and the improvement of the quality of life of the people. The strength of the nation depends on the social and economic stability of the people. The governance structures and institutions that must evolve in any country shall therefore be those that can promote the economic programs and social services responsive to the needs of the people. For this reason, whether in a socialist or a democratic political system the blame is often heaped on the leadership and the nature of that political will when poverty prevails and the delivery of social services fails in the country.

In a democracy, leadership must not be the sole responsibility of the Chief Executive but of all the public officials who presented themselves to serve the people during election. For all these officials, it is not just a matter of obtaining the people's mandate to allow them to manage government. They must show that they possess the political will to implement the necessary programs for the benefit of the people and the country.

At the end of the authoritarian rule in 1986 it was anticipated that political reforms and redemocratization would be more conducive to bringing about the improvement of the economy and the promotion of the quality of life of the poorer sector of society. It was expected that the delivery of the necessary social services would improve. The corruption in government offices would be checked. There will be a better system of public service accountability and morality among a new group of conscientious public officials. But the unexpected misfortune was that the new ruling elites had indulged in too much wasteful and self-glorifying politics while neglecting their duties and obligations to bring about economic satisfaction and social services to the people.

Some public officials have the mistaken notion that the task of economic development and effective govern-

ment is the responsibility of the Chief Executive alone and not theirs. Some of them misperceived the responsibility of their political role as merely securing niches in the party of the majority to be assured of support for the next election. Some have engaged in activities for personal aggrandizement. After serving four years in office there are not too many projects initiated by the officials that have fulfilled satisfactorily the people's needs. Many in the government still continue to operate with the wrong notion that to be able to deliver the necessary public services is to build a lavish building first. Some are not satisfied with the existing infrastructures which house the facilities for certain services. More unnecessary buildings are constructed in addition to what had already been the legacy of the previous administration, before immediate attention is given to the programs and projects that can provide services for the people.

Many are convinced that the current rush in infrastructure development in the communities initiated by the various officials are made to be a policy of attraction for the voters in the forthcoming 1992 elections. Some members of Congress are also trying to improve their performance credibility after they were poorly rated by public opinion surveys. They have also altered the Constitutional provision on the local election date. Changing the local election date to November instead of May 1992 as indicated in the Constitution is in anticipation of guardianship at the polls by the incumbent local officials who are party colleagues. Some re-electionist local officials, however, fearing that they will be left to fend for themselves in the November election, are raising the issue of constitutionality in the congressional decision to change the date.

Among the local officials, only a handful were cited to have performed responsibly to the need of the constituencies. The performance of the local officials had also reflected on the competence of the President who is their Chief. The Chief Executive is expected to supervise and give direction to the local officials. Those who erred in their duties should be investigated and when found guilty should be penalized. There is no such provision in the Constitution for the President to exer-

GOVERNING COUNCILLeslie E. Bauzon
ChairpersonCarmencita T. Aguilar
Vice-ChairpersonRuben F. Trinidad
Secretary

Ma. Lourdes S. Bautista	Angela M. Pangan
Ledivina V. Cariño	Cesar A. Pobre
Alma S. de la Cruz	Patricia A. Sto. Tomas
Wilhelm Flieger, S.V.D.	Paterno R. Santos
Ibarra M. Gonzalez, S.J.	Romulo A. Virola
Vaughn F. Montes	Jerma D. Yambot
Socorro L. Reyes, ex-officio	Domingo C. Salita, ex-officio

EXECUTIVE BOARDSocorro L. Reyes
PresidentAmaryllis T. Torres
Vice-PresidentHector B. Morada
TreasurerRuben F. Trinidad
Secretary

Leonor M. Briones	Fe T. Otanes
Ramon B. Cardenas	Evelina A. Pangalangan
Rosario M. Cortes	Emma E. Porio
Georgina R. Encanto	Teodoro R. Santos
Generoso G. de Guzman	Michael L. Tan
Allen L. Tan, ex-officio	Leslie E. Bauzon, ex-officio

ISBN 0115-1169

*THE PSSC SOCIAL SCIENCE
INFORMATION*

The PSSC Social Science Information is published quarterly by the Secretariat of the Philippine Social Science Council, Ruben F. Trinidad, Executive Director. It is produced by the Information and Special Services Division.

All correspondence should be addressed to The Editor, PSSC Social Science Information, 2nd floor, Philippine Social Science Center, Commonwealth Avenue, Diliman, Quezon City.

Editorial: Francis M. Egenias, Elvira S. Angeles
Circulation: Lydia G. Wenceslao, Emily G. Tuzon

The views expressed in each article are by the author and do not necessarily reflect those of the Philippine Social Science Council.

ALL RIGHTS RESERVED

To quote from this publication, proper acknowledgment should be given

PSSC Social Science Information
January - June 1991

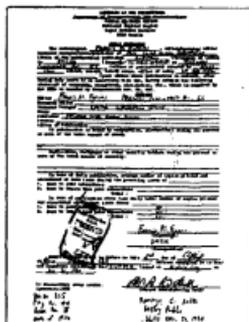
CONTENTS**SPECIAL FEATURES**

4
Issues of Governance: Taming or Uplifting Labor?
by Dr. Lourdes Rebullida

14
Political Development for the Muslims in Mindanao
by Prof. Carmencita T. Aguilar

24
Solving the Mindanao Conflict through the Multilateral Approach
by Prof. Rudy B. Rodil

36
The Corporate Stock Distribution Scheme in Agrarian Reform: A Study on Hacienda Luisita
by Dolores M. Tan

REGULARS**46** Newsbriefs**50** New Publications**51** Agora

ISSUES OF GOVERNANCE: TAMING OR UPLIFTING LABOR?

Ma. Lourdes G. Genato-Rebullida*

The governance of labor has consistently been considered as strategic to political stability and to economic growth particularly in industry and agriculture. In the present economic crisis confronting the Aquino administration, with or without the scenario of the Middle East war, the governance of the labor sector is crucially linked to economic recovery. The restlessness of the labor sector threatens the influx of investments in the Philippines and productivity in business, industry, and agriculture. The cooperation of labor in maintaining political order is critical, considering the intent of segments of the military and of communist organizations to topple the incumbent Aquino government.

But should the labor sector be viewed merely for its significance to national productivity and to peace and order? Or should labor be considered with reference to people? With the increasing statistics on poverty, the labor population falls within the categories of those who lack the basic necessities for life. This situation calls for social concern for human development. Furthermore, the labor sector has awakened to inequities in the Philippine social system, widely articulating their demands for welfare and justice. When organized and mobilized, the labor sector is a potent social force.

What approaches did the Aquino administration pursue in governing the labor sector? What has been the pattern of labor policies implemented by government then and now?

A review of the policies implemented by the government under the different administrations provide lessons on how to treat labor. The present government is confronted with the issue of how to deal with the demands of labor on one hand, and management on the other, and considering the contingencies of the socio-economic and political environment. Whose interests are served by labor policies?

Compulsory Arbitration and Collective Bargaining

It may be recalled that it was in 1908 that the American colonial government established a Bureau

of Labor. By then the conditions of the workers were made difficult by the lack of protection over their wages and hours of work. American colonial labor laws focused on prohibition of slavery, involuntary servitude (Act No. 2071); prohibition on use of force on the employee to purchase merchandise or property and payment of wages by tokens or objects other than the legal tender currency (Act. 2549); and on the regulation of employment of women and children (Act No. 3071). The Employer's Liability Act (Act No. 1874) directed the employer's responsibility for injuries and deaths while at work.¹

Despite these laws, violations were reported, indicating that the powers of the employers prevailed. The Bureau of Labor, which could not adequately cover the range of industries was later expanded into the Department of Labor in 1931. Nevertheless, strikes, social unrest and the growth of labor organizing could not be contained.²

Government responded with Commonwealth Act No. 103 passed by the Philippine National Assembly in 1936. This ushered in compulsory arbitration vested in the Court of Industrial Relations. The functions of this court covered the prevention, arbitration, decision and settlement of industrial or agricultural disputes causing the strikes, lockout, or arising from differences on wages, shares, compensation, dismissal, lay-off, and suspensions. However, the court moved only when the number of laborers and farmers involved exceeded thirty. Aside from compulsory arbitration, the CIR also fixed the minimum wage.³

The system of compulsory arbitration entailed delays, which in turn aggravated labor dissatisfaction. The incidence of strikes meant that a different response to the labor problem was needed.⁴ Furthermore, the rise of peasant unrest in the agrarian sector and trade unionism with communist influences threatened the ideology of the social order.⁵

The fundamental shift toward labor was carried out by the enactment of R.A. 875 in 1953 under the Quirino administration. It was called the Industrial Peace Pact or the Magna Carta of Labor. The act

adopted free collective bargaining, encouraging labor and management to freely negotiate a contract that would best suit their needs and minimize conflict. The over-hauling of the labor relations policy took the form of eliminating the role of the judicial system. Hence, no court shall have the power to set wages, rates of pay, hours or conditions of employment.⁶

With the policy thrust in favor of democratic participation of labor and management, labor unions increased in number, as well as bargaining agreements. Government did not interfere except to mediate and conciliate when both parties failed to come to terms.⁷

However, this did not mean complete abolition of compulsory arbitration, but limited its use to cases of disputes over minimum wages and in industries deemed indispensable to national interest. The latter case provided the leeway for government to intervene and for management to prevail. In practice, the problems of labor were attributed to the dynamics of superior power and strength of management. The resulting deadlocks, unresolved issues and strikes showed the weaknesses of collective bargaining.⁸

These disparate labor laws attempted to stop the exploitation of labor but focused particularly on the industrial sector, neglecting the peasants in the agrarian sector. This direction was short of uplifting the quality of life of the workers. Nevertheless, government did not directly suppress the growth of the labor movement and up till 1972, labor was vigorous in articulating its demands and denouncing the inequitable social class structure of Philippine society.⁹

Tripartism and Government Interventions

The political and economic scenario circa 1972 changed the direction of government response to labor problems. With heightened student peasant-labor-student activism and the threat of communist insurgency, Ferdinand Marcos declared martial law on September 21, 1972.

By October 1972, PD 21 created an ad hoc National Labor Relations Commission in the Department of Labor. With this, compulsory arbitration was set as a mandatory method for resolving labor disputes, after recourse to negotiation, conciliation and mediation have failed. However, General Order No. 5 prohibited strikes, picketing and other concerted activities in vital industries.

The Marcos regime dealt with labor in a different way. It linked labor policies with its economic

development programs. The control of labor unrest was rationalized as necessary for foreign investment and industrialization in the country.¹⁰

In principle, the 1974 Labor Code may be seen as an effort to give protection to labor, to promote full employment and human resource development and to ensure industrial peace based on social justice. This was a turning point for workers in agriculture since the benefits applied to them and not just to workers in industry. The Code allowed the emancipation of tenants but left the matter of implementation to the proper authorities, to the Department of Agrarian Reform.

The issues relevant to uplifting the welfare of labor were covered in Labor Code provisions grouped into four areas: labor standards, labor relations, employment and manpower development and post-employment. Basically, government now recognized the rights of workers to self-organization, collective bargaining, security of tenure and just and humane conditions of work.

Although the Code stipulated the terms and conditions by which management-capitalists can respect the rights of the workers, and vice-versa, the practice of implementation nullified the intent of the law. For some reasons, management can request for exemption from observing requirements favorable to labor. Furthermore, inspection of company compliance with provisions on the protection and safety of the workers has not covered the full extent of the industries.¹¹

The Marcos government and the 1974 Labor Code introduced tripartism as the channel for planning, policy formulation and decision-making for government, labor and management. And yet, the leverage and bargaining power of the labor sector was already circumscribed by the prohibition against strikes, picketing and lockouts in so-called "vital industries" including companies engaged in the manufacture or processing of essential commodities or products for export.¹²

While the intention of one policy component was to encourage trade unionism, another component would opt for one union per one industry.¹³ In this sense, there was inconsistency in the elements of labor policies during the Marcos government.

Taming labor by repressive policies justified by the need for industrial peace for economic gains in industrialization and to attract foreign investors has by now been judged by the downfall of the Marcos regime.¹⁴

But the more important lesson is that policy and legislation governing labor and management relations does not solely resolve the problems of labor. The social and economic condition of labor is linked to the business and economic environment, to inflation and unemployment. Wage determination has consistently been a bone of dispute between labor on one hand, management and government on the other. Despite the development rhetoric of the Marcos government, the poverty among the wage-earners and the unemployed in urban centers, apart from the poverty of the peasantry, set the need for new directions in the governance of labor.

Economic Recovery and the Code of Industrial Harmony

The Aquino government started out in 1986 when the unemployed had reached 2.3 million, with 8 million underemployed and 725,000 new entrants to the labor force yearly. Although there are those willing to work, there is not just enough jobs.¹⁵

The initial strategy of the Aquino administration was to address the immediate grievances of the labor sector against the past regime. This was done by repealing repressive policies and amending unfavorable codal provisions. The government agreed:

- to honor the commitment to the ILO convention 87 on Freedom of Association and Protection and the Right to Organize, and to ILO Convention 141 on Rural Workers' Organization;

- to promote and protect the rights of workers and employees to establish and form organizations and unions of their choice with minimum government intervention; to allow security guards in the private sector and employees of government corporation under the Corporation Code to unionize and bargain collectively with their employers;

- to repeal LOI 1458 which allows management to replace striking workers who defy return-to-work orders;

- to allow automatic certification election during the freedom period of CBAs where the majority the status of the incumbent is questioned;

- to reduce to 20 percent the required support for a petition for certification election or registration of a union in non-unionized firms;

- to repeal the one union-one industry policy;

- to remove the 13th-month pay ceiling for all rank-

- and-file employees;

- to delimit the apprenticeable jobs to highly technical industries, and to not more than six months;

- to allow the union to ignore the 15-day cooling-off period, and to take action immediately in the case of dismissal of union officers constituting union-busting;

- to keep police forces out of the picketlines unless actual violence or other criminal acts occur;

- to appoint labor representatives in all policy-making bodies of government;

- to professionalize the dispute settlement machinery;

- to suspend the contributions to PAG-IBIG pending its review.¹⁶

Rescinding or revising the previous regimes' policies could have pleased the labor sector. But the more important task for government was the management and channeling of labor participation in line with thrusts of economic recovery and political stability.

In viewing the efforts of the Aquino administration, long standing issues concerning labor need to be underscored.

One issue remains to be that of social justice, the equitable distribution of the fruit of production between labor and management. Such larger share in the form of increased wages and income must be reconciled with the need of management for profits. The history of minimum wage determination has been marked by protests from labor. Wages have been hardly adequate to cope with rising costs of goods and services.¹⁷

Another is the very issue of government decision-making on the nature and content of national development policies, particularly on the choice between labor-intensive and capital-intensive industrialization, the role of the government and the private sector, and the will to carry out agrarian reform. Basically, the governance of labor may have to be taken away from the context of repressive policies to the context of a right kind of economic and political environment, conducive to generating employment for the labor force and allowing improvements in their life situations.

The third issue pertains to management-company compliance with provisions protecting and promoting the safety of workers, and maintaining proper conditions at work.

The management sector's representative to the 1986 Tripartite Conference of labor, management and government emphasized that unemployment and underemployment are the most serious and basic labor problems, all others are secondary.

The fourth long-standing issue involves the mechanisms for labor organizing and the stipulated courses of action in settling disputes between labor and management.

And finally, the administrative structure and system of the department and agencies of government concerned with labor must confront its performance and face the prospects of change.

Framework of National Development

The government's national development plan sets the context for labor. The negative consequences of past development plans should provide lessons for future thrusts.

Corazon Aquino announced that her administration would take the line of economic recovery that is people-powered, rural-based, export-oriented. It will favor open trade, import liberalization, privatization, employment generation, and non-intervention in wage setting.¹⁸

The NEDA recommended a shift in development strategies, that is, turning away from export-orientedness to become labor-intensive, rural-based, employment-oriented. This approach was based on the prevailing high rate of unemployment, taking on 12.1 percent of the total workforce, and underemployment of 20 percent. The NEDA changed their concept of employment which used to be one hour's work in the past quarter to one hour's work in the past weeks. The new definition produced the higher figures for unemployment.¹⁹

In the short run, the NEDA saw the creation of immediate emergency jobs as almost imperative. However, in the long run, national development planning will have to provide for employment generation and determine the skills that will allow labor to be

fully employed.

The management sector's representative to the 1986 Tripartite Conference of labor, management and government emphasized that unemployment and underemployment are the most serious and basic labor problems, all others are secondary.²⁰

The Labor Advisory Consultative Council—composed of the Federation of Free Workers, Kilusang Mayo Uno, World Federation of Trade Union Affiliates, the Trade Union Congress of the Philippines and other independent and legitimate labor organizations—submitted the following proposals:

labor intensive industries must be the thrust for employment generation; incentives be given to companies that produce for the domestic market;

policies and measures be instituted to promote agriculture-based industries in the rural areas;

policy of self-sufficiency in the efforts to create jobs;

regional dispersal of industries; genuine land reform; reinvestment of profits to create more jobs; government assistance to small-scale industries by subsidy;

Filipinize basic industries, those that produce capital and intermediate goods and play a key role in serving the needs of the country to make them responsive to the domestic needs of the economy;

government financing and setting up of strategic heavy industries as well as light industries;

laws to ensure reinvestment of at least 30-50 percent of profit by big companies partly or

wholly-owned by multinationals²¹

Labor explained the problems in export-oriented industrialization under martial law. One is the pouring of investments into industries that do not generate jobs for Filipinos. Also, foreign investors were allowed 100 percent repatriation of initial investment and were given tax-free profits as incentives.²²

The emphasis now should be the development of small- and-medium scale, labor-intensive, rural-based industries, in contrast to large-scale, capital-intensive and urban-based industries. Policies are also necessary to regulate the extent of foreign investment to supplement domestic investment. Equally important is the use of idle resources — lands, allowing subsistence farmers and landless rural workers to lease plots on agricultural lands sequestered or foreclosed by the government.²³

However, with the government's foreign debt problem, both labor and management sectors recognized the difficulties involved in pursuing development programs. It was proposed that government renegotiate debt payments to allow retention of funds for domestic use.

Labor and management offered to sign a social concordat to foster and maintain the necessary favorable investment climate for business and industry to flourish and to promote industrial harmony and peace.

The Code of Industrial Harmony

In the first Tripartite Conference upon assumption to office of the Aquino administration, labor, management and government agreed on the basic principles for a Code of Industrial Harmony:

- belief in tripartism;
- belief in free collective bargaining as a mode of settling industrial disputes;
- belief that labor and capital stand on equal footing with recognized rights and responsibilities;
- adherence to, or reaffirmation of, commitment to principles, concepts, and institutions of democracy and free enterprises;
- commitment to, respect for, statutory and contractual law or the rule of law; and
- agreement to the need for the elimination of exploitation of each other by the social partners.²⁴

The peaceful process by which all sectors willingly

participated to draft the Code of Industrial Harmony may be interpreted as a positive step toward creating industrial peace without government coercion. This showed common recognition of the economic crises and the urgent need for cooperation from all social sectors to speed up economic recovery. The parties realized that instability in labor-management relations can offset government efforts toward national development. Hence, they accepted the rights to self-organization and collective bargaining; and recognized the role of Filipino values and culture-based processes of consultation, consensus, cooperation and compromise, instead of the adversarial, conflictual and confrontational approach.²⁵

Managing Strikes and Disputes

The terms of the Code of Industrial Harmony will have to be tested by the issues of wages, compensation and benefits; labor union organizing in companies; company compliance with labor standards; and labor disputes and differences in the mechanisms and processes of conflict resolution.

Wage, Benefits and Labor Standards. Wage fixing by government has usually stirred negative reactions from labor and management. More so, labor has decried government exemptions from compliance with minimum wage rulings to certain industries or companies on account of distressed conditions, among other reasons.

To change the pattern of conflict, labor and management proposed that wages be determined by voluntary negotiations or collective bargaining. Government should not interfere in wage determination particularly in the unionized firms. Unorganized workers will be encouraged to form unions and bargain with management on more equal footing.²⁶

To start with conflict resolution on wages, the three sectors agreed to allow the exemptions from wage orders to lapse and expire, and to process the pending applications for wage exemptions. However, on the issue of benefits as the cost of living allowance, labor initially demanded its integration into the pay package, while management negotiated for consideration of companies that are unable to comply and may ask for exemptions.²⁷

Another cause of friction has been the government's practice of exempting certain industries or companies from complying with general issuances on labor standards. With this, labor protests with claims of exploitation; while management disagrees with the removal of this leeway. But it is precisely on

this matter of compliance with labor standards that management can show sincerity, responsibility and commitment to uplifting working conditions.²⁸

Mechanisms for Conflict-Resolution. Still another arena for trisectoral negotiation pertained to union formation, collective bargaining, and the stipulation of requirements and procedures for settling disputes.

When the Aquino administration took over, the specific issues to be resolved anew were: percentage requirements for union registration, certification election during the freedom period, and who may challenge the incumbent collective bargaining agent.²⁹ Procedures for imminent strikes likewise needed to be

The more serious and long-standing issue that accounts for the unrest in the labor sector is equitable distribution of wealth.

reviewed, such as: the 15-day cooling-off period for strikes over unfair labor practices, the percentage necessary for a decision to strike, the manner of obtaining a strike vote, the presence of police in the strike area, the submission of the strike vote result seven days before the strike.³⁰

With or without efforts to eliminate or at the most minimize the causes of strikes, labor may choose to go on strike. Hence, the specific action steps and mechanisms to the conduct and resolution of strikes will be a continual agenda for trisectoral consultations.

Equitable Distribution of Wealth

The more serious and long-standing issue that accounts for the unrest in the labor sector is equitable distribution of wealth. Social justice has been decried for years; yet, the plight of the peasantry, the agricultural workers and the urban laborers still fall within the levels of poverty. While in recent years, the issue of social justice has been raised vehemently by student

activists, church-based pressure groups and by peasant and labor organizations, much is to be seen in terms of operationalization.

The agrarian reform program under the Marcos government beginning 1972 has promised to deliver the much delayed distribution and transfer of land to make tenants eventual owners of land. While the Marcos government showed records of its operation land transfer, there have been loopholes which the Aquino government tried to redress in its own controversial program of land and agrarian reform.

The Philippine Constitution of 1987, drafted and ratified under the newly installed Aquino government after the EDSA Revolution, finally stated the right of labor to a just share in the fruits of production, while respecting the right of capitalists to a just and reasonable return on their investments.³¹ Such a statement of principle established the directions of government, capitalists and workers. But visible and effective courses of action will still have to be mapped out and pursued for implementation.

A fundamental issue involves the operational definition of "just share," of "fruits of production," and of the very essence of "productivity of labor." To turn these concepts into reality, the following mechanisms were suggested:

- higher wages even above legislated minimum wages
- bonuses
- incentives schemes
- employee benefits
- cash awards
- commissions
- productivity incentives
- stock option plans
- profit sharing

The operationalization or implementation of these measures will depend on collective bargaining within respective companies.³² Each of these still require spade work at establishing concrete indicators and satisfactory benefits for all concerned sectors. What can be anticipated here are continuous dialogues to settle the questions of how to share gains and responsibilities and how to concretely get this done.

Conflict or Cooperation

The interphases between labor and government, and between labor and management can definitely be one of conflict or cooperation.

The orientation of the Marcos government with its presidential decrees and general orders suppressing the right to strike and labor organizing, and establishing one union for one industry has generated the antagonism of labor. But even with the onset of the Aquino regime, there are observed "diametrical positions between government policy and labor's vision" particularly on "trade policy (import liberalization versus protection for example) subsidy schemes, social security and welfare service, agrarian reform, income distribution (wages and profit sharing), foreign investment and many others."³³

When government through NEDA framed its "Policy Agenda for People-Powered Development," it was said that labor was either mindfully or not left aside in all the deliberations.

Fortunately, a number of points seemed acceptable to labor which somehow indicate the government's response to the clamor and needs of the labor sector. Furthermore, tripartism has provided the channels for reconciliation of perceptions.

On the other hand, the interphase of labor with management has dealt much on company non-compliance or violations of labor laws and policies, which has caused disputes leading to strikes. The conflicts bear unproductively on all parties—the workers, the capitalists-management, and government.

Realizing the negative consequences of conflict and the economic crises in the Philippines, various labor groups agreed to adopt a strike moratorium. Labor also vowed to help the government cope with the effects of the Middle East situation on Philippine economy, particularly to deter the retrenchment of workers.³⁴

Evidence of the cooperative stance of labor and even that of management are the no-strike, no-lockout pacts in some companies. For example such an agreement was signed on February 27, 1990 in the Bicol Sugar Development Corporation, which is the only sugar industry in the region.³⁵

Administrative Structures

The Department of Labor and the Court of Industrial Relations took charge of the administrative and judicial aspects of labor policy prior to 1972. Upon the passage of the Labor Code, the department had to undergo changes.

The National Labor Relations Commission took over the work of the Court of Industrial Relations and was attached to the Department of Labor as a quasi-

administrative-judicial body. The Overseas Employment Development Board was created, as well as the National Seaman Board.³⁶

The reorganization in 1975 was part of the new atmosphere of the New Society and the thrusts of regionalization-decentralization. Hence, established were 10 regional training centers and 14 labor district-offices.

The Philippine Labor Coordinating Center was set up with the Trade Union Congress of the Philippines as the recognized labor union as signed by 26 major labor confederations.

There were other reorganizations in 1980 to cope with the lifting of martial law. The Department of Labor became the Ministry of Labor and Employment. This was to emphasize the importance of the employment promotion program. In the regions, the arbitration branches, field services and labor relations divisions, including units of the Bureau of Employment Services, the Overseas Employment Development Board and the National Seaman Board were either abolished or reorganized. The Labor Standards Commission was abolished. The National Wages Council was set up absorbing the Wage Commission. Also, the National Productivity Commission was established.³⁷

In 1982, following the Integrated Reorganization Plan as revised, the administrative structures were standardized among the ministries into: planning services, administrative services, financial and management services. Also included in the new chart were the legal services, labor statistics service, international labor service, information and publication service. On another rung of the structural framework are the respective bureaus for working conditions, for women and minors, rural workers, local employment, labor relations and the Institute of Labor and Manpower Studies.³⁸

The reorganization under the Marcos regime, particularly under the Integrated Reorganization Plan intended to make the ministry relevant to changing situations. It sought to pave the way for decentralization by the deconcentration of the functions and powers of main offices to the regional offices. This expected greater participation and access of the people in decision-making and planning, speedier delivery of services to the people, and reduction of the workload for efficiency and effectiveness at the national-central offices.³⁹

However, the Aquino government embarked on a

reorganization based on the new 1987 Constitution and in line with the national economic recovery plan of government with emphasis on: employment promotion, manpower development, utilization and advancement of workers' welfare, and industrial harmony.⁴⁰

The Philippine Commission on Government Reorganization noted the gargantuan but ineffective administrative machinery of the Marcos regime—which did not achieve intended functions, made the government pay a large personnel, and increased the costs and inefficiencies in resource use.⁴¹

The DOLE's structural framework has been set in relation to the program areas that operationalize its functions stated under Section 5 of Executive Order no. 126. From 1987-89 under Franklin Drilon as Secretary, there were three program thrusts: promotion of employment, maintenance of industrial peace and protection of workers. [DOLE, DOLE: Organization for Program Implementation, brochure, 1989, Manila]. By 1990, Labor Secretary Ruben Torres spelled out a five-point agenda for social justice in labor-management relations: vigorous enforcement of labor standards, promoting full employment and preserving the gains in the overseas employment program, greater emphasis on regional and countryside development and full implementation of the 1989-1992 Philippine development plan for women.⁴²

For more effective implementation, three structures were the targets of demands for changes. These are the National Labor Relations Commission, the National Wages Council (NWC), and the National Productivity Commission (NPC).

The NWC and NPC were abolished by Republic Act 6727 to pave the way for the National Wages Productivity Commission.⁴³

The National Labor Relations Commission underwent changes contained in Republic Act 6715 which took effect on March 21, 1989. It is now regionalized, with a new structure, and tenured commissioners, executive labor arbiters and labor arbiters having upgraded qualifications.⁴⁴

Administrative Performance

The performance of the DOLE reflects concretely in the statistics of strikes. Due to the *modus vivendi* of labor, government and labor toward industrial peace, the strike rate was reported as declining steadily, from 5896 in 1986 to 197 in 1989. Credit was also given to DOLE's conciliation, mediation and other voluntary approaches of dispute settlement.⁴⁵

The enforcement of labor laws remains to be a difficulty. According to Labor Secretary Ruben Torres, the enforcement of labor standards laws was the most ticklish problem he encountered upon assumption to office in 1990. To this, it is necessary to form labor unions with bargaining leverage vis-a-vis management.⁴⁶

Statistics of 1989 showed that about 5,828 or 24.89 percent of the 23,413 establishments inspected violated the minimum wage law, which is a daily wage of P89.00 (eighty nine pesos). Other violations were non-payment of holiday pay (4.68 percent), incentive and leave pay (3.51 percent), overtime pay (3.05 percent), rest day pay (2.21 per cent), COLA (1.93 percent), special holiday pay (1.27 percent), and night shift differential pay (.7 percent).⁴⁷

Furthermore, in 1989 there had been health and safety violations in 3,791 or 16.2 percent of establishments inspected. Inspection also showed 1,176 defective technical units.⁴⁸ The inadequacy of inspectors continues to be one critical administrative problem about enforcing labor standards.⁴⁹

Performance reached a reported peak in 1989 because of figures overshooting expected targets in the different program areas. Furthermore, there was an apparent promotion of activities such as "Operation Lunas" for quick settlement of labor disputes; labor education seminars; training and employment generation.⁵⁰

Despite these, the governance of labor will have to consider emerging issues given the Philippine socio-economic profile. The rise of stretchchildren and the inevitability of child labor, and the overseas employment of Filipinos in the midst of the Gulf crises, create new concerns.

Conclusion

From the past record and present scenario of the labor situation in the Philippines, the channeling of the labor force toward productivity for the nation, and for the owners of capital, hinges on (1) promoting and protecting the welfare of labor, and (2) developing cooperative schemes between government, labor and management.

The three sectors of government, labor and management have come to a point of realization of the negative impact of conflict at this time when the Philippines is confronted with economic and political instabilities. The taming of labor during the Aquino regime apparently has not come from repression of

labor rights, particularly to organize, to strike and to demand for a just and reasonable share in gains. What appears to be practicable is government's policy of non-intervention, and on the other hand promotion of labor-management negotiations and mechanisms for early settlement of disputes. Voluntarism on both labor and management in schemes for harmonious relations and industrial peace by addressing their

share in productivity and profit-sharing has contributed to lessening the tensions. Structural and procedural changes also facilitated program implementation. However, the government's efforts to promote and protect labor welfare, and regulate behaviour will have to consider substantive issues of economic policies—for business, industrial, agricultural development.

NOTES

¹Eduerto M. Villegas, The Political Economy of Philippine Labor Laws (Quezon City: Foundation for Nationalist Studies), pp.20-21; P.V. Fernandez and C.D. Quizon, Labor and Social Legislation in the Philippines (Manila: Central Book Supply Inc., 1963), pp. 1- 35, 125-139, 158-309; Blas F. Ople, The Human Spectrum of Development (Manila: Institute of Labor and Manpower Studies, Ministry of Labor, 1979), pp. 4-7.

²Villegas, p. 26.

³Fernandez and Quizon, pp. 15-35, 125-139.

⁴Ibid.; Alberto S. Veloso, "Resolving Industrial Conflicts Under the New Arbitration System," in Ruben D. Torres (ed.), Department of Labor in the New Society (Manila: Institute of Labor and Manpower Studies, 1977), pp. 12-23.

⁵See Eduardo Lachica, Huk: Philippine Agrarian Society in Revolt (Manila: Solidaridad Publishing House, 1971); The restlessness and ideological agitations in the agrarian and industrial sectors have been addressed by Catholic Church papal encyclicals as Rerum Novarum, Quadragesimo Anno, Populorum Progressio, Mater et Magistra, in Joseph Gremillion, The Gospel of Peace and Justice, Catholic Teaching Since Pope John (New York: Orbis Books, 1976).

⁶See Fernandez and Quizon; Villegas, pp.44-47.

⁷Bach M. Macaraya, "State of Trade Unionism in the Philippines," Philippine Labor, vol. 16, No. 2 (February 1990):4, 15.

⁸Villegas, pp.45-47.

⁹Macaraya, p. 15.

¹⁰For the changes in the governance of labor and the directions of the Department/Ministry of labor, see Blas F. Ople, Frontiers of Labor and Social Policy (Manila: Institute of Labor and Manpower Studies, Ministry of Labor, 1978); Blas F. Ople, The Human

Spectrum of Development (Manila: Institute of Labor and Manpower Studies, Ministry of Labor, 1981); National Manpower Youth Council, HRD Yearbook (Taguig: NMYC, 1985).

¹¹The Philippine Law Gazette, The New Labor Code of the Philippines as amended by Presidential Decrees (Quezon City); Elena T. Marcelino, Ministry of Labor: A Study of Policies, Programs and Structures (Manila: College of Public Administration, 1979); Macrina Ilustre (ed), Problem Areas Under the Labor Code, Proceedings of the 14th Annual Institute on Labor Relations Law, UP Law Center, Quezon City, 1977.

¹²PD 823, PD 849, Rules Implementing Batas Pambansa 130.

¹³Article 238, 1974 Labor Code.

¹⁴M. Abella, Labour Administration and Development: The Philippine Experience (Ministry of Labour, 1979); Villegas, pp. 53-80; Institute of Labor and Manpower Studies, Studies on Philippine Labor (Manila: Department of Labor, 1977); Department of Labor, Rules and Regulations Implementing the Labor Code; Ruben Torres (ed), Department of Labor in the New Society (Manila: Institute of Labor and Manpower Studies, Department of Labor, 1977).

¹⁵Speech of Minister of Trade and Industry, Jose Concepcion Jr. at the 1986 Tripartite Conference, in Towards Industrial Harmony. Proceedings of the National Tripartite Conference on Labor Laws and Policies, Manila, May 28-29, 1986.

¹⁶1986 Tripartite Conference.

¹⁷Rachel Fidelino, "Wages and Incomes Policy," in Ruben D. Torres (ed), Department of Labor in the New Society, pp. 83-87.

¹⁸National Economic Development Authority, Medium Term Philippine Development Plan (Manila: NEDA, 1986).

¹⁹Filologo Pante, "Policy Recommendations for National Recovery," in Towards Industrial Harmony, 1986 National Tripartite Conference, pp. 64-66.

²⁰Towards Industrial Harmony, 1986 National Tripartite Conference, p. 39.

²¹*Ibid.*, p. 39-40.

²²*Ibid.*, pp. 71-74; see position papers of labor organizations, pp. 83-138.

²³*Ibid.*, pp. 42-43.

²⁴*Ibid.*, pp. 36-38.

²⁵See Code of Industrial Harmony, in Towards Industrial Harmony, 1986 Tripartite Conference, p. 11-12; and in Industrial Harmony: A Key to Economic Recovery, Proceedings of the Second National Tripartite Conference on Labor Laws and Policies, Tagaytay City, April 10-11, 1987, pp. 5-6.

²⁶See Towards Industrial Harmony, 1986 Tripartite, p. 29-30; and Industrial Harmony: A Key to Economic Recovery, 1987 Tripartite.

²⁷*Ibid.*

²⁸*Ibid.*

²⁹The 1987 Tripartite Conference specifically dealt with the operationalization of labor standards and relations, labor productivity and schemes for equitable distribution of wealth.

³⁰*Ibid.*

³¹*Ibid.*

³²*Ibid.*

³³UP Institute of Industrial Relations, Labor's Vision of Economic Recovery. (Quezon City: UP Institute of Industrial Relations, 1986), pp. 1-129.

³⁴E.T. Suarez, "Labor Decides To Stop Strikes," Manila Bulletin, vol. 217, no. 14, (January 14, 1991): 1, 19.

³⁵Wilfredo P. Taduran, "No Strike, No Lockout Pact Inked in BISUDECO," Philippine Labor vol.16, no.4 (April 1990): 22.

³⁶Department of Labor Annual Reports for the years 1973-1979.

³⁷Ministry of Labor and Employment (MOLE) Annual Report for Year 1980.

³⁸MOLE Annual Report for Year 1982; See also Department of Labor and Employment Annual Reports for Year 1986-87.

³⁹*Ibid.*

⁴⁰Executive Order No. 126.

⁴¹Report of the Presidential Commission on Government Reorganization, 1986. See also Department of Labor and Employment: Organization for Program Implementation (Brochure/Handout, 1991); and organizational chart as of 1991.

⁴²Torres Bares DOLE's Plan, Philippine Labor, vol.16, no. 2 (February 1990):1, 7.

⁴³Danny V. Sumaya, "Aquino Names Reps to Wage Commission," Philippine Labor, vol. 16, no. 3 (March 1990): 1, 10.

⁴⁴Shirley A. Mariano and Belen D. Nicasio, "Under New Structures: Revitalized NLRC Eyes Swift Labor Justice," Philippine Labor, vol.16, no. 4 (April 1990): 7.

⁴⁵Ruben Torres, "Assessing the Gains: New Dynamism Seen in Labor Relations," Philippine Labor, vol.16, no.5 (May 1990): 4; "Modus Vivendi for Labor Urged by Secretary Torres," Philippine Labor 11, vol. 16, no. 5 (May 1990): 5, 11.

⁴⁶"Labor Laws Enforcement Worrisome," Philippine Labor, vol. 16, no. 2 (February 1990): 9.

⁴⁷"Labor Faced More Challenges in the 80s," Philippine Labor, vol. 16, no. 2 (February 1990):6.

⁴⁸*Ibid.*

⁴⁹See "Labor Laws Enforcement Worrisome."

⁵⁰Lolit A. Abonitalla, "DOLE Overshoots Performance Targets," Philippine Labor, vol.16, no. 1 (January 1990): 20.

POLITICAL DEVELOPMENT FOR THE MUSLIMS IN MINDANAO

Carmencita T. Aguilar*

BACKGROUND

Some inhabitants of the Philippines, particularly in the Southern Philippines were converted to Islam as early as the 14th century. Their exposure to Islam was through the Muslim missionaries, traders and adventurers who chose to live among the tribal people.¹ In due time, there were Muslim converts and Muslim kingdoms. The non-Muslim tribes were pushed back from the Muslim centers into the periphery.² The Muslim kingdoms maintained a suzerain-vassal relationship with the lesser Muslim chieftains as well as with non-Muslim tribes in the periphery.

In 1565 when the Spaniards came to settle in the Philippines, the Muslim kingdoms appeared to be well-established in the Sulu area, the Maguindanao territory along the Polangui River and around the vicinity of Lake Lanao. In the Luzon Islands, the Muslim kingdoms were in Maynila and Tondo as well as in the island of Mindoro. There were also Muslim tribes in some towns along the coast of Batangas province. By 1571 Spanish rule was established in Manila, which accelerated Spanish control not only of the Visayas but of Luzon. The Spaniards' attempt to control Mindanao failed in the areas where the Muslims were dominant. But the Spaniards established their centers in Tandag and Dapitan in the Caraga region and later in Zamboanga. These areas became the Spanish centers for commercial-agricultural activities as well as cultural and religious mission works. These were also the centers for launching some of the military campaigns against the Muslims during the Spanish-Muslim conflicts.

The series of Spanish military campaigns against the Muslims weakened the Muslim kingdoms in the Maguindanao and Lanao areas.³ The rivalry among local Muslim chieftains also contributed to the weakening of Muslim control over the territory. The Sultanate of Sulu, however, was able to maintain its Sultanate status and its influence over the lesser chieftains until the coming of the Americans in 1898. While the Muslim territory did not really come under

Spanish control, the Spaniards followed the Regalian doctrine wherein the islands that comprised the territory of the Philippines became the property of the Spanish king. The land distribution policy of the Spaniards was known as the *encomienda* system. Based on the Regalian principle, Spain ceded to the United States, under the Treaty of Paris, which marked the end of the Spanish-American war, not only the whole Philippine territory which Spain claimed to be its colonial possession but also its sovereignty over the islands.⁴ The territory inhabited by Muslims which really never came under Spanish control became part of the ceded territory.

Under American colonial control, the United States initiated a *modus vivendi* with the Sultan of Sulu known as the Bates Agreement. At the same time, the Muslim territory was governed by special laws. Even under the Philippine Commonwealth government the Muslim provinces were considered as special provinces.⁵ The over-all effect of allowing the Muslim provinces to be governed by special laws was the alienation of the Muslim community from the mainstream of the body politic and modernization. On the other hand, the decision was based on the fact that there had been strong cultural resistance from the Muslim people to any possible social change that will affect their religion and way of life. In the early period the conflict between the Muslim people and the Christian communities was strongly based on communal issues.

In the postwar period under the newly-independent Philippine Republic, the government adopted a policy of "land for the landless" in Mindanao. Mindanao was pictured as the "land of promise." The late President Ramon Magsaysay in 1953 had also adopted a rebels pacification policy by giving land to settlers particularly in Mindanao.⁶ The influx of people into Mindanao coming from the Visayas and Luzon changed the demographic character of the previously sparsely-populated island. The government which adopted the policy that land which were not privately titled were considered part of the

The over-all effect of allowing the Muslim provinces to be governed by special laws was the alienation of the Muslim community from the mainstream of the body politic and modernization.

public domain, gave out vast areas of lands to migrants who were encouraged to settle in Mindanao. Some of the untitled lands, however, were part of the ancestral lands of the cultural communities including that of the Muslims. By 1960, the issue of land-grabbing became a very serious matter in Mindanao.⁷ The cultural communities complained that the migrant settlers had usurped their land. There had been several cases of open confrontation between the organized groups of migrant settlers known as the ILAGAS and the Muslim group known as the BARACUDAS in the provinces of Cotabato (Maguindanao) and Lanao. The inroad of more settlers who engaged in various economic activities caused the economic displacement and relegation of most of the Muslims into the rural areas and only very few participated in the commercial activities in the center. The educated Muslims were also left out from the bureaucracy.

In due time, the economic conflict assumed a political color. Datu Untong Matalam, a noted Muslim chief and patriarch of Lebak, Cotabato, in 1963 called for a Mindanao Independence Movement (MIM). On the other hand, the recognized traditional Muslim politicians were perceived by many Muslims not to have done much to improve the socio-economic conditions of the Muslim masses. The Muslim politicians did not play their role effectively as brokers of social services that the government at the center was expected to provide the people in the periphery. In 1967, the Muslim Students Association in Manila held a demonstration in Malacañang, the Presidential office and residence, demanding that government stop the usurpation and the deforestation of Muslim lands by the Christian migrants in Mindanao, the recognition of Muslim intellectuals by appointing them to government posts especially the Judiciary and the recruitment of Muslims to the military.⁸ In 1968 the discontent felt by the Muslim communities reached fever pitch when young Muslim recruits for military training were massacred by their trainers in the training camp in the island of Corregidor.⁹ The Muslim

reaction was a call for rebellion not only in the Sulu area but in all of Mindanao. Most of the young Muslims who died came from Sulu. The Moro National Liberation Front (MNLF) was born led by a young Muslim teacher who thought that it was time to build on Muslim nationalism and to call for secession from the government at the center.¹⁰ The government was perceived to be uncaring of the interests and welfare of the Muslim cultural minorities. Since 1969 the Muslim rebellion proved threatening in Mindanao. In 1973, the Organization of Islamic Conference (OIC) called the attention of the Philippine government on the MNLF reports that genocide was committed by the Philippine military against the Muslims in the South. Although the government denied this, the MNLF demanded to establish a Bangsa Moro (homeland for the Moros) in the areas covered by Mindanao, Sulu, and Palawan or Minsupala region.

THE GOVERNMENT RESPONSE TO MNLF DEMANDS

The serious pressure posed by the Organization of Islamic Conference especially the oil suppliers made the Philippine government agree to a *modus vivendi* with the MNLF through the mediation of President Muammar Khadafy of Libya and the Quadripartite Ministerial Commission which included Saudi Arabia, Senegal, and Somalia.¹¹ The negotiation between the Philippine government and the MNLF was held in Tripoli, Libya in 1976. The document that resulted from this peace talk was the Tripoli agreement signed by the MNLF and the Philippine government on December 23, 1976. This Agreement was the driving force behind the various policies which the Philippine government implemented on behalf of Muslim interests.

The Tripoli Agreement brought about a ceasefire agreement and a peace talk arrangement between the Philippine government and the MNLF rebels on January 20, 1977. The government agreed to establish an autonomous region in Southern Philippines. But it

was stipulated that such an autonomous region shall be within the framework of the Philippine sovereignty and territorial integrity as well as within its Constitutional process. The areas which were named in the autonomous region were Basilan, Sulu, Tawi-Tawi, Zamboanga del Sur, Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao del Sur, Davao del Sur, South Cotabato, Palawan, and all the cities and villages situated within the designated areas - all in all, a total of thirteen provinces.

The agreement provided that other details of the autonomous regions will have to be further discussed by a mixed committee composed of representatives of the MNLF and that of the Philippine government. These details included the future arrangement for the MNLF forces' absorption into the Armed Forces of the Philippines, the educational, administrative, economic, and financial structures to be adopted in the region, the relationship between the central and the autonomous government and the nature of the security forces to be set up in the region. The final signing of the Agreement was to take place in Manila after the two parties could come to an agreement on the specific details of the autonomous government's structures and relationship with the national government. It was also provided that a provisional autonomous government would be created after the final agreement was signed in Manila.

The Mixed Committee met in Manila between February-March 1977 and in Tripoli on April 22-26, 1977. But the meetings only resulted in disagreement by both parties. On March 18, 1977, Pres. Muammar Khadafy pressured Pres. Marcos to begin implementing the Tripoli Agreement.¹² He wanted Pres. Marcos to issue a decree creating an autonomous region composed of the thirteen provinces, to create a Provisional government to take care of the transition, and to hold a referendum in the thirteen provinces. Pres. Marcos, in response, created a Provisional Regional Government embodied in Proclamation 1628 on March 26, 1977. The thirteen provinces named in the Tripoli Agreement were proclaimed the area of autonomy. Thereafter, a plebiscite was conducted in the thirteen provinces asking voters whether they would agree that their province would come within the autonomous region; what kind of autonomy they would like for Regions IX and XII; and whether they would like autonomy under the MNLF with the MNLF flag and security force. It must be noted that earlier the Philippines was divided into thirteen regions. It was noted

that Pres. Khadafy objected to the questions raised during the plebiscite.

As a result of the plebiscite, however, Pres. Marcos issued Presidential Decree No. 1618 which created two autonomous regional governments in Region IX and XII contrary to the expectation of the MNLF and Col. Khadafy.¹³ Each Autonomous Regional Government was composed of five provinces. The provinces of Palawan, South Cotabato and Davao del Sur which voted against their inclusion were not included in the autonomous regional governments. The MNLF denounced this development as a violation of the Tripoli Agreement.

The two Autonomous Regional Governments had each an Executive Council of five members appointed by the President of the Philippines for a term of three years.¹⁴ The President also appointed the Chairman of the Executive Council who was also considered the Chairman of the Autonomous Regional Government. Each region had also an autonomous Regional Assembly of seventeen locally elective and ten appointive members chosen by the President. The members of the Regional Assembly had a term of three years. There had been two elections held, in 1979 and 1982. The members of the Assembly were allowed to hold over their posts until the new autonomous structure under the 1987 Constitution could be implemented.

Aside from Pres. Khadafy, the king of Saudi Arabia, His Majesty King Khaled Bin Abdul Aziz, had objected to the creation of the two autonomous regions which was alleged to be a violation of the Tripoli Agreement. Pres. Marcos, on the other hand, issued Presidential Decree 1843 on April 5, 1982, merging the two Executive Councils of the two Autonomous Regional Governments. A plebiscite was held on May 17, 1982 which resulted in the approval of the merger. The Interim National Assembly ratified the merger by its passage of Batas Pambansa Bilang 229. The merger of the two Executive Councils, however, had never been implemented and the separate operation of the Executive Councils in Regions IX and XII had continued.

Since 1978, the Provisional Regional Government and later the two Regional Autonomous Governments had functioned for the interests of the Muslim communities in the regions. But while the structures were described as autonomous, they had not operated as the sole government of the region. The provincial governors of the respective provinces within the autonomous regions continued to hold office and supervised the development of their respective provin-

ces by coordinating with the regional development council for the region. The two autonomous regions had continuously elected their representatives to the National Assembly while the Regional Assembly had also been electing their assemblymen. Some assemblymen, however, were appointed by the President. The respective Chairmen of the Executive Council, however, were also the Head of the Regional Development Council. They had coordinated with the National Economic and Development Authority and the line agencies of the national government to oversee the development activities in the region, particularly those pertaining to the Muslim communities. It can also be said that those who were appointed as Chairmen of the Executive Council were very competent Muslim dignitaries who had carried on the functions of their respective offices with dignity and seriousness of purpose. They had coordinated and cooperated peacefully with the officials of the other local government units.

While the MNLF had never accepted the Autonomous Regional Governments that Pres. Marcos established, the Muslim communities in general had benefited from the many reforms that the government had implemented, not only to compensate for the neglect of the past but also to pacify the rebels whom the government had hoped would return to a peaceful way of life and put an end to the bloodshed in Mindanao.¹⁵ Among the efforts to solve the problems was the attempt to culturally integrate the Muslims by recognizing all Muslim holidays such as the Ramadhan and the pilgrimage or Haj to Mecca which every Muslim would like to perform. The Philippine Pilgrimage Authority was created for this purpose. Two additional universities for the Muslims were created in Kabakan, North Cotabato and in Zamboanga City, in addition to those already existing in Marawi City, Iligan City, and Bongao, Sulu. In each of these state universities for Muslims, the Islamic institutes for the development of Islamic culture were established. The teaching of Arabic was required which would facilitate the learning of the Holy Qur'an. The Sharia Code was enacted and the Sharia courts were established to govern Muslim civil relations. Presidential Decree no. 410 earlier recognized the ancestral land of the Muslim communities while Presidential Decree no. 93 promoted the traditional Muslim trade for the Sulu archipelago with its neighbors. The other agencies created to promote the Muslim economic interests were the Philippine Amanah Bank, the Office of Muslim Affairs, and the Southern Philippine Development Authority. Scholarships were created for the cultural communities so that any Mus-

lim who wished to obtain higher education could avail of the fund for education. Non-MNLF Muslims were also absorbed into the military. (A group of Muslim soldiers led by Col. Mascara Domano had even helped put down the military rebellion in Manila during the attempted coup of December 1989.)

The Muslims had also the opportunity to serve in the bureaucracy in the autonomous regional governments as well as other government agencies. New Muslim leaders, other than the traditional old Muslim politicians, were discovered and tapped for leadership and service in the government as well as in the private sectors. Muslim academicians were also recognized as well as Muslim women leaders. But as far as the MNLF rebels were concerned, nothing short of their demand to play a role of power in Mindanao autonomy could be acceptable to them. The MNLF

Agencies were created to promote Muslim economic interests, like the Philippine Amanah Bank, the Office of Muslim Affairs, and the Southern Philippine Development Authority

were also critical of Muslims who were serving in the autonomous regional governments. The position of the Philippine government under Pres. Marcos, however, was that the MNLF rebels must first return to the fold of the law before they could be granted a new role in the political affairs of the Muslim communities. It seemed remote for them to hope that Pres. Marcos would make them a partner in the government of the autonomous regions. The MNLF rebellion thus persisted. Their ranks were also ridden with conflict and factionalism. From the original MNLF organization had split two factions known as the Moro Independent Liberation Front (MILF) and the MNLF Reform Group. The issue of conflict must have been on the strategy and tactic of dealing with the government as well as with their foreign allies. The two splintered factions tend to cooperate with the government today.

The basis of Pres. Corazon Aquino's commitment to implement the Tripoli Agreement was because of the late Benigno Aquino's pledge to the Bangsa Moro Liberation Organization (MBMLO) led by Sultan Harim al Raschid Lucman in a letter dated February 11, 1981, that UNIDO, his party, would honor the Tripoli Agreement. He reiterated the same position when he was at the King Abdulaziz University in Jeddah, Saudi Arabia on May 12, 1981. A task force was thus appointed by the President to study the matter. The recommendation was for the President to implement the Tripoli Agreement. Even the Constitutional Commission which was tasked to make a new Constitution agreed that it was necessary to implement the Tripoli Agreement. The Commission went beyond what Pres. Marcos had done by providing for autonomy in the Constitution not only for Muslim Mindanao but for the Cordillera region as well. The proponents for autonomy of the Muslims in the Constitutional Commission insisted that it was a wiser move to institutionalize the autonomy for Muslim Mindanao stipulated in the Tripoli Agreement into the new Philippine Constitution. It was thus provided that the new Congress should enact an Organic Act creating the autonomous region in Southern Philippines.

The Constitutional provision also provided that a Regional Consultative Commission be appointed by the President coming from multisectoral representatives in Mindanao.¹⁶ Pres. Aquino herself met with the MNLF leader after several impasses on the new series of negotiations conducted by government emissaries. Unfortunately, the MNLF insisted this time that 23 provinces in Mindanao including Sulu and Palawan should be the area of autonomy. They also wanted Pres. Aquino to issue a decree which would impose MNLF rule for three to five years over all of Mindanao, Sulu, Palawan, Tawi-Tawi and Basilan. In case the demand for the 23 provinces could not be granted, their alternative position to this proposal was for Pres. Aquino to declare autonomy over the 13 provinces stipulated for earlier in the Tripoli Agreement.

The MNLF also wanted that Pres. Aquino appoint a Chief Minister to be assisted by three Deputy Ministers all nominated by the MNLF. The Chief Minister should be the Commander-in-Chief of a regional security force of 60,000 men. Eighty-five percent of these forces should come from the ranks of the MNLF. The area of autonomy should be the islands of Mindanao, Basilan, Sulu, Palawan, Tawi-Tawi, and all the islands, islets, and waters embraced therein; and

the territorial, fluvial, and aerial domains including the territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas. The internal waters would be those waters connecting the islands of the area of autonomy. In effect, the Philippine territory would be losing its Southern Philippines component. On the part of the government, while it refused the territorial demand, it offered the MNLF representation in the expanded multisectoral Executive Council. But the negotiation ended in an impasse. On June 11, 1987, an Executive Order was passed which created the Regional Consultative Commission.

The multisectoral Regional Consultative Commission was constituted.¹⁷ Five seats were reserved for the MNLF representatives. The task of the Commission was to prepare an Organic Act for Muslim Mindanao which had to be submitted to the Congress of the Philippines for final enactment into law that shall govern Muslim Mindanao. It was provided that a plebiscite should be conducted to determine the area of autonomy as provided for in the new 1987 Constitution.

SCOPE OF AUTHORITY AND POLITICAL INTEGRATION

The objective of the Philippine government in granting autonomy to Muslim Mindanao was to give opportunities to the Muslim communities to participate in government and to be able to plan what could be beneficial and necessary for their own development. This would negate the claim that the Muslims were denied political participation by the government. Since it was proven difficult to bring about national integration through cultural assimilation, the creation of the autonomous regional governments was anticipated to promote political integration of the Muslims into the body politic. This move of the Philippine government, however, was never appreciated by the MNLF during the Marcos administration nor under the Aquino government. While the original initiative to grant autonomy was made by the Marcos government, the institutionalization into the Philippine Constitution of the political structure and process towards an autonomous government is credited to the Aquino administration. The Constitutional Commission provided in the Philippine Constitution the promulgation of the Organic Act for Muslim Mindanao.

The scope of regional autonomy for Regions IX and XII which operated for ten years (1979-1989) appeared functional enough in promoting Muslim political participation.¹⁸ The autonomous governments

were responsible for internal administrative matters in their respective regions. The Regional Assembly had local legislative powers over regional affairs while the Executive Council supervised the implementation of policies and legislations made by the Regional Assembly. Their jurisdiction in the affairs of the autonomous regions were in the following areas: the organization of the regional administrative system; economic, social and cultural development; agricultural, commercial, and industrial programs; urban and rural planning; infrastructure development; taxation and fund-raising measures; maintenance and administration of schools; health, welfare and social services; preservation of the Muslim culture and tradition; and the enactment of laws to promote the people's welfare.

While the autonomous governments were concerned with local matters, the national government retained the powers and functions of national defense and security, foreign relations, foreign trade, monetary affairs, control of natural resources, supervision of air and sea transport, postal matters and telecommunications, customs and quarantine, immigration and deportation, citizenship and naturalization, national planning, and general auditing.

The Executive Council was concerned with the supervision and control of projects that were fully funded from the funds of the autonomous government. The advantage of the autonomous government over the other local government units was in the area of project implementation. The Autonomous Regional Government had more persuasive recommendatory power so that the national government should act on

The advantage of the autonomous government over the other local government units was in the area of project implementation

its projects and it could initiate the implementation of projects not approved by the national government as long as the project was necessary to the need of the region. The Executive Council could also monitor the performance and oversee the implementation of social welfare activities initiated by the line agencies of the government such as Health, Education and Culture, Public Highways, Agriculture, Social Services and Development, Public Works, Human Settlements, Industry, and Youth and Sports Development. The Executive Council could identify and plan or program as well as prioritize the line agencies' respective programs for the region. The agencies, therefore, did not have to depend on their national unit for direction. The Autonomous Regional Governments could act on behalf of the various ministries through the President of the Philippines. The Regional Government could also recommend corrective measures to expedite the implementation of the programs of the line agencies in the region. The kind of development coordination in the Autonomous Regional Government was made more responsive to the need of the region particularly the Muslim communities.

While the Regional Development Plan was the guideline for the development of the region, the Autonomous Regional Government could also make alternative plans which the region needed. The Ministry of Local Government also assisted the President of the Philippines in coordinating the administration of the autonomous region and the other local government units. The Autonomous Regional Government had also the power to tax the area of their respective jurisdiction and to raise the necessary fees and other incomes which the region needed. They could generate income by grants-in-aid from the national government; incomes from commercial, industrial, and agricultural projects controlled by the autonomous region, incomes realized from the operation of public utilities, contributions from local government units within its territory, incomes from mines and mineral resources, donations, endowments and other forms of aid from individuals, organizations or government in accordance with national policy. On the whole, the autonomous government had a budget of 1/3 of 1 per cent of the total national internal revenue collected by the government every three years divided between the two regions. The Autonomous Regional Governments were also granted special development funds for projects that could bring about the socio-economic development of the region.

The Executive Council was also given regulatory powers over the local governments within its area such

as:¹⁹ the conduct of performance audit of local government officials; the investigation of administrative complaints against local officials without clearance from the President of the Philippines; the approval of development projects of local units funded from the 20 per cent development fund authorized by Presidential Decree no. 144; the travel of local officials and employees with per diem, beyond thirty days but not exceeding ninety days upon the recommendation of the local chief executive; the authority to recommend to the President the travel of local officials; the approval of commutation of terminal leaves of governors and municipal mayors; the approval of claims to death benefits of local officials and employees; the authority to purchase transportation equipment by local governments; the approval of grant of automobile allowance to local chief executives and heads of provincial and city offices provided that the provincial or city Council had authorized the same; the authority to be exempted from public biddings the local government projects; the authority to recommend to the President the grant of representation allowances to local officials; the approval to grant quarters for free to local Governors and City Mayors; and the approval of free telephone service at the residence of heads of provincial and city offices authorized by the local councils. The Chairman of the Executive Council, in effect was able to exercise his political clout on the local bureaucracy.

It can be said that the Autonomous Regional Governments had been granted more powers and privileges than ordinary local units. It must also be noted that more members of the Muslim communities had been absorbed into the government service.

The Autonomous Regional Governments, on the other hand, had facilitated the relocation of Muslim rebel returnees. The evacuees were also placed in resettlement areas and were given housing, job training, and means of employment. To a certain degree, the Muslim region had been transformed and developed. Some Muslim officials serving in the Autonomous Regional Governments claimed that autonomy in the context that it was granted by the government was a step higher than decentralization. The local officials did not have to go all the way to Manila to follow up their papers in the national offices. Unfortunately, the MNLF did not believe in the good side that autonomy had achieved for the Muslim communities. The autonomy exercised in the Autonomous Regional Governments for Regions IX and XII was an experiment in order to politically integrate the Muslim communities into the body politic.

But it had also succeeded in promoting development and social change in the Muslim communities covered in the ten provinces within the autonomous regions.

Under the Aquino government, Republic Act No. 6734 created the autonomous region in Mindanao, officially known as the Autonomous Region in Muslim Mindanao.²⁰ It was originally composed of 13 provinces and 9 cities. But after the plebiscite, the only areas that obtained the majority votes for inclusion in the autonomous regions were Lanao del Sur, Maguindanao, Sulu, Tawi-Tawi and Basilan. The Organic Act provided that the seat of government shall be Cotabato City which is in Maguindanao Province. The region of autonomy shall be an integral part of the Philippine territory and shall uphold the Constitution and laws of the Republic of the Philippines. The region shall adopt a policy of settlement of conflicts by peaceful means and shall renounce forms of lawless violence as instruments of redress. The cities shall continue to be governed by their charters.

Executive powers shall be vested in a Regional Governor to be elected by direct vote of the people of the autonomous region. He shall have a Vice-Governor with the same qualifications as the Governor. Both shall have a term of office of three years. There shall be a cabinet of nine members, four of whom will represent the cultural communities other than Muslims in the region. The cabinet members to be appointed by the Regional Governor must have lived in the region for five years prior to election. Legislative power is vested on the Regional Assembly elected by popular votes with three members from each of the congressional districts. They shall have a term of three years. The term of office of the Governor, Vice-Governor, and Assembly members shall begin on March 31st next following their election. They cannot serve beyond three consecutive terms. Only natural-born citizens shall be members of the Assembly who must at least be 21 years of age at the time of election. The Regional Assembly shall legislate the policies for the region.

The judicial system shall recognize the Shariah Courts for Muslims involving persons, family, and property relations. The Supreme Court, however, shall have jurisdiction over all other courts in the region. Tribal courts shall also be created in the indigenous communities.

The powers of the Autonomous Government include the administrative organization; creation of sources of revenues; ancestral domain and natural resources; personal, family and property relations;

The future success of the recently constituted Autonomous Regional Government will have to depend now on the way the present Regional Assembly which has a year of operation and the leadership in the Executive Council will run the affairs of the region for the benefit of its people.

regional urban and rural planning development; economic, social and tourism development; educational policies; preservation and development of cultural heritage; powers, functions and responsibilities now being exercised by the departments of the national government except foreign affairs, national defense and security; postal service; coinage and fiscal and monetary policies; administration of justice; quarantine, customs, and tariff; citizenship; naturalization, immigration and deportation; general auditing, civil service and elections; foreign trade; maritime, land and air transportation and communications that affect areas outside the autonomous region; and patents, trademarks, trade names and copyrights. Above all the President of the Philippines shall exercise general supervision over the Regional Government.

The Regional Government in Mindanao has been constituted after an election was conducted on February 18, 1990. While the election was not a peaceful affair because of keen political rivalries among Muslim politicians, the Muslims have participated in the exercise. This is shown by the majority votes obtained in predominantly Muslim provinces. It can be construed that peace-loving Muslims would like to play roles in their political destiny.

CONCLUSION

The span of fourteen years since the time that the Philippine government agreed to the idea of giving autonomy to the Muslims in Mindanao had brought several political changes. The Muslims had experienced running a Provisional Government during the period of transition in 1977-1978. This Provisional Government was known as the Regional Commission. Finally, in 1979, the two Autonomous Regional Governments for Regions IX and XII began their operation which brought about several socio-economic changes to the lives of the Muslims. Several

Muslims had served in the bureaucracy while Muslim leaders and non-traditional politicians were tapped to serve in positions of leadership. The manner that Muslim administrators and bureaucrats conducted the affairs of the autonomous governments of the two regions changed negative attitudes and perceptions toward a more progressive and development-oriented outlook for the region. Muslim bureaucrats learned to work side by side with the Christians who were also represented in the Autonomous Regional Governments.

Some non-Muslims may have been critical of the autonomous governments for Muslim Mindanao and they have their personal reasons. But in a general sense, the political exercise provided by the Autonomous Regional Governments for Regions IX and XII gave enough reasons for optimism that the present autonomy institutionalized in the present Constitution of the Philippines can succeed. The earlier experiment had provided the Muslim people the facility to manage their own development and to run their political affairs in the way that they saw fit and expedient for their people's need. They had also partially solved the peace issue by providing the necessary social services to their communities. The present mandate for autonomy for Muslim Mindanao is not only the continuation of the nature of political participation for the Muslim communities as that which they had enjoyed under the Autonomous Regional Governments but they are now granted new political structures and more powers which had not been given before. The Shairah courts are now instituted aside from the fact that all the new structures and organizations of governance for the Muslims are institutionalized in the Philippine Constitution which recognizes the Organic Act for Muslim Mindanao. Ancestral land is recognized although the dynamics for its return to claimants has not been defined.

To hope, however, that the MNLF leadership will return to the government fold may be an elusive dream. It appeared that the MNLF leadership will never lay down arms to serve the government nor will the government agree that the MNLF be partners in government in the autonomous region under MNLF terms. Many Muslim idealists, however, have not forgotten the fact that the government's positive response to the development of Muslim Mindanao was due to MNLF's agitation. The future success of the recently constituted Autonomous Regional Government will have to depend now on the way the present Regional Assembly which has a year of operation and the leadership in the Executive Council will run the affairs of the region for the benefit of its people.

NOTES

¹Cesar A. Majul, Muslims in the Philippines (Quezon City: University of the Philippines Press, 1973), pp. 72-74.

²Carmencita T. Aguilar, "The Ethnic Center-Periphery Relationship in Mindanao." Paper read during the Philippine National-Local History Conference sponsored by the Philippine National Historical Society, Butuan City, Philippines, November 7-12, 1989. (unpublished).

³Majul, Chapter 3.

⁴Treaty of Paris, December 10, 1898. Appendix A. Jose M. Aruego, The Framing of the Philippine Constitution Vol. 2 (Manila, Philippines: University Publishing Co., Inc., 1949), pp. 725-761.

⁵Section 5, Article XIII General Provisions. The 1935 Philippine Constitution, in Aruego.

⁶Samuel K. Tan, "Historical Perspective and Problems of Muslim Autonomy," 1974. (unpublished paper)

⁷*Ibid.*, loc. cit.

⁸Manuel R. Tawagon, "The Moro Struggle for Self Determination. A Fourth Alternative," 1987. (unpublished)

⁹Senate Blue Ribbon Committee Report, Philipine Senate, Republic of the Philippines, 1969

¹⁰Nur Misuari was an instructor of the Department of Political Science, University of the Philippines.

¹¹Emmanuel Pelaez, Implementing the Tripoli Agreement in Accordance with the Constitutional

Process: The Philippine Government Position. (Government Publication), p. 3.

¹²*Ibid.*, p. 4.

¹³loc. cit.

¹⁴Presidential Decree No. 1618.

¹⁵Abhoud Syed Lingga, "The Cultural Colonization of the Bangsa Moro People." 1987 (unpublished)

¹⁶Pelaez, p. 14.

¹⁷The Philippine Government's Peace Efforts in Mindanao. Government Publication, pp. 9-10.

¹⁸Ulbert Ulama Tugung, "The Economics of Development in Autonomous Regions," Philippine Political Science Journal (June 1980), pp. 4-12.

¹⁹Francisco Rabang, "The Impact of Autonomous Governments in the Mindanao Area," Philippine Political Science Journal (June 1980), pp. 13-20.

²⁰Tripoli Agreement, 1976.

BIBLIOGRAPHY

Articles

Aguam, Abdul. "Autonomy for Muslim Mindanao in the 1986 Draft Constitution." Unpublished. 1986.

Aguilar, Carmencita T. "The Ethnic Center-Periphery Relationship in Mindanao." Unpublished. 1989.

_____. "The Muslims in Maynila Prior to Colonial Control." ISEAS SEACCA. Singapore: February 1987.

Alonto, Abdul Khayr. "Autonomy by the People." A paper submitted to the President. 1982.

Castro, Emilio M. "Muslim Integration: Its Implications on National Security." Unpublished paper, 1973.

Lingga, Abhoud Syed. "The Cultural Colonization of the Bangsa Moro People." Unpublished. 1987.

Majul, Cesar A. "Cultural Diversity, National Integration Identity in the Philippines." Unpublished. 1971.

Mandi, Pelagio S. et al. "Highlights on the Major Achievements of Autonomous Region IX." Regional Autonomous Government, 1980 Highlights. Canelar Printing Press, Zamboanga City.

Ocampo, Romeo B. "The Autonomous Region in Mindanao: Issues and Answers." Insight, The Daily Globe. October 8, 1989.

Ople, Blas F. "The Moro Question: Myths and Realities," Our Times, The Daily Globe. October 31, 1989.

Pelaez, Emmanuel. Implementing the Tripoli Agreement in Accordance with the Constitutional Processes: The Philippine Government Position. (Government Publication)

Rabang, Francisco. "The Impact of Autonomous Government in the Mindanao Area," The Philippine Political Science Journal. June 1980.

Rodil, B. R. "Whose Ancestral Domain is Mindanao, Sulu, and Palawan?" Moro Kurier, Volume 11 No. 3 April-June 1987, pp. 23-28.

Sukarno, Tanggol. "Why Moros Reject Autonomy." Speaking Out, The Daily Globe November 1, 1989.

Tamano, Mamintal. "The Muslim Problem." Unpublished. February 17, 1973.

Tan, Samuel K. "Historical Perspective and Problems of Muslim Autonomy: Some Policy Implications." Unpublished paper, 1974.

Tawagon, Manuel R. "The Moro Struggle for Self-Determination. A Fourth Alternative." Unpublished. 1987.

Tugung, Hon. Ulbert Ulama and Haj. Al. "Birth Pangs and Growth Pains: Autonomy in Mindanao," Regional Development Communicator, December 2, 1980.

Tugung, Hon. Ulbert Ulama. "The Economics of Development in Autonomous Regions." The Philippine Political Science Journal. June 1980.

Government Documents

The Philippine Government's Peace Efforts in Mindanao

Autonomy Primer

Lupong Tagapagpaganap ng Pook Annual Report on Autonomous Region IX, 1982.

Primer on Regional Autonomy: Its Historical and Political Aspects: Regional Development Communicator, Vol. 2 No. 4, Zamboanga City, 1980.

Regional Development Council Technical Staff, "Development Considerations for the Region," Regional Development Communicator. Vol. 4 No. 1, March 1982.

The 1988 Draft Organic Act of the Autonomous Region in Muslim Mindanao

Point by Point Government's Response to MNLF Demands. Peace and Development Panel for Mindanao and Cordillera.

The Government Commitment to Mindanao Primer on the Mindanao Peace Talks

Republic Act No. 6734, Philippine Congress, Republic of the Philippines. An Act Providing for an Organic Act for the Autonomous Region in Muslim Mindanao. Second Regular Session. July 25, 1988.

Proclamation No. 1628. March 25, 1977.

Presidential Decree 1618.

The Tripoli Agreement, 1976.

*Carmencita T. Aguilar is Associate Professor at the Department of Political Science of the University of the Philippines, Diliman. She is also the President of the Philippine Political Science Association and the Vice-Chairman of the Governing Council of the Philippine Social Science Council.

SOLVING THE MINDANAO CONFLICT THROUGH THE MULTILATERAL APPROACH

Rudy B. Rodil*

Introduction

During the inaugural session of the Regional Consultative Commission for Muslim Mindanao (RCC-MM) in Cotabato City on March 26, 1988, and, later, in the first few sessions in Zamboanga City, Muslim youth demonstrators pooh-poohed it as the Regional Cory's Commission, among others, and accused the government of insincerity, warning that no solution to the Mindanao conflict would be reached without the participation of the various Bangsamoro Fronts. Loudest of all demands was the emphatic call for the implementation of the Tripoli agreement.

When the same Commission's mandate of 150 days expired on 30 September 1988, its task unfinished, it was charged with having wasted away its budget, P20 million of people's money.

When both Houses of Congress passed R.A. 6734: an Act Providing for an Organic Act for the Autonomous Region in Muslim Mindanao, signed by Pres. Corazon Aquino into law on 1 August 1989, the legislators were charged with mutilation of the people's will.

On 19 November 1989, a plebiscite was held to determine which among the 13 provinces and nine cities enumerated in the Organic Act would opt for inclusion in the Autonomous Region. Of the 13 provinces (Davao del Sur, South Cotabato, Sultan Kudarat, Maguindanao, Cotabato, Lanao del Sur, Lanao del Norte, Zamboanga del Norte, Zamboanga del Sur, Basilan, Sulu, Tawi-Tawi and Palawan), only Maguindanao, Lanao del Sur, Sulu and Tawi-Tawi voted in favor. Of the nine cities (Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Puerto Princesa and Zamboanga), not one voted approval. And this was interpreted as a slap on the Aquino government. Or that the constitutional solution to the conflict has failed.

This paper is mainly a *testimonial* to the series of events in which the RCC-MM was a vital part. It is also an assessment of the political value of the Constitutional approach towards the solution of the Mindanao conflict, and of the role played by the RCC-

MM in the process. I was there as participant and witness. This is my version, my perception.

The Constitutional Basis

Hoping to resolve the Mindanao conflict once and for all, the Constitutional Commission laid out the specific steps towards the creation of the Autonomous Region in Muslim Mindanao in seven long sections, namely, Article X, Sections 15 to 21. And the very first step is the establishment of the Regional Consultative Commission. Says Art. X, Sec. 18 in part:

"The Congress shall enact an organic act for each autonomous region with the assistance and participation of the Regional Consultative Commission composed of representatives appointed by the President from a list of nominees from multi-sectoral bodies."

The other autonomous region referred to is the Cordillera.

On the question of where in Mindanao would be the autonomous region, we seek guidance from two sections. Art. X, Sec. 15 states:

"There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and national sovereignty as well as territorial integrity of the Republic of the Philippines."

And Article X, Sec. 18, second paragraph provides:

"The creation of the autonomous region shall be effective when approved by the majority of votes cast by the constituent units in a plebiscite called for the purpose, provided that only provinces, cities, and geographic areas voting favorably in such plebiscite shall be included in the autonomous region."

Forming the Regional Consultative Commission

The legal basis for the formation of the Regional Consultative Commission for Muslim Mindanao was R.A. 6649; the same law defined its tasks, among others.

However, long before the enactment of this law, the Office of the President initiated the selection process. On October 2, 1987, President Aquino enjoined the Peace Commission (OPC) and the Mindanao Consensus-Building Panel (MCBP) to handle the responsibility. In about six months, from October 1987 to February 1988, joint OPC-MCBP teams fanned out in the thirteen provinces enumerated in the Tripoli agreement and processed nominees for the RCC-MM, both those designated as district representatives and at-large. Interviews were done by the joint panels and as soon as the nominees were short-listed to three per district, these were in turn interviewed by the President before final selection.

In the end, 52 people composed the RCC-MM. Twenty-six (26) of these were Muslims, eight (8) identified themselves as Highlanders, and the rest were Christians. A 53rd member was confirmed by the Commission on Appointments on 29 September 1988, the day before the last session ended; he was unable to participate in the body's deliberations.

There being no R.A. 6649 yet to guide them how did the joint OPC-MCBP panel decide on the basis of representation? The Constitution was clear on the matter of "nominees from multisectoral bodies". It was merely a matter of defining what multisectoral bodies were, and they did. These were: highlanders, farmers, fishermen, laborers, professionals, businessmen, traditional leaders and armed Muslim factions. And they were to be private, not government entities that would do the nomination. And the next issue was what specific territorial unit to represent. The only constitutional reference to territory which could be used as basis for representation was "Muslim Mindanao," nothing more. Apparently, the joint panel guided themselves with the policy statement made by President Aquino with respect to Muslim Filipinos on 20 August 1986 in which she expressed a solemn commitment to honor the Tripoli agreement. Also, a scrutiny of the journals of the Constitutional Commission will show that the Tripoli agreement was a basic reference in the formulation of the provisions on regional autonomy.

According to the Tripoli agreement, the territory of the autonomy was made up of the following:

Basilan, Sultan Kudarat, Sulu, Lanao del Norte, Tawi-Tawi, Lanao del Sur, Zamboanga del Sur, Davao del Sur, Zamboanga del Norte, South Cotabato, North Cotabato, Palawan, Maguindanao, and all the cities and villages situated in the above-mentioned areas.

The cities were identified as Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Puerto Princesa, and Zamboanga. These 13 provinces and 9 cities happen to be subdivided into 27 congressional districts. And the district became the basis of territorial representation. The rest, those classified as at-large represented special groups, or sectors. So, altogether, there were 27 district commissioners and 26 at-large. Five (5) slots were kept vacant for members of Bangsamoro Fronts. The latter understandably kept their distance.

Ethnic representation will only have real significance for the Muslims and Highlanders (Lumad). The Muslims were distributed into 8 Maguindanao, 7 Maranao, 6 Tausug, 2 Yakan, 2 Sama and one convert but married to a Maguindanao. The Highlanders (Lumad was never used in the deliberations of the RCC-MM because one member happened to be the acting president of the Mindanao Highlanders Association and insisted on the name "highlander"; there were no objections.) were two Subanon, one part Subanon, two B'laan, one T'boli, one Tiruray and one Cuyunon. The imbalance among the Muslims may be explained by the appointment of at-large commissioners.

High Points in the Work of the Regional Consultative Commission

Under R.A. 6649, RCC-MM had twenty million pesos and 150 days within which to come up with a final report. Oath-taking was presided over by President Aquino herself on March 26, 1988 at Cotabato City. April 4-8 were spent at the Asian Institute of Management, a live-in seminar spiced with group dynamics, workshops and inputs from resource persons. Atty. Jose Nolleco, a member of the Constitutional Commission explained how the provisions on autonomous regions came into being; Rev. Fr. Joaquin Bernas spoke on the Tripoli agreement; Ambassador Pacifico Castro recounted how the Philippine government got entangled with the Organization of Islamic Conference which led to the Tripoli agreement, and Dr. Marilou Palabrica-Costello of Xavier University shared the findings of the study-survey on autonomy done within the 13 provinces by a consortium of universities (Xavier, Ateneo de Davao, Notre Dame

University MSU-Marawi, Western Mindanao State University) and it was found out, among others, that of the Christians who were asked if they wanted their place to be part of the autonomous region, nearly one hundred per cent replied no; a similarly negative response was given by the Lumad, and the Muslim respondents naturally answered in the positive, also by nearly one hundred per cent. The survey impressed on everyone the odds faced by the entire Commission if the intention is to make autonomy acceptable in the 13 provinces and 9 cities. But morale among the Commissioners was high and odds of 7 to 3 or even 9 to 1 was nothing but a battle to be won.

The organizational phase at Zamboanga City lasted until April 19, 1988. The spirit of camaraderie

day of reckoning, more substantive committees went to the Muslims. Unity for common interests won the day for them.

Beyond the phrase "final report", R.A. 6649 said nothing more about the final output of the RCC-MM. During the organizational phase, some time was spent figuring out what this output ought to be. The guiding question was what would be the most worthwhile assistance of the Commission to Congress. The answer agreed upon: a draft organic act. And the reasons bear recalling here. The Commissioners are all long-time residents in the region; they have lived with the problem at hand and are therefore expected to have a feel of the situation better than any grouping. In addition, they would be conducting public consultations at

No amount of recognition and protection and propagation and enrichment of their indigenous culture shall have any meaning unless their ancestral domain is left intact. The milieu of indigenous culture is precisely the area of ancestral domain.

and mutual accommodation was very visible and the first result of this was to have a Muslim chairman and three vice chairmen, one each from the Muslims, Highlanders and Christians. Another was the decision to distribute committee membership on a 40-40-20 principle, meaning 40% Muslim, 40% Christian and 20% Highlander. But as early as the nomination for the offices which was done by group (Muslim, Highlander or Christian), followed immediately by the selection of committee membership, this spirit would emerge for what it was: an illusion. As soon as the Muslims submitted their single nominee for chairmanship, there were subdued expressions of "being violated" among the others. That same evening at past midnight a joint Christian-Highlander meeting was held at one of the backrooms. More expressions of resentment were put forward and suggestions were readily approved to strategize the following day on how to capture chairmanships of substantive committees. But the Muslims did the same thing and on the

both district and regional levels as prescribed by the law.

In the months of May and June, the individual Commissioners went into the consultation process without any agreed format at the Commission level. Neither specific methods nor specific goals were arrived at. It was clear enough what district Commissioners would be doing, but the same was not true with Commissioners-at-large. Thus, consultation methods varied from one Commissioner to another. There were those who went from one barangay to the next or to as many municipalities within their district; there were those who confined themselves to the specifics of their committees and consulted only with relevant groups; there were those who went to several districts; there were those who limited themselves to information drives through radio, and there were those who stayed at home and merely waited for constituents to come. Needless to say the results were as varied as the methodology. Still, on the whole, the

consultation did produce substantial input in a manner that is not easy to quantify. Insights derived from people's comments and translated into concrete proposals cannot be reduced to mathematical terms.

In the month of July and in the first week of August, regional level consultations were conducted in Puerto Princesa City, Zamboanga City, Marawi City, Cotabato City and General Santos City.

Easily the most controversial, meaning touchy issue in almost all the consultations was the name of the autonomy. Non-Muslims generally reacted with alarm over "Muslim Mindanao." This was taken as proof of their suspicion that the Muslims were out to dominate the government of the autonomy. Surprisingly, even Muslims (some being members of the MNLF) sensed the divisive effect of this name; some of the latter in Sulu even commented that the introduction of the phrase was a deliberate ploy on the part of the central government precisely to sabotage the struggle of the Bangsamoro for self-determination.

But because the phrase was claimed to be enshrined in the 1987 Constitution and in reaction to negative feedbacks, advocates and defenders of the name shot back that proposals to delete it were in effect resuming the colonial policy of annihilation, except that now it took the form of deletion.

And so, as early as May and June, the Commission was deeply aware of the temper of the people. Those opposed to the name and were automatically for non-inclusion of their respective places from the territory of the autonomy were the Christian-dominated provinces and cities, as follows: Davao del Sur, South Cotabato, Sultan Kudarat, Cotabato, Lanao del Norte, Zamboanga del Norte, Zamboanga del Sur, Palawan, General Santos City, Cotabato City, Iligan City, Pagadian City, Dapitan City, Dipolog City, Puerto Princesa and Zamboanga City. Generally in favor of inclusion in the autonomy were the Muslim dominated provinces of Maguindanao, Lanao del Sur, Basilan, Sulu, Tawi-Tawi and Marawi City. Such a result reflected the findings of the survey-study shared earlier by Dr. Marilou Costello.

Not surprisingly, the issue of the name became the dominating controversy in the entire Commission and remained unresolved until the last day of the plenary deliberations. For those who were members of the Committee on Preamble, Regional Territory and Declaration of Principles, of which this writer was one, being in the eye of a storm for four months was not exactly a pleasant experience. The turbulence that raged

outside was intensely replicated within the Committee itself.

August to September, especially the last 11 days, were plenary session days. On the evening of the last day, September 30th, the Commission stopped the clock at exactly 11:53 PM and went on *sine die* session. At around 2:00 AM, the chairman of the Committee on General and Transitory Provisions walked out unexpectedly, and shortly thereafter, after a brief recess and consultation, there was a motion for adjournment, and the Chairman declared the session indefinitely adjourned.

What was the status of the envisioned draft organic act at the time of adjournment? The following have yet to be accomplished:

1. completion of second reading for:
 - a. preamble, title, name, territory and declaration of principles;
 - b. administrative organization of the government structure; and
 - c. general and transitory provisions.
2. third reading for the entire draft organic act.

The abrupt ending triggered by the walk-out erased all possibilities of any other decision. As soon as the adjournment was declared, authority for the Commission to deliberate as a body ceased altogether. There was no decision that whatever the Commission accomplished ought to be called a draft organic act.

Value of the Regional Consultative Commission as a Political Process

As a political process the RCC-MM was a first in modern Philippine political life. To put it in proper perspective, however, it must be seen not only as a first but, perhaps, most especially as part of a bigger political exercise.

From the time the late President Marcos consented to negotiate with the MNLF through the mediation of the Organization of Islamic Conference, more specifically the Quadripartite Commission which it created to attend to the Bangsamoro problem, up to the continuation of the same process in the Aquino administration, one will immediately see the bilateral character of the talks. At the same time, one will also notice a consistent failure for the two parties to agree. The provisions of the Tripoli Agreement and the Jeddah Accord will reveal, on closer examination, a failure to agree on substantive matters.

As early as April 1988, there were already comments from key personnel of NEDA from both Regions IX and XII that even if the Autonomous Region were allowed to retain one hundred percent of its tax earnings, it would not be able to sustain itself.

But a most basic weakness of the bilateral process is the exclusion of the millions of people whose very lives happen to be the subject of negotiations. In the Tripoli agreement, for instance, the second provision refers to the 13 provinces and all cities and villages therein as the areas of autonomy "for the Muslims in the Southern Philippines." And yet, one look at the 1970 census will show that the Muslim population constitutes only one-fourth of the total in the areas enumerated. What would happen to three-fourths of the inhabitants? And what about the Lumad groups which are equally in need of autonomy? In the Jeddah Accord, both parties agreed "to continue discussion of the proposal for the grant of autonomy to Mindanao, Basilan, Sulu, Tawi-Tawi and Palawan subject to democratic processes." If the exclusion of the rest of the population is noticeable in the first, it is even more so in the second.

And how were the areas of autonomy chosen? Why 23 provinces? Why not 20 or 15? Why 13 provinces? Why not 12 or 11? Unfortunately, no negotiation documents have so far revealed any close scrutiny or discussion on the basis for selection of provinces and cities for the autonomy. Just to emphasize the obvious, why were the two Zamboanga provinces and the province of Davao del Sur included in the Tripoli Agreement? Apparently it never occurred to anyone to inquire from the Lumad groups whether it was they or the Muslims who have been numerically dominant in these areas.

The introduction of the regional consultative commission in the Constitution and the specific instructions in R.A. 6649 for the Commission to conduct public consultations constitute a radical departure from the bilateral approach. As interpreted by the Office of the President and later confirmed in R.A. 6649 by Congress, each of the 27 congressional districts would be represented in the Regional Consultative Commission, and these in turn were balanced with

sectoral representatives. And so, for the first time in modern Philippine political history, we have gathered together, representatives from Lumads, Muslims and Christians with a constitutional mandate to thresh out a *modus vivendi* among themselves in an autonomous region. The public consultations were bound by law to conduct prior to or as a pre-requisite to substantive deliberations further insured that popular sentiments would be heard and transmitted to the plenary deliberations. Then from the RCC-MM, the work is passed to Congress for final enactment into law. As soon as the President signs the Organic Act into law, it is sent back to the people for judgment in a plebiscite. The cycle from the people to the people is completed. The RCC-MM was in effect part of an entire cycle of a peacemaking process. But then, people would continue to loudly object: the Bangsamoro Fronts had no parts in it, how can it be an instrument of peace? This question carries a mouthful of assumptions which are without solid foundations. In the first place, there is the belief that the cause of lack of peace in the region are the Bangsamoro Fronts; for this reason, they are a necessary party to the restoration of peace. The existence of Muslim-Christian conflict within the area, specifically in Central Mindanao, belies this. Secondly, it is thought that the Fronts unquestionably speak for and in behalf of Bangsamoro inhabitants which by MNLF definition happens to include the Lumad population. Lumad groups generally refer to themselves as Lumad, Highlander, Tribal Filipinos, and the like depending on their orientation, but seldom, if ever, do they call themselves Bangsa Moro. Most often they use their ethnolinguistic names. Finally, it is assumed that differences between the Fronts and the Government could be settled constitutionally. Although elements in the latter may claim to be so, it is more than obvious that whenever they meet at the negotiating table, they speak their own distinct languages over each other's heads.

But how can anyone say the constitutional experi-

ment was successful when the RCC-MM did not reach its goal, and whatever it finished was later supposedly mangled by Congress, and what Congress produced that was approved by the President was later soundly rejected by the majority of the voters during the plebiscite called for the purpose?

The equation seems logical enough. But there is a need to clarify a number of things. First, the failure of the RCC-MM to attain its self-imposed goal is the ultimate result of a complex of issues that revolved around the controversy over "Muslim Mindanao". It certainly had a direct role in the maneuvers of its advocates to delay and postpone the deliberations on the name to the last minute. The tensions that were created in the process raised other complications. There were also administrative matters, in decisions included, that hampered rather than facilitate deliberations both at the Committee and Commission levels. Altogether, finally, the issues reflect the very social dynamics obtaining in the region among the Lumad, Muslims and Christians which the Commission as a whole cannot claim to have overcome.

The failure of the RCC-MM to achieve its goal of a completed draft organic act should not mean a total failure to undertake its principal task of assisting Congress in drafting the organic act. There was much substance in the final report, the will and sentiments of the people were generally reflected in the provisions. After the Mindanao Affairs Committee in the Senate and the Local Government Committee in the House heard from the Commission, the bills for the organic act filed in both Houses were faithful reflections of what RCC-MM had accomplished. What was left of the original final report when both Houses passed the act must be considered in light of additional factors like the constitutionality of certain provisions, the contradictions among the provisions and others which the RCC-MM did not resolve by themselves in the first place. Insertions in Congress where no RCC-MM made provisions existed cannot possibly be regarded as a case of mangling. But we shall have space below for some internal analysis of the organic act.

The so-called rejection by the majority of voters in the region which is equated as the rejection of the constitutional approach and the Cory solution is a case of static and simplistic quantification. It has been known in the proposed area of autonomy by those scholars from a consortium of Mindanao universities who did a study in 1987 about the acceptability of autonomy and came out with the results in March 1988 that those in favor were generally the five Muslim-dominated provinces. Participants in the public

consultations have warned of the same results and there were those who advised that the RCC should stop wasting its time with places that do not want to be part of autonomy. In short, those who were generally opposed to autonomy remained so from beginning to end; and those who were in favor remained in favor. There were no noticeable substantial deviations.

And the reasons given in the study were the same reasons repeated in the consultations and, later, in the information drive. It was the Muslims who have fought for autonomy and it was naturally they who favored its establishment. Non-Muslims, whether Christians or Lumad, were quite consistent in their perception that autonomy was for the Muslims and not for them. Put negatively, they say that they do not want to be dominated by the Muslims. One personal experience is worth recalling here.

One week before the November 19, 1989 plebiscite, I inquired from my four classes in History 55 (History of the Moro people and the Lumad groups of Mindanao) whether they have heard of autonomy in Muslim Mindanao and the organic act and the plebiscite. They said yes. These students came from all over Mindanao. I asked them if they wanted to have their place as part of the autonomous region. Ninety-four percent said no. Asked why, the most common reason given was they did not want to be dominated by the Muslims. Then I gave them a copy each of the organic act and together we looked for provisions saying that Muslims would dominate the Christians. There was none. Instead there were a number on equality. Also, the overall impression was that there was nothing in the act that would prejudice the Christians. There were also advantages for those which would become part of the autonomy. Yet, when a second round of voting was done, the same ninety-four percent voted no. By the heart, from all appearances.

Judging the Product: Reviewing Certain Points in R.A. 6734: An Act Providing for an Organic Act for the Autonomous Region in Muslim Mindanao

There are four items in political life that the autonomous region for Muslim Mindanao cannot do without: (a) the inhabitants of the autonomy; (b) the territory of the autonomy; (c) the political power of the autonomy, and (d) the resources of the autonomy.

Put in question form, these four items can be put, as follows: (a) For whom is autonomy? (b) Where is autonomy? (c) What is the political power of the autonomy? (d) With what does the autonomy sustain itself?

It must be clear from the very start that assessing the organic act along these four items is not possible without at the same time touching the 1987 Constitution; it will also be evaluating the basic law of the land. According to Article X, Sec. 15 of the 1987 Constitution, it is the mold within which the organic act must be and was formed.

For Whom is Autonomy? Where is Autonomy?

The nearest clue to this is Art. X, Sect. 15, as follows: "...Muslim Mindanao...consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics." The "ancestral domain" in Sec. 20 of the same Article.

The second paragraph of Article X, Sec. 18 provides us with our final lead. It states:

"The creation of the autonomous region shall be effective when approved by majority of the votes cast by the constituent units in a plebiscite called for the purpose, provided that only provinces, cities and geographic areas voting favorably in such plebiscite shall be included in the autonomous region."

The clues cited are not in any way conclusive, as every working member of the RCC-MM's Committee on Preamble, Regional Territory and Declaration of Principles would testify.

What is the meaning of "Muslim Mindanao"? It is open to at least eight interpretations, and each corresponds to a specified territory ranging from 23 to 0 provinces. Here goes:

a) If by Muslim Mindanao we mean the Bangsamoro Ancestral Home land as claimed by the MNLF, then the territorial equivalent is 23 provinces or the entirety of Mindanao, Sulu Archipelago and Palawan.

b) If by Muslim Mindanao we mean those areas traditionally inhabited though not necessarily dominated numerically by the Islamized ethnolinguistic groups, the equivalent is a territory encompassed within but not the entirety of 16 provinces (add Bukidnon, Davao Oriental, Davao del Norte and Davao City to those enumerated in the Tripoli Agreement).

c) If by Muslim Mindanao we mean the American-created Moro Province (1903-1914) which was made up of the undivided provincial

districts of Davao, Cotabato, Lanao, Zamboanga and Sulu, the territorial equivalent today is 14 provinces.

d) If by Muslim Mindanao we mean the areas specified in the Tripoli Agreement, the territorial equivalent is 13 provinces and nine cities.

e) If by Muslim Mindanao we mean the jurisdiction of the former autonomous governments of Region IX and XII, the territorial equivalent is 10 provinces. Sultan Kudarat, Maguindanao, Cotabato, Lanao del Sur and Lanao del Norte, including the cities of Cotabato, Marawi and Iligan for Region XII, and Zamboanga del Norte, Zamboanga del Sur, Basilan, Sulu and Tawi-Tawi, including the cities of Pagadian, Dapitan, Dipolog and Zamboanga for Region IX.

f) If the reference is to those areas enumerated in R.A. 6649, the territorial equivalent is 13 provinces and nine cities, more or less. The latter qualification was deemed necessary so as not to bind the RCC-MM and Congress in its deliberations. We may also include here a slightly distinct interpretation which refers specifically to the provinces and cities from which the RCC-MM members were drawn; slightly distinct because of the absence of the qualification "more or less".

g) If the focus is specific upon those provinces and cities which are predominantly Muslim according to the Primer of the 1987 Constitution (which according to Atty. Nolleto was never approved by the Constitutional Commission) and the national census of 1970 and 1980, the territorial equivalent is the combined areas of Maguindanao, Lanao del Sur, Basilan, Sulu and Tawi-Tawi. The only city would be Marawi.

h) If by Muslim Mindanao we mean, and the Constitution gives us no choice but to accept this meaning, "only provinces, cities and geographic areas voting favorably in such plebiscite", then the territorial equivalent is fluid (although this is already theoretical at present), ranging from 13 to zero, or vice-versa.

Let us now see how these various interpretations would affect the issue of "for whom is autonomy." Notice that the only clear lead we have is the word "Muslim" in Muslim Mindanao. Thus, if we have to answer the question "for whom" we are constrained to look elsewhere. But if we look elsewhere, and this means the realities of the region, what do we see? The Christian population, and this means at least 70% of

the people in the 13 provinces and nine cities, has not expressed any interest in autonomy. The Lumad groups for their part have only started to articulate their desire for self-determination in the mid-80s and have not been specific on the form. Statistically, they constitute about five percent of the total population in the 13 provinces and nine cities. And this leaves us with the Islamized ethnolinguistic groups, the core of the MNLF-led Bangsamoro struggle for self-determination, constituting about 25% of the total inhabitants in said region. But the Constitution fell short of stating that the autonomy was for the Muslims. So, for whom indeed?

We referred to "Muslim" as the only clear lead because the continuation of the provision "...consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics..." certainly does not square-off with 13 provinces and nine cities. As the territory expands from a base, say, of five provinces (Maguindano, Lanao del Sur, Basilan, Sulu and Tawi-Tawi) "Muslim Mindanao" loses its appropriateness and must give way to cultural diversity. In the five provinces, only the Tiruray of the Lumad groups are included, confined to two adjacent towns in the province of Maguindano. In the 13 provinces, we have the 13 Islamized ethnolinguistic groups and at least 12 Lumad ethnolinguistic groups. If we include the Christian population into the picture, then we have a situation that puts autonomy in an entirely different light.

The dominant presence of the Christian population becomes by itself a very potent argument against confining "for whom" to the Muslim population, and opens the way to giving serious consideration to geographical autonomy within which the major segments of the population, in this case, the Muslims, Lumad and Christians, will have to work towards a *modus vivendi* on the basis of equality of rights. And it seems that by force of reality rather than by virtue of clear constitutional provisions, the Executive Branch has favored geographical autonomy. Which is a departure from the usual twentieth-century political arrangement of giving autonomy to minority groups.

The fact that we have to do a lot of speculation and elimination and stretching to be able to figure out the territory of the autonomy and for whom is autonomy is itself an indication of a basic weakness in the constitutional provisions. And this inadequacy touched off a series of other problems, and I know whereof I speak because the RCC-MM became the

first deliberative body to try to find clarity amidst ambiguity. But could the Constitutional Commission have done otherwise? I do not think so as the following exchange with Rev. Fr. Joaquin Bernas would show.

In his column at the Manila Chronicle (3 January 1989), Fr. Bernas who was a member of the Constitutional Commission strongly spoke in support of Muslim Mindanao. As a matter of fact, he entitled his column for that day "What's so bad about Muslim Mindanao?" He said in part:

"The name of the Mindanao autonomous region itself should reflect the rationale for the existence of the autonomous region. The constitutional provision is formal recognition that there are regions in the Philippines where the Muslim culture is dominant. The constitution wants that culture preserved. Part of the process of preservation and enhancement must be a suitable name for the region, a name that can capture the color of Muslim culture..."

Then he closed with the exhortation: "Give Muslim Mindanao a chance to be truly native - and Muslim".

No one would really argue with this provided that it did not mean 13 provinces and nine cities. I wrote to him in reaction to his column and following is what I said in part (5 January 1989).

"...when you say, 'Give Muslim Mindanao a chance to be truly native - and Muslim', non-Muslims, the Tribal Cultural Communities spontaneously excluded, and yet they, too, all 12 tribes of them in the 13 provinces, are native. Do they have less right to a name they can call their own in the areas of the region where they too are indigenous because they are less in number? And what about the Christian inhabitants who by a twist of colonial history became the majority in eight of the 13 provinces, have they lost the right to a name? Because they were born of migrant parents, most of them?"

His reply appeared in the same column of the Manila Chronicle, dated 20 January 1989. He said in part:

"Let me just say that I am not firmly wedded to the name Muslim Mindanao. But I am wedded to the conviction that the autonomous region must be given a chance to choose its own name."

His change of tone is actually no less than a shift in position from Muslim-centered autonomy to a

geography-centered one. Which inevitably arouses the suspicion that the ConCom delegates as a whole were not appropriately informed about the social realities in the 13 provinces. And a reading of the ConCom proceedings confirmed this. What they had in abundance was goodwill and an honest-to-goodness desire to bring the Mindanao conflict to an end. But what the implementors of the Constitution discovered is that such an end cannot be attained without giving due consideration to the other major segments of the population. So, how did Congress try to resolve the problem in the organic act? It adopted the proposal of the RCC-MM but added a clause allowing for a change of name, as follows:

"The name of the Autonomous Region shall be the Autonomous Region in Muslim Mindanao unless provided otherwise by Congress upon the recommendation of the Regional Legislative Assembly". (Sec. 1, Art. I)

And in recognition of the basic differences of the three major segments of the region's population, Congress combined Sections 7 and 8, Art. III (Declaration of Principles and Policies) of the RCC-MM's Final Report and entered it as Sec. 5, Art. III of the Organic Act (R.A. 6734), as follows:

"The Regional Government shall adopt measures to ensure mutual respect for the protection of the distinct beliefs, customs, and traditions among its inhabitants in the spirit of unity in diversity and peaceful coexistence: Provided, That no person in the Autonomous Region shall, on the basis of creed, religion, ethnic origin, parentage or sex, be subjected to any form of discrimination."

Before we proceed to the section on political power, let me just point out that the basic design of R.A. 6734 is for 13 provinces and nine cities, geography-oriented, calculated to accommodate all the three major segments of the population. But if the Constitution had been more definite about the Muslim character of the autonomy, then the design of the organic act would have been made to fit the Muslim-dominated areas. This of course is wishful thinking, a post mortem, an academic discourse.

Political Power of the Autonomy

Political power is at the heart of the autonomy question. It has been said that the Marcos autonomy in Regions IX and XII was no real autonomy, just an administrative arrangement where there is mere delegation rather than real transfer or devolution of power.

Not surprisingly, there were not lacking warnings against a repetition surfacing during public consultations. The RCC-MM Commissioners were well aware that there had to be a devolution of real power.

The constitutional provisions with respect to what powers would be devolved were most clear in this regard. It was merely a matter of balancing central government authority and autonomous powers. The RCC-MM proposals were contained in Article IV (Government Structure) and Article VI (Inter-Governmental Relations) of the Final Report, very specific and detailed. There was no mutilation in Congress. Although the subject was distributed in Articles IV, V, VI and XIX of the Organic Act, one would notice that the final version was simpler, sharper and shorter. One important addition which was not in the RCC-MM version was the immediate transfer of control and supervision of line agencies of the National Government to the Regional Government, namely those dealing with local government, social services, science and technology, labor, natural resources, and tourism, including personnel, equipment, properties and budgets. The others were scheduled for a later date. And what about budgetary support? We quote from Art. XIX, Sec. 4, Par. 3:

"The National Government shall continue such levels of expenditures as may be necessary to carry out the functions devolved under this Act: Provided, however, That the annual budgetary support shall, as soon as practicable, terminate as to the line agencies or offices devolved to the Regional Government."

There was also the provision for the creation of an Oversight Committee that would supervise the transfer of powers, functions, properties, assets, liabilities, personnel and so on. One could see that Congress really stretched to the limit the devolution allowed by and within the Constitution.

We close this section by citing Art. V, Sec. 2 of R.A. 6734 or the Organic Act for Muslim Mindanao:

"The Autonomous Region is a corporate entity with jurisdiction in all matters devolved to it by the Constitution and this Organic Act as hercin enumerated:

- 1) Administrative organization;
- 2) Creation of sources of revenues;
- 3) Ancestral domain and natural resources;
- 4) Personal, family and property relations;
- 5) Regional urban and rural planning

- development;
- 6) Economic, social, and tourism development;
 - 7) Educational policies;
 - 8) Preservation and development of the cultural heritage;
 - 9) Powers, functions and responsibilities now being exercised by the departments of the National Government except:
 - a) Foreign affairs;
 - b) National defense and security;
 - c) Postal service;
 - d) Coinage, fiscal, and monetary policies
 - e) Administration of justice;
 - f) Quarantine;
 - g) Customs and tariff;
 - h) Citizenship;
 - i) Naturalization, immigration and deportation;
 - j) General auditing, civil service and elections;
 - k) Foreign trade;
 - l) Maritime, land and air transportation and communications that affect areas outside the Autonomous Region; and
 - m) Patents, trademarks, tradenames, and copyrights; and
 - 10) Such other matters as may be authorized by law for the promotion of the general welfare of the people of the Region."

Still, many people cannot help but wonder about the real implications of that phrase "subject to the provisions of the Constitution" and "national laws" found all over the Act.

The Gut Level Issue or How to Sustain the Economic Life of the Autonomy

As early as April 1988, there were already comments from key personnel of NEDA from both Regions IX and XII that even if the Autonomous Region were allowed to retain one hundred percent of its tax earnings, it would not be able to sustain itself. It would continue to require financial subsidy from the national government.

Sometimes in some Committee meetings, but usually in private conversations among the Commissioners, it was often said that it was important that the

three highly-urbanized cities of Zamboanga, Iligan and General Santos should be persuaded at all cost to join the autonomy. Combined, the three of them could sustain a large portion of the cost of operating the autonomy. Unfortunately, nobody could tell for sure by how much. And the simple reason was really that no one knew the cost of running an autonomous government.

But perhaps the most unfortunate experience of the RCC-MM was that there was no in-depth discussion, whether at the Committee or the Commission level, of the natural resources of the region in an attempt to figure out the economic viability of the region. Very few Commissioners knew, for instance, that metallic mineral resources in commercial quantities are to be found only in Zamboanga del Sur and Sultan Kudarat; copper in Zamboanga del Sur and Sultan Kudarat; gold and silver, iron (lump ore), lead and zinc and manganese only in Zamboanga del Sur. Non-metallic mineral reserves: cement raw materials in Iligan; limestone in large quantities in Maguindanao, and a greater portion in Zamboanga del Sur. Thus, no one had any scenario corresponding to, say 10 provinces, or five provinces. Even in the discussion of the P10 billion subsidy from the National Government for ten years as seed money for the Autonomous Region (the original proposal was P20 B for an indeterminate period), there were only vague and general references to so much percent of the coconut industry being contributed by Mindanao, or so much percent of the wood industry being supplied by Mindanao, and so on and that the subsidy was merely an attempt on the part of the Autonomy to recover what has been taken from Mindanao. No specific figures and statistics were cited for each of the 13 provinces and nine cities.

And now comes the results of the plebiscite. Only the provinces of Maguindanao, Lanao del Sur, Sulu and Tawi-Tawi constitute the Autonomous Region in Muslim Mindanao. One cannot help but be anxious for the economic future of a region where about the only abundant natural resources one could cite are people, water, fish, and patches of forest cover.

An integral part of the discussion on economy and natural resources is ancestral domain. Let us first have a look at the Final Reports definition of ancestral domain (Art. VIII, Sec. 49):

"All lands and other areas belonging to the indigenous cultural communities in the Autonomous Region by historic right or equitable or imperfect title, by customary title, by actual or constructive

occupation and possession including alienable and disposable lands of public domain, lands of the public domain undisposed of or leased, forests, pasture lands, and hunting grounds and trees, ancient settlement sites, air spaces, and such other areas as may be so classified by law are hereby declared as ancestral domain; PROVIDED, That valid claims of ownership over lands which have been disposed of by the indigenous cultural communities, donated to or acquired by the inhabitants of the region in accordance with customary laws of a specific tribe or the Philippine laws shall be respected and guaranteed; PROVIDED, FURTHER, That these acquisitions have been made in good faith."

Notice that ancestral domain includes lands which are alienable and disposable including bodies of water, forest and mineral areas, which in Philippine laws on natural resources are inalienable and non-disposable. Thus, if we talk of developing and exploiting the natural resources of the region we are most likely intruding into the domain of the various indigenous communities. Or maybe intruding is a bit too mild. The truth is there is a very real contradiction between State interests and tribal interests. How did we feel about this contradiction in the RCC-MM?

Those directly involved were the members of the Committee on Ancestral Domain and Agrarian Reform. Its task was to define ancestral domain in accordance with customary laws and state laws within the framework of the 1987 Constitution. Tall order. But exciting. The 1987 Constitution is the basic law of the land to recognize ancestral domain and upholds and protects the same; the RCC-MM had the first crack at attempting a workable definition. Not very long after the first Committee meeting, the members discovered a seemingly insurmountable contradiction — within the Constitution itself. And my own description of it is: what the right hand has given away with a smile, the left hand has taken away without the courtesy of a smile. And not too far from each other in the same Article XII on National Economy and Patrimony. Section 5 says:

"The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous communities to their ancestral lands to ensure their economic, social and cultural well-being.

"The Congress may provide for the applicability of customary laws governing property

rights or relations in determining the ownership and extent of ancestral domain."

Apart from the modifying clause "subject to the provisions of this Constitution and national development policies and programs" which in itself is ominous because there is already the element of double talk, there is further Section 2 of the same Article which is a straightforward assertion of State interest, to wit:

"All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated." (Underscoring supplied)

We in the Committee figured that the only way out to assert the interest of the tribal communities is to convert areas of ancestral domain into local political units which in effect would make them an extension of the State, vested with corporate powers and could assert control, even proprietary rights over ancestral domain or those portions claimed as owned by the State. This explains that last paragraph in the RCC-MM proposal on ancestral domain, namely Art. VIII, Sec. 49, par. 2: "Such areas of ancestral domain may be declared as political units, subject to national and regional laws."

Congress, however, decided to take the easy way out — uphold the interest of the State. Thus, after the definition of ancestral domain in the organic act (Art. XI, Sec. 1, Par. 2) it added that fatal phrase:

"except: strategic minerals such as uranium, coal, petroleum, and other fossil fuels, mineral oils, and all courses of potential energy; lakes, rivers and lagoons; and national reserves and marine parks, as well as forest and watershed reservations."

"*Wala ng itinira*" was one reaction to this *coup d'grace*.

As if this was not enough, Sec. 2, Par. 2, Art. XIII provides that "...when the natural resources are located within the ancestral domain, the permit, license, franchise or concession, shall be approved by the Regional Assembly after consultation with the cultural community concerned". The approval by the Assembly is just fine, but the word "consultation" has no fixed meaning in Philippine political life. It got into the 1987 Constitution in reaction to the negative experience

during the dictatorial regime of the late Pres. Marcos. But if we are to judge the public consultations conducted by the members of the RCC-MM, it can mean any one of several things except: "the will of the majority of those consulted is binding".

One can understand the insistence of the central government to exercise direct control over strategic minerals and similar resources, but other forms of arrangement by which indigenous communities can somehow benefit could have been provided for. Through shares of equity or profit, for example. Both the Senate and the House of Representatives may not be aware of it, but they have just hit the Lumad where it hurts most. It is like crippling them first, then providing them with all the technical assistance for participation in a marathon. Not only have the poor Lumads failed to obtain a seat in the Legislative Assembly of the Autonomous Government, they also might miss membership in the regional cabinet because such is contingent on the mood of the Regional Governor. But the most serious reason why they are the biggest losers in the Autonomous Region is the State assertion of proprietary right over strategic natural resources within areas of ancestral domain. Because of this, we may conclude in their behalf: no amount of recognition and protection and propagation and enrichment of their indigenous culture shall have any meaning unless their ancestral domain is left intact. The milieu of indigenous culture is precisely the area of ancestral domain. The Autonomous Government is merely the bigger structure which will provide umbrella protection to areas of ancestral domain.

Lessons and Conclusions

Was the multilateral or constitutional approach towards solution of the Mindanao conflict a success? It may be too soon to judge; the regional autonomy in Muslim Mindanao has not had time to prove itself. But we can certainly learn some lessons from the process.

First, it was a breakthrough in social conflict resolution, one that illustrates a complete cycle of "from the people to the people," one that demonstrates an active interaction between government and people. There was close interaction between government and people in the way the RCC-MM Commissioners were chosen; there was another round of interaction when the Commissioners conducted public consultation; a refinement process took place among the Commissioners, between the Commissioners and responsible Congressional Committees, and in the Congressional deliberations, then after the President affixed her signature the organic act was passed back to the people for final judgment in a plebiscite. There were kinks along the way but these did not nullify the positive gains of the entire process.

Second, some fundamental weaknesses point to the Constitution as the controlling factor. It was not clear on for whom is autonomy, or which part of Mindanao the autonomy is going to be in, and the contradiction in the provisions on ancestral domain too fundamental to be resolved to the satisfaction of the indigenous communities. A constitutional amendment is certainly in order here.

Finally, the public consultations and other public fora on the organic act prior to the plebiscite have brought to the surface popular prejudices and perceptions among Muslims, Lumad and Christians which concerned educators and church leaders cannot help but respond to positively. If these mutual perceptions were properly quantified, they can actually be used as take-off points for dialogues and workshop-seminars organized for the purpose of transforming the social atmosphere into something more harmonious and healthy to all concerned.

**Rudy B. Rodil was a member of the Commission which drafted the Organic Act for Muslim Mindanao. He is also a faculty member of the Mindanao State University in Marawi City.*

THE CORPORATE STOCK DISTRIBUTION SCHEME IN AGRARIAN REFORM: A STUDY ON HACIENDA LUISITA

*Dolores M. Tan**

BACKGROUND

On August 1, 1988, just two months after the passage of the Comprehensive Agrarian Reform Program (CARP) or RA 6657 into law, the Cojuangco family established a new company by the name of Hacienda Luisita Incorporated (HLI). HLI was formerly Tarlac Development Corporation (TADECO). It is the newest company to comprise the Hacienda Luisita agro-industrial complex. The complex, which is presently managed by the Jose Cojuangco and Sons, Inc., also includes the Central Azucarera de Tarlac, Tarlac Distillery Corporation, Luisita Marketing Corporation, Luisita Refinery, Luisita Golf and Country Club, Luisita Realty and the TADECO. Thus, HLI is but a small part of the Cojuangco "empire" engaged in sugar production and the industrial development.

However, the formation of the HLI is seen as nothing but an attempt by the Cojuangco family to evade physical distribution of land. The *Asamblea ng mga Manggagawang Bukid sa Asyenda Luisita (AMBALUS)*, an organization in the hacienda which claims to represent more than 2,000 farmworkers, accused the hacienda management of cheating in the polls when the stock transfer option won over land distribution. The referendum which was held inside the estate on October 14, 1989 was crucial to the stock-sharing agreement provision of the Comprehensive Agrarian Reform Law (CARL) because it would signify the farmworkers-beneficiaries acceptance of the scheme. Senate Minority Floorleader Juan Ponce Enrile even lambasted the Aquino administration for allegedly using CARL to "get away from previous commitment of the family with government when it acquired Hacienda Luisita in the 1950s."¹ To better understand the HLI controversy, a brief historical background is deemed necessary.

THE ACQUISITION OF HACIENDA LUISITA

The key player in the acquisition of the 6,431 hectares of Hacienda Luisita and the Central Azucarera de Tarlac for the Cojuangco family was not a Cojuangco at all, but rather Ninoy Aquino.² During the 1950s, the labor problem in the Hacienda was so intense which apparently led to the decision of the former owner, *Compania General de Tabacos de Filipinas (Tabacalera)* to sell out in 1957. As mayor of Concepcion, Ninoy Aquino had to intervene on the hacienda to pacify the labor un-

rest. He was asked by President Magsaysay if he would like to purchase the Tabacalera estate. One year earlier, the Lopez family had acquired the Pampanga Sugar Mill (PASUMIL) from the American sugar giant, Spreckles.³ Magsaysay wanted to keep the Lopez family from getting hold of the property.

The participation of Magsaysay was only part of how the Cojuangcos were able to make the purchase of the estate. They considerably needed financing. They incurred two loans provided through the government. The first was a loan worth P5,911,000 from the Government Service Insurance System (GSIS). The second was a foreign loan of \$2,128,480 secured from the Manufacturers Trust Company of New York.⁴ This was reportedly packaged by former Central Bank Governor and Jose Cojuangco's associate, Jobo Fernandez.

As the owners were foreigners, they demanded that the payment should be made in dollars. The Cojuangcos then sought the Central Bank Monetary Board's approval of the government loan. The Central Bank acceded to the request provided that:

"...there shall be a simultaneous purchase of Hacienda Luisita with the purchase of the shares, with a view to distributing this hacienda to small farmers in line with the administration's social justice program."⁵

However, this clause was also included the year before in the Lopez contract to purchase PASUMIL and was copied word for word from the agreement, implying it was merely a formality.⁶ Furthermore, the Board of Trustees of the GSIS through Resolution No. 1085 originally approved a much larger loan of P7,000,000 on May 7, 1957, exactly 5 days after Jose Cojuangco's request. The government loan had no conditions but was made only "subject to the approval of the President of the Philippines." However, this resolution was altered after the death of Magsaysay. His successor, President Garcia, and Ninoy Aquino were not in amicable terms because the latter and the Cojuangcos openly supported the campaign of Magsaysay's associate, Manuel Manahan. And so six months later, another resolution approving a smaller amount of P5,911,000 was passed. This time it was subject to several conditions, among them:

"...that the lots comprising the Hacienda Luisita shall be subdivided by the applicant-corporation among the tenants who shall pay the cost thereof under reasonable terms and conditions"⁷

On February 5, 1958, the GSIS Board passed a resolution amending Resolution No. 3202 and changing the name of the applicant from Jose Cojuangco and Associates to Tarlac Development Corporation (TADECO). The condition of distribution was slightly different from what was stipulated in the previous resolution:

"...the lots comprising Hacienda Luisita shall be subdivided by the applicant-corporation and sold at cost to the tenants, should there be any, and whenever conditions should exist warranting such action under the provisions of the Land Tenure Act,"⁸

With the proceeds of the loans secured from the Manufacturers Trust Company of New York and from the GSIS, the Cojuangco family succeeded in acquiring Hacienda Luisita for the price of P3,988,000 and the 106,424 shares in the Central Azucarera de Tarlac at a total price of \$2.1M or \$20 per share.

THE GOVERNMENT'S LEGAL CLAIM

On March 2, 1967, 10 years after the Cojuangco family acquired Hacienda Luisita, Jose Cojuangco received a letter from Governor Conrado Estrella of the Land Tenure Administration asking him what he had done to fulfill the condition of the Monetary Board. He replied that it was not necessary to implement the condition because there were no tenants in the Hacienda Luisita. He further stated that "it was doubtful whether the Central Bank had the power to impose that condition which was so alien to its function of stabilizing the country's monetary system."⁹

The Cojuangcos did not hear from the government again until May 5, 1977 when Governor Gregorio Licaros wrote the heirs of Jose Cojuangco asking them what steps had been taken to sell the land to tenants.

In 1978, when Ninoy Aquino, who was then in prison, announced his candidacy for the elections to the Interim Batasan, the Cojuangcos were again asked what they had done to implement the distribution of the Hacienda Luisita to small farmers. The TADECO Vice President sent a response to Deputy Prime Minister Ernesto Valdez which stated that it was "extremely unwarranted to make us account for the fulfillment of a condition that cannot be enforced."¹⁰

On May 7, 1980, the day before Ninoy Aquino left for a bypass operation in the United States, the government filed a case against the Cojuangco family (including the incumbent President) for failure to comply with the

conditions of the loan. The plaintiffs included the Central Bank (or Monetary Board), the GSIS and the Department of Agrarian Reform (DAR). However, it was only in 1983 when Ninoy Aquino was assassinated that the government began to conduct hearings.

Nothing much happened until 1986 when Corazon Aquino announced her plan to run against President Marcos in the snap election. The Regional Trial Court resolved the case in favor of the plaintiffs:

"WHEREFORE, the Court sentences defendants to jointly and severally, to comply with Central Bank Resolution No. 1240, dated August 27, 1957, in relation to GSIS Resolution No. 3202 and 356 requiring the distribution and sale at cost of Hacienda Luisita to "small farmers in line with the Administration's social justice policy."¹¹

Unfortunately, the February revolution intervened and put President Aquino into power. Subsequently the Cojuangcos appealed the aforesaid decision. On September 17, 1987, Solicitor-General Francisco Chavez requested the suspension of the case to see whether or not the Central Bank, the DAR and the GSIS would still pursue their case before the court. The agencies, according to Chavez, "expressed lack of interest...and offered no objection to the dismissal of the case."¹²

On March 7, 1988, the Central Bank, GSIS and the DAR officially moved for the dismissal of the case.

Eleven days after, the Court of Appeals complied.

THE STOCK SHARING SCHEME UNDER CARL

The dismissal of the case against the Cojuangco family was made pursuant to the pronouncement of President Aquino that Hacienda Luisita will eventually comply with CARL through the stock sharing provision of the law, which initially appeared on the final version of Executive Order No. 229.¹³ This was supported by the declaration of then DAR Secretary Philip Ella Juico that his Department "found no legal impediment to the intention of TADECO to apply for coverage under the law."¹⁴ Evidently, the Court of Appeals in a resolution dismissing the case, specified the inclusion of Hacienda Luisita under CARL and set forth the conditions quoted as follows:

1. Should TADECO fail to obtain the approval of the stock distribution plan for failure to comply with all the requirements for corporate landowners set forth in the guidelines issued by the Presidential Agrarian Reform Council (PARC); or
2. If such stock distribution plan is approved by PARC, but TADECO fails to initially implement it:

Consequently when the CARP was finally formulated into law, TADECO applied for coverage and established Hacienda Luisita Incorporated (HLI) as a spin-off corporation. To facilitate compliance with the requirements of the CARL, TADECO "transferred and conveyed its agricultural land and such properties, assets, equipment, rights, interests and accounts necessary, incidental and/or related to its operations, including liabilities, obligations and encumbrances" to Hacienda Luisita.¹⁵

The formation of HLI was sanctioned by the corporate stock distribution program enshrined in Section 31 of CARL which states that:

Corporations owning agricultural lands may give their qualified beneficiaries the right to purchase such proportion of capital stock of the corporation that the agricultural land, actually devoted to agricultural activities, bears in relation to the company's total assets.

To prove that the scheme is indeed an option for farmworkers who want to till their own land, the provision further stipulates the following:

a) In order to safeguard the right of beneficiaries who own shares of stock to dividends and other financial benefits, the books of the corporation or association shall be subject to periodic audit by certified public accountants chosen by the beneficiaries.

b) Irrespective of the value of their equity in the corporation or association, the beneficiaries shall be assured of at least one (1) representative in the board of directors, if one exists, of the corporation or association.

Section 31 of the CARL had as one of its bases the social justice provisions of the Constitution. Specifically Article XIII Section 4 prescribes that:

"The State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a just share of the fruits thereof."

But while it is true that Hacienda Luisita was formerly TADECO, the Board of Directors of the new corporation upon its establishment in August 1988 was not exactly similar as that of TADECO. Ernesto G. Teopaco, one of the board members of TADECO was not on the board of HLI. Nonetheless the post was filled by his wife, Paz Cojuangco Teopaco. Their corporate officers also differed. However, Pedro Cojuangco was President of both corporations.

Although the Board of Directors of the two corporations were almost identical, their portfolio of assets differed to a great extent (see Table I). As previously mentioned, HLI was set up to facilitate the acquisition of stock by the farmworkers. TADECO transferred to the new company all of its agricultural land and equipment necessary for the operation of HLI. These were said to have an appraisal value of P590,554,220, the value of the agricultural land being P196,630,000 and the other assets, P393,924,220. TADECO retained its holding in the other family corporation and the majority share of the stock in the HLI.¹⁶

THE STOCK SHARING SCHEME UNDER THE MEMORANDUM OF AGREEMENT (MOA)

On May 11, 1989, a "Memorandum of Agreement" implementing corporate stock distribution program on HLI was signed by TADECO Vice President Ernesto G. Teopaco, HLI President Pedro Cojuangco and no more than 27 to 30 of the supposed 7,000 farmworker-beneficiaries who were represented by the United Luisita Workers Union (ULWU). The signing was attested by then DAR Secretary Philip Ella Juico.

The transaction between TADECO and HLI which involved the transfer of 4,915.75 hectares of agricultural land to HLI was contained in the agreement. The value of the land is P40,000 per hectare or a total of P196,630,000. This represents 33.296% of the HLI total assets which amount to P590,554,220 Under Section 31 of the CARL, the percentage of the company's agricultural land in relation to its total assets should also be the proportion of the outstanding capital stock that will be distributed to the beneficiaries.

In the agreement, farmworker-beneficiaries are to receive, at no apparent cost 1/30 (one-thirtieth) of P118,391,976.85 or 118,391,976.85 shares at the end of each fiscal year for a period of 30 years. The said number of shares, which is 33.296% of the outstanding capital stock of P355,531,462 will be distributed on the basis of the number of days that each worker has worked. The Cojuangcos will retain the ownership of 66.704% of said capital stock.

The agreement further provides that aside from the shares of stock, a host of other benefits will be given to the workers. The scheme boasts of providing the farmworkers 3% of gross earnings from the production of agricultural land, whether in the form of cash dividends or incentive bonuses or both. It also allocates for free a 240-meter homelot or residential lot to every farmworker. Lastly, the scheme allows collective bargaining agreement that will ensure a 100% hospitalization and medical plan for all employees and farmworkers plus their families, service and amelioration bonuses, in-

terest-free loan for education and retirement gratuity.¹⁷

IMPLICATIONS

President Aquino was once quoted as having said that the corporate stock distribution scheme for the Cojuangco-owned Hacienda Luisita is a "model program for other hacienda owners to emulate."¹⁸ But an analysis of the Hacienda Luisita stock distribution program embodied in the Memorandum of Agreement reveals otherwise.

The agreement stipulates that Hacienda Luisita is comprised only of 4,915.75 hectares. Admittedly, Section 31 of the CARL states that only "lands actually devoted to agricultural activities" are covered by the stock sharing program. Therefore, taken from that standpoint, it is legal. However, what the figure really shows is that of the total 6,431 hectares of land acquired by the Cojuangco family from Tabacalera, more than 1,500 hectares were not devoted to agriculture. The Cojuangcos have already transferred some of the lands to other purposes. The Luisita Golf and Country Club Inc., for instance, now occupies and owns about 70 hectares.¹⁹ The Luisita Realty Corporation owns a 120-hectare industrial park beside the Hacienda Luisita.²⁰ The Central Azucarera de Tarlac also uses some portion of the land but the area that it occupies is still not that significantly vast to explain the remaining balance of more than 1,300 hectares.

The agricultural land is valued at P40,000 per hectare. It was priced so low considering that Hacienda Luisita boasts of being one of the country's highly developed and irrigated sugarland. According to Tarlac residents, the ongoing market price for similar lands is actually P60,000 per hectare. The valuation of the land is directly proportional to the stocks that will be received by the farmworkers. Apparently, this undervaluation resulted to lower stocks for farmworkers.

The agreement prescribes that the shares of the capital stock which is 118,391,976.85 will be distributed to 7,000 farmworkers according to the number of days each has worked. The fact is, the company employs only about 3,500 workers at any one time.²¹ Many farm laborers in the hacienda are employed for only 37 days which at least enable them to appear on the "Master List" in order to qualify for benefits such as free hospitalization, financial assistance and rice ration among others. Some even work for only 2-4 days.²² In 1983, a study conducted among seasonal farmworkers revealed that of the seasonal workforce of 2,856 farmworkers, only 311 were employed for 6 months, the rest, the so-called "master list workers", worked for only 45 days which was the required minimum number of days at that time for the farmworkers to remain on the master list.²³

Under the plan, the HLI also guarantees the farmworkers an amount equivalent to 3% of the total gross sales. However, it must be noted that the total gross earnings of Hacienda Luisita amount to only 63.5% of the total value of milled sugar. The remaining value of milled sugar goes to the Central Azucarera de Tarlac as its milling fee or share.²⁴ In effect, the farmworkers will be receiving a negligible amount. In 1987, HLI reportedly incurred gross sales of P220M. Three percent (3%) of this amount distributed equally among the hacienda's 7,000 farmworkers is equivalent to P942.85 per year or P2.61 per day.²⁵ The existing minimum wage in Hacienda Luisita is P56. Such an amount, therefore, is still insufficient to improve the living standards of farmworkers.

Upon the signing of the Memorandum of Agreement, the total assets of the new corporation was reportedly P590,554,220 of which P196,630,000 were in the form of agricultural land. Since the land assets represented one-third of the total assets, workers in effect would also receive one-third of the shares of the corporation. However, the more appalling aspect of the deal is the determination of the corporation's non-land assets which make up two-thirds of HLI total assets. Here one can conclude that the Cojuangcos did not only undervalue their land assets but inflated the valuation of their non-land assets as well. An overvaluation of non-land assets ensures that majority of the corporation's shares will go to the landowner-stockholders.

By looking at HLI's Balance Sheet (see Table 2), one can see that the following account for the high value of the new corporation's non-land assets:

1) The Standing Crop. The standing crop which is one of the biggest items in any corporate farm's Balance Sheet is counted as non-land asset. It is a highly variable factor that depends on a company's production plans, weather, market prospects and in the case of HLI and most agri-business corporations, international prices.²⁶ In 1986, the standing crop represented almost 30% of TADECO's total assets and even more in 1988 because of the sharp increase in sugar prices.²⁷ For this reason, it seems to be highly questionable to use this variable factor as a basis on which to determine the distribution of wealth and ownership implied by agrarian reform. The standing crop should have been disregarded altogether or included in the transfer of the agricultural land to the workers.

2) Accounts Due from Affiliates and Long Term Notes Receivable. These represent payments ascribable to HLI from other Cojuangco companies. The latter represents more specifically the "balance of various trade transactions and inter-company bill-

ings with certain affiliated companies during the year.²⁸ This means that any large corporate farm applying for the adoption of the stock distribution scheme can easily increase its non-land assets by ascribing charges to any of its sister companies. In the case of HLI, it can place charges on the whole Hacienda Luisita complex. The "Long-Term Notes Receivable", which is worth P28,063,417 actually represents the sale of part of the Hacienda land to the Cojuangeo Central Azucarera de Tarlac.²⁹

3) Other Assets. Two items included under Other Assets in the Balance Sheet of HLI raised the value of non-agricultural land assets. The first is the tract of 120,9234 hectares of "residential land" worth P60,462,000. This means that this land is valued at P500,002 per hectare. This item was, however, listed at P55,040 in the TADECO Balance Sheet (see Table 3). The second is a tract of 265.7495 hectares of "land improvements" supposedly covering roads, railway tracks and the like, which is valued at P58,135,000 or P218,759 per hectare.³⁰ This item was valued at P5,619,773 in TADECO's 1988 Balance Sheet. It is apparent that the inflated value of non-agricultural land assets resulted to lower proportion of agricultural land assets to total assets. Furthermore, it is also questionable that the residential land was not transferred to the farmworkers along with the agricultural land. This land is actually what the corporation grants to farmworkers as homelots.

4) Building and Machinery. These are farm-related assets consisting of other land improvements, machinery and equipment worth P75,818,900. These were valued at P84,624,810 in HLI's 1988 Balance Sheet (see Table 2).

Other Land Improvements	P22,640,000
Machinery and Equipment	53,178,900

TOTAL P75,818,900

Even assuming that the MOA is devoid of loopholes, the whole stock sharing scheme is still hardly justifiable in the light of its constitutionality. The scheme is, in fact, in accordance with the requirements of Section 10 of Executive Order No. 229 and Section 31 of RA 6657. However, these provisions of law which allow the scheme are not, in any way, constitutional. Article II Section 9 of the 1987 Constitution stipulates that:

The State shall promote a just and dynamic so-

cial order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.

Section 10 adds that:

The State shall promote social justice in all phases of national development.

The above-mentioned provisions are obviously contradicted by the scheme which provides farmworkers a mere 33.296% of the shares of stock of HLI while the landowners a huge 66.704%. The Cojuangeo family is guaranteed control of the corporation under the stock sharing scheme of CARL. Indeed, one doesn't speak of social justice considering that the workers could have actually received greater proportion of the corporation's shares of stock if the Cojuangeos did not manipulate the corporation's accounts to their advantage. In fact, the workers could be the majority shareholders having 63.81% of total assets.³¹

Agricultural land	196,630,000	
Standing Crop	35,088,495	
Subtotal	231,718,495	(39.24% of total assets)
Residential land	60,462,000	
Subtotal	292,180,495	(49.48% of total assets)
Building and Machinery	84,624,810	
Subtotal	376,805,305	(63.81% of total assets)

Furthermore, the essential benefits that the farmworkers are supposedly entitled to, under the scheme, can hardly uplift their economic condition. In effect, the scheme invalidates the mandate of Section 1 of Article XIII of the Constitution which provides that:

Congress shall give priority to the enactment of measures that protect and enhance the right of all people to human dignity, reduce social, economic and political inequalities, and remove cultural inequalities by equitably diffusing wealth and political power for the common good.

Lastly, one provision on the Constitution points to a tacit recognition of land distribution. Article XIII Section 4 prescribes that:

The State shall, by law, undertake an agrarian reform program founded on the right of farmers and

regular farmworkers who are landless, to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a just share of the fruits thereof.

Advocates of the corporate stock sharing scheme claim that the constitutionality of the scheme is beyond any doubt since it was based on the latter part of the aforesaid provision. They failed to realize, however, that under Article XIII, Section 4, there are two categories of agrarian reform beneficiaries: "farmers and regular farmworkers, who are landless" and "other farmworkers." The constitutional mandate regarding the first category of beneficiaries, "farmers and regular farmworkers who are landless" are entitled "to own directly or collectively the lands they till." This cannot be applied when the land presently cultivated by a particular beneficiary is within the retention limit set by the Congress. In such cases, these beneficiaries would fall under the second category of agrarian reform beneficiaries, "other farm workers". Such "other farmworkers" will instead be given a "just share of the fruits" of the lands they till to fulfill their constitutionally mandated right. In Section 31 of CARL, this provision was extended to refer to all farmworkers, regular as well as other farmworkers. The scheme overlooked the distinction between what the two categories of reform beneficiaries are to receive under the Constitution.

CONCLUSION AND RECOMMENDATIONS

In essence, the corporate stock distribution program of Mrs. Aquino under CARP is indeed a possible option to physical distribution of land. Ownership of land entails access to other factors of production which are seldom assured under land distribution. Moreover, our agrarian reform programs in the past had always been centered on mere land transfer. Consequently farmers who failed to cope with the vexing problems associated with land ownership eventually ended up losing the land. This was accordingly one of the primary reasons why Hacienda Luisita farmworkers opted for the stock sharing scheme. Their economic ties with the Cojuangcos guarantee them a number of benefits not afforded under the land distribution program.

Aided with the structural-functional approach as framework of analysis, this study, however, reveals that the stock sharing scheme cannot be an effective substitute for land distribution. It may be true that the scheme is geared towards the upliftment of the farmworkers' economic condition. However, findings regarding the Memorandum of Agreement and CARL show that this goal is not attainable. The hypothesis of this study - that, if the sharing system and benefits of the farmworkers are not properly defined in accordance with the MOA and CARL, the stock sharing program

will not only deprive farm workers of their constitutional right to own land but also of their right to get what they should have received under the scheme - is proven.

The study further shows that the scheme impedes the attainment of social equality. The provision in the MOA, which accords the Cojuangcos the majority shares of stock guarantees them continued control of the corporation. This is incompatible with the "giving the farmworkers just share of the fruits" objective of agrarian reform.

The stock sharing scheme propagates the continued dependence of the farmworkers on their landowners. In effect, it secures the dominance of the landowners over the economic, social and political life of the farmworkers. And these are what a true and meaningful agrarian reform seeks to abolish. Perhaps this study will leave everyone wondering what has become of President Aquino's campaign promise that her agrarian reform would endeavor to "create an economic structure that assures decent life for the farmers and their families."³² This scheme which is embodied in the MOA and authorized by Section 31 of CARL contributes to the dismal failure of President Aquino's CARP.

In view of the need for a genuine agrarian reform, the researcher puts forth the following recommendations:

In the immediate

1. The government should monitor the implementation of the corporate stock distribution program in order to find out if stocks are really distributed.
2. The government should evaluate the scheme in the light of its constitutionality.
3. The Memorandum of Agreement should be reviewed and amended.

In the long run

1. The CARL should be amended by outlawing or repealing the corporate stock distribution scheme.
2. The government should set up an investigative body that would look into the nature, number of beneficiaries and effects of the stock distribution scheme in order to determine empirically whether the corporate stock distribution program is a suitable substitute for land distribution.

TABLE 1 COMPARISON TADECO BALANCE SHEET (30 June 1988) WITH HLI ASSETS

	TADECO	HLI
Current Assets	144,627,557	162,638,993
Other (Current) Assets	5,784,393	
Investments	29,546,955	
Long-Terms Notes Receivable	28,063,417	28,063,417
Property and Equipment, Net of which :	134,249,728	281,254,810
Raw Sugar - at market	41,666,114	
Prop and Equip	8,775,683	
Other Assets	55,040	
Appraisal	92,528,574	
Other Assets		118,597,000
TOTAL ASSETS	352,272,050	590,554,220

SOURCE : SECURITY AND EXCHANGE COMMISSION

TABLE 2 HACIENDA LUISITA INCORPORATED

BALANCE SHEET
JUNE 30, 1988

ASSETS		LIABILITIES AND STOCKHOLDERS' EQUITY	
CURRENT ASSETS		CURRENT LIABILITIES	
Cash	P 6,261,812	Notes Payable	P 62,334,104
Accounts Receivable (net of allowance for doubtful accounts)	6,556,879	Accounts payable and accrued expenses	98,728,446
Due from affiliated company	8,401,921	Current portion of long-term debts	9,560,000
Inventories :		Income tax payable	24,126,946
Raw Sugar - at market	31,498,495	Due to affiliated companies	
Materials and Supplies	8,775,683	LMC	3,579,270
Growing Crops	95,610,498	JCSI	953,990
Prepaid Insurance	16,796	Total	4,533,260
Advances to employees	2,687,709	Total Current Liabilities	199,282,758
Total Current Assets	162,638,993	LONG-TERM DEBTS	36,140,000
INVESTMENTS		STOCKHOLDERS' EQUITY	
LONG-TERM NOTES RECEIVABLE - CAT	28,063,417	New Capital Stock to be issued	355,131,462
PROPERTY AND EQUIPMENT :		Revaluation increments in land	-
Land		Retained earnings (deficit) - Beg.	-
- At Cost	2,237,417	Net Income for years 87-88	-
- Appraisal increment	194,392,529	Total Stockholders' Equity	355,131,462
Building and Machinery		TOTAL LIABILITIES AND STOCKHOLDERS' EQUITY P	590,554,220
- At Cost	33,753,850		
- Appraisal increment	50,870,960		
Property and Equipment - net	281,254,810		
OTHER ASSETS			
Residential Land	60,462,000		
Land Improvements	38,135,000		
TOTAL ASSETS	P 590,554,220		

TABLE 3 TARLAC DEVELOPMENT CORPORATION

BALANCE SHEET
JUNE 30, 1988

ASSETS		LIABILITIES AND STOCKHOLDERS' EQUITY	
CURRENT ASSETS		CURRENT LIABILITIES	
Cash	P 6,261,812	Notes Payable	P 62,334,104
Accounts Receivable (net of allowance for doubtful accounts)	11,911,261	Accounts Payable and Accrued Expenses	98,728,446
Due from affiliated company	8,401,921	Current portion of long-term debts	9,560,000
Inventories :		Income tax payable	24,126,946
Raw Sugar	12,587,870	Due to affiliated companies	4,533,260
Materials and Supplies	8,775,683		
Cost of growing crops - current	91,353,814		
Prepaid Expenses	16,796		
Total Current Assets	144,627,557	LONG-TERM DEBTS-Net of Current Portion	36,140,000
INVESTMENTS		STOCKHOLDERS' EQUITY	
LONG-TERM NOTES RECEIVABLE	28,063,417	Capital Stock - P100 par value	
PROPERTY AND EQUIPMENT - Net of accumulated depreciation	134,249,728	Authorized - 250,000 shares	
OTHER ASSETS		Issued - 104,400 shares	10,440,000
Cost of growing crops - noncurrent	3,096,684	Subsidiaries - 1,000 shares	
Advances to employees	2,687,709	Revaluation increment in land	92,528,574
	5,784,393	Retained earnings (deficit) from continuing operations without equity in net losses of investee companies	8,077,005
TOTAL ASSETS	P 342,272,050	Equity in net losses of investee companies	(2,997,495)
			5,080,310
			104,668,881
		Cost of 7,200 shares of stock in treasury	(1,159,592)
		TOTAL LIABILITIES AND STOCKHOLDERS' EQUITY P	342,272,050

SOURCE : SECURITY AND EXCHANGE COMMISSION

NOTES

- ¹Business World, 9 June 1989.
- ²James Putzel, "The Story Behind the Cojuangco Family's Hacienda Luisita." PPI Paper (Aug. 1989), p. 7.
- ³Ibid.
- ⁴This is now called Manufacturers' Hanover Trust, one of the country's biggest creditors.
- ⁵Central Bank Monetary Board Resolution no. 1240. Cited in the Manila Regional Trial Court decision, Civil Case no. 131654.
- ⁶Putzel, p. 4.
- ⁷Resolution no. 3202 passed by the Board of Trustees of the GSIS.
- ⁸GSIS Board of Trustees Resolution no. 356.
- ⁹Cited in Regional Trial Court decision, Civil Case no. 131654.
- ¹⁰Ibid.
- ¹¹Ibid.
- ¹²Business World, 9 June 1989
- ¹³Cris V. Paraso, "Enrile accuses government of using CARL to favor Hacienda Luisita" Business World 9 June 1989, p. 10.
- ¹⁴Institute of Government and Legal Reform, "Comments on the Legality of the Hacienda Luisita Stock Distribution Scheme" 31 January 1990.
- ¹⁵Cited in the "Deed of Assignment and Conveyance" p. 2. Hacienda Luisita is the newly established Hacienda Luisita Inc. under the government's agrarian reform program. People have gotten used to calling it Hacienda Luisita that changing its name is no longer practicable and necessary.
- ¹⁶Putzel, p. 11
- ¹⁷Farm News and Views, May-August 1989.
- ¹⁸Daily Globe, 23 June 1989.
- ¹⁹Putzel, p. 11.
- ²⁰Ibid.
- ²¹Ibid.
- ²²Atty. Marvic M.V.F. Leonen, interview held at the Legal Rights and Natural Resources Center, 19 September 1990.
- ²³Ma. Theresa Andres, "Seasonal Unemployment and the Sugar Farm Laborers: A Case Study of Hacienda Luisita" School of Economics, UP Diliman, Quezon City, 1983.
- ²⁴Putzel, p. 13.
- ²⁵Felipe S. Ramiro Jr. and Heredina Razon-Abad, CPAR Popular Grassroot Initiative Towards Genuine Agrarian Reform with Assessment of the First Year Implementation of RA 6657.
- ²⁶Putzel, p. 13.
- ²⁷Ibid.
- ²⁸Ibid.
- ²⁹James Putzel, "Can Miriam Santiago Make a Difference?" Philippine Peasant Institute Paper, p. 19.
- ³⁰Ibid.
- ³¹Ibid.
- ³²"Revving up the Economic Engine" Speech delivered before the Philippine Chamber of Commerce and Industry, July 21, 1988.

BIBLIOGRAPHY

Andres, Ma. Theresa. "Seasonal Unemployment and the Sugar Farm Laborers: A Case Study on Hacienda Luisita." School of Economics, UP Diliman, Quezon City, 1983.

Business World, 9 June; 22 November 1989.

Comprehensive Agrarian Reform Program, 1988.

Cruz, Heidi. "Komprehensibong Batas sa Repormang Agraryo: Dobleng Pandaraya, Dobleng Pcligro." Philippine Peasant Institute Paper, 1989.

Farm News and Views, May-August 1989.

"Hacienda Luisita Stock Distribution Analyzed." *Newsday*, 18 December 1990.

Institute of Government and Legal Reform. "Com-

ments on the Legality of the Hacienda Luisita Stock Distribution Scheme." January 31, 1990.

Leonen, Marvic. Legal Rights and Natural Resources Center, Inc., Diliman, Quezon City. Interview. 19 September 1990.

Levy, Marlon, Jr. "Some Aspects of 'Structural-Functional' Analysis and Political Science." In *Approaches to the Study of Politics*, pp. 52-66. Edited by Roland Young. Funston, Illinois: Northwestern University Press, 1958.

Lopa, Margarita and Sunga, Ricardo III. CPAR Assessment of the Second Year of RA 6657.

"Luisita Deal Illegal, says UP Paper." *Philippine Daily Inquirer*, 17 June 1990.

"Luisita Scheme Legal: Drilon. Malaya, 23 June 1990.

Malaya, 11, 12 July 1989; 18, 23 June 1990.

Manila Regional Trial Court. "Decision", Civil Case No. 131654.

Memorandum of Agreement Between Tarlac Development Corporation, Hacienda Luisita, Inc. and Farmworkers, 1989.

Morales, Jose. Jose Cojuangco and Sons Inc., Ayala, Makati. Interview. 19 September 1990.

Philippine Daily Inquirer, 16 October 1989.

Putzel, James. The Story Behind the Cojuangco Family's Hacienda Luisita." Philippine Peasant Institute Paper, August 1989.

_____. "Can Miriam Santiago Make a Difference?" 4 October 1989.

Ramiro, Felipe S., Jr. and Razon-Abad, Heredina. CPAR Popular Grassroots Initiative Towards Genuine Agrarian Reform with Assessment of the First Year Implementation of RA 6657. 1989, pp. 66-67.

Republic of the Philippines. Constitution (1986)

**Dolores M. Tan recently graduated with a B.A. in Political Science degree from the University of the Philippines, Diliman. This article is part of her undergraduate thesis.*

The PSSC Desktop Publishing Unit

newsletters, brochures, flyers, manuals, proposals, documentation, annuals, price lists, forms, reports, letterheads, certificates, catalogs, menus, bulletins, magazines, books, journals, invitations, books, programs, monographs

QUALITY TYPESETTING NEED NOT BE EXPENSIVE

Come and see us at the second floor, Philippine Social Science Center, Commonwealth Avenue, Diliman, Quezon City. Or call tel. no. 922-9621 local 307 or 319. Look for Elvie.

PSSC Annual Meeting

The 1990 Annual Meeting of the PSSC was held on February 16, 1991 at the Alip Auditorium of the PSSCenter.

Dr. Leslie E. Bauzon, president of the Philippine National Historical Society (PNHS) was elected as the new Chairman of the Governing Council, succeeding Dr. Domingo C. Salita, president emeritus of the Philippine Geographical Society (PGS). Dr. Bauzon was the Vice-Chairman during Dr. Salita's term. As Chairman he automatically becomes an ex-officio member of the Executive Board.

Prof. Carmencita T. Aguilar, president of the Philippine Political Science Association (PPSA), was elected Vice-Chairman. She was a former chairman of the Social Issues Committee (SICOM).

Elected to the Executive Board to serve three-year terms beginning March 1, 1991 were Dr. Fe Otanes (linguistics), Dr. Rosario M. Cortes (history), Dr. Teodoro M. Santos (geography), Dr. Amaryllis T. Torres (psychology), and Mr. Generoso G. de Guzman (statistics).

The annual meeting also saw a different delivery of the annual reports of regular and associate members compared to the previous year. Whereas in 1990, the annual reports of PSSC members were integrated and delivered by the Executive Director, now a representative of each regular and associate member present in the meeting is given an opportunity to give an oral report.

The preliminary edition of the Directory of Social Science Practitioners in the Philippines was released to participants of the annual meeting. The Directory includes not only researchers but also those in the academe and those working in occupations which require knowledge and skills in the social sciences. The paperback edition of the Direc-



Dr. Amaryllis T. Torres (with microphone) raises a query as the PSSC officers listen on stage (from left): Executive Board President Dr. Allen L. Tan, Vice-President Dr. Lourdes Bautista, Governing Council Chairman Dr. Domingo C. Salita, Executive Director Prof. Ruben F. Trinidad, and Treasurer Ms. Aida Saldua

tory will be released on the first day of the AASSREC (Association of Asian Social Science Research Councils) Conference in PSSCenter on August 5, 1991.

Several members of the Secretariat were given service awards. Ten-year service awardee was Placido G. Lazaro, Personnel Coordinator. Five-year service awardees were Lorna P. Makil, Information and Special Services (ISS) Coordinator; Rodrigo C. Pablo, Maintenance Engineer, and Prof. Ruben F. Trinidad, Executive Director.

New Executive Board Officers Elected

The 1991 Executive Board elected its officers in the February Board meeting. The new officers of the Board are: Dr. Socorro L. Reyes (political science), President; Dr. Amaryllis T. Torres (psychology), Vice-President; and Dr. Hector B. Morada (demography), Treasurer. PSSC Executive Director Ruben F. Trinidad acts as concurrent Secretary of the Board and the Governing Council. As president of the Board, Dr. Reyes also becomes an ex-officio member of the Governing Council.

The Board commended outgoing president Dr. Allen L. Tan for his exemplary performance.

New PSSC Associate Member

The Governing Council recently approved the application of the Congressional Research and Training Service (CRTS) as the 36th associate member of the PSSC.

CRTS is an independent, non-partisan legislative support structure established in 1988 to provide Members of Congress, their staff, and that of Congressional committees with training on legislative skills and comprehensive research, analysis, and information on a broad range of local and international policy issues.

CRTS is headed by Dr. Socorro L. Reyes, current president of the PSSC Executive Board.

Roundtable Discussion on Research Agenda for Agrarian Reform

In cooperation with the Department of Agrarian Reform (DAR) and the Institute of Agrarian Studies (IASI) of UP Los Baños, the PSSC sponsored a roundtable discussion on the 1991 research agenda for agrarian reform research and development



Assistant DAR Secretary Severino Madronio (third from right) presents his paper during the roundtable discussion on agrarian reform held last December 1990.

(R & D) held at the Alip Auditorium of the PSSCenter in December 1990.

The activity was divided into three parts: paper presentations, discussions, and conclusions and recommendations. DAR Assistant Secretary Severino Madronio presented a paper on "The Status of Implementing the CARP" while IAST director Dr. Luzviminda Cornista spoke on "The Status of Research on Agrarian Reform."

Research projects shall be conducted preferably in the 24 Strategic Operating Provinces identified by the DAR.

Research proposals on any of the topics under the research framework developed during the discussions shall be received by DAR and evaluated by the Policy and Strategic Research Office for possible funding under the Research and Development component of the Agrarian Reform Fund.

PNHS Activities

The Philippine National Historical Society (PNHS) scheduled two conferences to be held in the second half of 1991.

The *National Conference on Filipino Millenarian Revolts* will be held on July 26-27, 1991, at the Function Room, 5th floor South Wing of the Main Academic

building of the Polytechnic University of the Philippines (PUP) campus in Sta. Mesa, Manila. The other co-sponsors of the conference are Institute of Social History and the Department of Sociology of PUP and the National Historical Institute (NHI). Cost-sharing fee is 300 pesos.

With the theme "The Shaping of Philippine History: Focus on Mindanao," the *12th National Conference on Local History* will be held on October 22-24, 1991 at the Science Lecture Hall of Mindanao State University (MSU) in Marawi City. Co-sponsors are MSU, the Pamantasan ng Lungsod ng Maynila (PLM), the Presidential Commission on Culture and Arts, NHI, and PSSC.

For further information on these conferences, the PNHS president, Dr. Leslie E. Bauzon, may be contacted at tel. no. 97-33-12, or 922-9621 local 319 c/o Lourdes. He may also be reached at the PNHS office, 2nd floor, PSSCenter, Commonwealth Avenue, Diliman, Quezon City.

UPPI Lecture Series held

The Population Institute of the University of the Philippines (UPPI) sponsored the paper presentations of two social scientists last April 24, 1991 at the Seminar Room of the Metropolitan Appartelle.

Prof. Imelda Z. Feranil of the UPPI presented the first paper, "Childbearing, Family Survival and Planning Among the Urban Poor: A Metro Manila Slums Survey." Dr. Emma Porio, a member of the PSSC Executive Board and current chairman of the PSSC Research Committee, presented the next paper, "Children of the Streets: Surviving Urban Poverty in Metro Cebu."

Commissioner Diogenes Osabel of the Philippine Commission on the Urban Poor and Dr. Ricardo Abad of the Ateneo de Manila commented on the papers presented.

Outstanding Educator

Dr. Alex B. Brillantes Jr., former member of the PSSC Executive Board, was awarded the 1990 Outstanding Ilocano Educator Award representing Abra by the University of Northern Philippines in Vigan, Ilocos Sur. Dr. Brillantes is Assistant Professor of the UP College of Public Administration and a member of the PSSC Institutional Development Committee.

UP SOLAIR Research Projects

The UP School of Labor and Industrial Relations (UPSOLAIR) announces its completed and on-going research projects:

Completed research projects:

1. Case Studies on Organizational Behaviour by Geraldine Maayo.- This study is an updated book of cases on human behaviour in organizations. It can be used as reference material or textbook on organizational behaviour in industrial relations as well as in equivalent courses in other units of the UP System.

2. Working Conditions in the Textile Industry in the Light of Technological Innovations by Julie O. Casel and Nicolas Barriatos. This study inquired into the effect of technological changes in the textile industry, specifically on work

THE FOLLOWING IS THE RESEARCH FRAMEWORK
GENERATED BY THE ROUNDTABLE DISCUSSION ON
AGRARIAN REFORM HELD IN DECEMBER 1990:

I. Implementation Issues: (short term)

1. Policies/legal

- a. prioritization of coverage
- b. land use
- c. agrarian reform models
- d. land valuation
- e. ARB amortization
- f. taxation (e.g., progressive land taxation, land conversion tax)
- g. fiscal and monetary policies of government
- h. tenurial and property relationships in various production systems.

2. Administrative and management structures of implementing units

- a. individual agencies
- b. inter-agency coordination
- c. decentralization and devolution of powers
- d. involvement of LGUs
- e. management information system
- f. monitoring and evaluation systems
- g. mediation and adjudication systems
- h. CARP units (PARC, PARCCOM, BARC, CIT)
- i. NGOs and POs
- j. private sector participation

3. Financial

- a. funding
- b. modes of compensation
- c. uses of bonds
- d. credit infrastructure

4. Procedures and processes in implementation

- a. land transfer (acquisition and distribution of private and public lands)
- b. non-land transfer (leasehold, Integrated Social Forestry Program, production and profit sharing, stock distribution option, etc.)
- c. lease-back arrangements and existing leases and management contracts

5. Development of groups involved in agrarian reform

- a. process of organizing ARBs
- b. delivery of support services
- c. training and education programs
- d. assistance to landowners

II. Impact of Agrarian Reform (long term)

1. Welfare assessment

- a. assessment of welfare of ARBs, landowners, and other groups affected by agrarian reform (before and after studies)
- b. second and third generation problems (e.g., in OLT and resettlement areas)
- c. impact of agrarian reform interventions on broader society and economy
- d. changes in power structures

2. Changes in land use and impact on the environment

3. Assessment of the viability of production systems

4. Assessment of the viability of ARB organizations (cooperatives, federation of cooperatives, others)

organization, job content, hours of work and leaves, arrangement of working time, and labor productivity.

3. Shop Steward and Grievance Handling: A Training Manual by Estelita B. Paren. This manual is designed for the use of trainers handling courses on shop steward and grievance handling both in SOLAIR as well as in the trade union movement.

4. The Political Economy of the Construction Industry in the Philippines by Virginia A. Teodosio, Ph.D. This study presents a background of the construction industry in the Philippines, the recent developments in the industry, its sectoral structure, and the housing problem in the Philippines.

On-going research projects

1. Case studies on Labor-Management Cooperation by Jose C. Gatchalian. The case studies aim to: 1) document cases of labor-management cooperation in companies which have established LMCs or similar organizational mechanisms; 2) determine the factors that led to the success or failure of LMCs in these establishments; and 3) study the process of LMCs on a continuing basis.

2. Industrial Relations, National Development and Filipino Values: A review of literature and state of the art assessment by Geraldine C. Maayo. This study attempts to examine and assess existing literature on the subject matter. The result of the assessment will be used to identify research gaps which could serve as basis of subsequent researches on the subject.

3. Problems and Prospects of Agrarian Reform Implementation at the Village Level by Rene E. Ofreneo and Melisa R. Serrano. The study aims to 1) determine the facilitating and constraining factors in the implementation of agrarian reform at the village level; 2) identify the alternative measures for faster and smoother implemen-

tation of agrarian reform; and 3) assess the role of people's organizations (POs), non-governmental organizations (NGOs), and government agencies in the implementation of agrarian reform.

The result of the study will serve as basis for the formulation of policy recommendations for the DAR, a appropriate legislative recommendations for Congress, practical suggestions to POs and NGOs active in organizing and assisting the rural masses.

4. An Inquiry into the Determinants and Dimensions of Industrial Democracy in the Philippines by Virginia A. Teodosio, Ph.D. The study aims to 1) examine the determinants of industrial democracy in the Philippines; 2) assess the extent and dimensions of industrial democracy, the dynamics of its operation and the concrete role of law and other institutions upon which the system rests; 3) identify instruments and processes available to industrial organizations that could realize reconciliation and stability in industrial relations in the long run; and 4) come up with a list of policy prescriptions on how industrial democracy might be advanced.

CSS participates in book fair

The PSSC Central Subscription Service (CSS) participated in the book fair sponsored by the Academic Librarians Book Acquisition Association (ALBASA) held at the Veluz College in Cebu City on May 30-June 2, 1991.

CSS generated gross sales of 25,000 pesos from the four-day fair. The majority of purchasers

subscribe to...

THE PSSC SOCIAL SCIENCE INFORMATION

call 922-9621 local 338
for details

were the libraries of several colleges and universities from the Visayas and Mindanao.

Ms. Lydia Wenceslao, CSS Assistant, attended the book fair.

PPSA Lecture Series held

The Philippine Political Science Association (PPSA), in cooperation with the UP Department of Political Science, held a lecture series on the theme "Political Science with a Filipino Perspective" during the latter part of 1990. The occasion was also in celebration of the Diamond Jubilee of the Department of Political Science.

The take-off lecture presented Dr. Emrencia Y. Arcellana, *professor emerita*, who traced the development of political science in the Philippines since 1915 to the present and how the discipline has grown through time. She identified the contributions of Filipino political scientists through the body of literature and researches that they have made in the various fields of political science.

The second lecture was presented by Dr. Remigio E. Appalo, also a *professor emeritus* in political science, who presented "The Political Science of Maximo

Kalaw Sr." The late Dr. Kalaw was the first Chairman of the UP Department of Political Science. His books and other writings on political science provided a Filipino perspective to the study of Philippine government and politics. It must be noted that the Department of Political Science in 1915 was created by the late Justice Malcolm, then the Dean of the UP College of Law.

The third lecture was presented by Dr. Raul de Guzman, former Chancellor of the University of the Philippines, Los Baños. Dr. de Guzman discussed the topic "Public Administration as a Branch of Political Science" by distinguishing the areas of concern that belong to public administration and those in political science, although the two are related disciplines.

Other topics to be developed in the lecture series for 1991 will be the Political Science of Remigio E. Appalo, Onofre D. Corpuz, Cesar Majul, Jose M. Aruego, Raul de Guzman, Jose V. Abueva, as well as younger and later scholars who have made useful contributions to the discipline of political science.



Dr. Raul de Guzman is shown delivering his lecture, "Public Administration as a Branch of Political Science," the third in the lecture series "Political Science with a Filipino Perspective" co-sponsored by the Philippine Political Science Association (PPSA) and the UP Department of Political Science.

THE 4th International Philippine Studies Conference

July 1-3, 1992

Australian National University, Canberra

Tentative theme: 1892 - 1992: *Imagining the Nation*

Suggestions are solicited for the following:

- sources of funding for the conference
- volunteers to act as contact persons for various functions associated with the conference, such as:

- a) organizers of panels/disciplines/topics
- b) liaison with other concerned bodies, e.g. the Asian Studies Association

Contact persons:

Dr. Raul Pertierra
Conference Coordinator
School of Sociology
University of New South Wales
PO Box 1, Kensington
New South Wales 2033
Australia

Michael Pinches
University of Western Australia
Nedlands, WA 6009
Australia

RESOLUTION TOWARDS GREATER INTERDISCIPLINARY COOPERATION IN THE STUDY OF THE HISTORY AND PRESENT STATE OF SOCIAL PROBLEMS IN THE PHILIPPINES

WHEREAS, the First National Symposium on the History of Social Problems at the Polytechnic University of the Philippines aims to look at the historical and sociological dimensions of social problems in the Philippines during the Spanish and American regimes as a means of improving our understanding of these current problems;

WHEREAS, the First National Symposium on the History of Social Problems in the Philippines also seeks to describe and discuss persistent problems such as mental illness, prostitution and epidemics and the patterns of reactions and responses of the government toward them and their multiple effects on Philippine society;

WHEREAS, there is a need for greater cooperation among Filipino scholars, policy-makers and the non-governmental organizations in calling attention to the critical social problems besetting Filipino society

and for more studies on the developmental aspects of these issues with the aim in view of providing inputs toward the formulation of appropriate policies leading to the solution of these social dilemmas;

WHEREAS, there is a need to sensitize our policy-makers and to conscientize other sectors to our basic and wide ranging social problems;

WHEREAS, there is a need to open further the entire field of social problems to more studies and analysis and to provide the principles and the empirical basis for interventions by socially-responsible citizens and institutions towards the solution of these problems;

WHEREAS, historians can play contributory roles in clarifying the developmental and originating causes or present social problems while critical sociologists can elaborate on the full dimensions of these problems in terms of present

conditions, therefore providing complementary perspectives and approaches;

NOW THEREFORE, WE, THE PARTICIPANTS of this Symposium hereby resolve to cooperate with one another in making our interdisciplinary expertise come to bear upon the prevailing social problems oppressing the Filipino nation and exert greater efforts toward seeking solutions for them through our empirical studies which may serve as basis for the formulation of policies more attuned toward improving the social condition of the Filipino people.

FURTHERMORE, we hereby resolve to continue our collective efforts aimed at shedding light on the history and present state of social problems in the Philippines and new ways of resolving them.

ADOPTED this 19th day of February 1991 at the Polytechnic University of the Philippines, Manila.

New Publications

Tcodoso, V.A., M.R. Serrano and G.L. Labastilla, eds. Labor and the Construction Industry in the Philippines. Quezon City: UP School of Labor and Industrial Relations, 1990.

The book is divided into three parts: Overview of the construction industry in the Philippines (Part I); Labor and the construction industry: issues, problems, and initiatives (Part II); and primers on cooperative housing and on the modes of settling disputes in the construction industry (part III).

Available for sale at the Library and at the Research and Publications Office of the UP School of Labor and Industrial Relations, Diliman, Quezon City.

Reyes, Roman. Pusong Walang Pag-ibig. Quezon City: Ateneo de Manila University Press, 1991.

Considered the first realistic novel in Filipino, this masterpiece by Roman Reyes uses significant national events of the nineteenth century as important elements of the story. It is also one of the earliest socially conscious novels in Philippine literary history.

Available for sale at the PSSC Central Subscription Service.

Fabian, A.C. Timawa. Quezon City: Ateneo de Manila University Press, 1991.

This book is the author's first novel in Filipino. It is considered a history of Filipinos imbued with a staunch integrity, and particularly of the book's main character, Andres, who refuses to bow down and surrender to those who oppress him - whether American or Filipino.

Available for sale at the PSSC Central Subscription Service.

Arceo, Liwayway A. Ang Mag-anak na Cruz. Quezon City: Ateneo de Manila University Press, 1991.

This book is the continuing story of the Cruz family - and of the Filipino in his weaknesses and strengths.

Available for sale at the PSSC Central Subscription Service.

Azurin, Arnold M. Beddeng: Exploring the Ilocano-Igorot Confluence. Manila: Sentrong Pangkultura ng Pilipinas, 1991.

This research monograph aims to redefine the resurgent issue of ethnicity through the prism of cultural reciprocity and prevalent interdependence of adjoining domains. It is a two-fold study in interethnic relations of the major culture groups of the northwest region in the Philippines: the Ilokio or Ilocong and the Igorrotes.

Available for sale at the bookstore of the Cultural Center of the Philippines.

Shouksmith, George and Elizabeth A. Shouksmith, eds. Psychology in Asia and the Pacific. Bangkok: United Nations Educational, Scientific and Cultural Organization (UNESCO), 1990.

Psychology in Asia and the Pacific is the seventh in the second series of surveys launched by UNESCO on trends in particular social science disciplines happening in countries of the Asia-Pacific region. This monograph is an account of the way psychology, as a social science discipline, got introduced and shaped in different societal contexts: the recognition afforded to them, the priorities of research, efforts at their indigenization, and the problems of the profession are the key foci of each country survey.

Available for browsing at the Lynch Library, PSSC Center.

Now available, in paperback...

The 1991 Directory of Social Science Practitioners

This listing features social science practitioners from the fields of anthropology, communication, demography, economics, geography, history, linguistics, political science, psychology, public administration, social work, sociology, statistics, education, and other related fields. P 150.

Order a copy now! Return the enclosed order form to the PSSC Central Subscription Service (CSS). Or contact the CSS at tel. no. 922-9621 local 338.

Beginning this issue, the PSSC Social Science Information will occasionally feature this new column, Agora - an open forum for informed opinion on topics related to the social sciences in general vis-a-vis national development. All opinions expressed are those of the author and not necessarily of the Philippine Social Science Council. Your contributions and comments are welcome. Write to: The Editor, PSSC Social Science Information, 2nd floor, PSSCenter, Commonwealth Avenue, Diliman, Quezon City. Please include a brief resume of yourself.

SOME THOUGHTS ON THE NATIONAL SCIENCE AND TECHNOLOGY PLAN

by Gelia T. Castillo*

The elements of a science and technology plan and program for development are as follows:

A. National Research and Application Capacity

We must have an essential national research and application capacity in order to: 1) identify our major development problems; and to 2) design programs for applying existing knowledge to deal with these problems. Beyond this minimum essential capacity we should be strongly motivated to build research and application capacity in order to join the process of making new discoveries of basic and applied knowledge (about physical, biological, industrial, agricultural, health and social phenomena) in order to contribute to the world's ability to deal with development problems.

The required research and application capacity implies that we not only need to put in place this human capacity but also to provide incentives and support for the maintenance of this capacity. Our scientists and technology developers must be very conversant with our development problems in order to apply existing knowledge or to generate new knowledge in order to deal with these problems.

This concept of research capacity is useful for the following reasons:

- Development problems and not disciplines become the major focus.

- The capability required to accomplish the essential task makes room for agricultural, bio-medical, industrial, socio-economic, policy research, etc. and other fields.

- It does not make application of existing knowledge "second class."

- The basic-applied; field laboratory, and *patis* technology vs. high-tech and their invidious consequences are lost in this paradigm because the approach focuses on our problems.

- But most of all, it puts highest priority on our own problems while at the same time providing opportunities for making contributions to the world's ability to deal with global problems.

B. Comprehensiveness in Scope

The S and T (science and technology) program must involve all departments of government, not just DOST, and the citizens must participate in and benefit from the scientific process and its products. For a start, it will be a tangible evidence of their commitment to S and T if all departments were to allocate a certain percent of their budget for research and to develop a research program which will help them deal with problems germane to their functions. The obvious examples are health research for the Department of Health; agricultural research for the Department of Agriculture; industrial research for the Department of Trade and Industry; employment research for the Department of Labor and Employment; agrarian studies for the Department of Agrarian Reform; community and welfare issues for the Department of Social Services and Development; international relations, geopolitics, and strategic studies for the Department of Foreign Affairs; educational research for the Department of Education, Culture, and Sports; debt crisis issues for the Department of Finance, etc. Because not all of these departments have research arms, a "partnership" with corresponding units of academe such as the College of Public Administration for the Department of Local Government, etc., has been done in the past and can be further expanded. *Needless to say, colleges and universities, national research councils, academies, and research institutes* have a lead role to play in this endeavor. Their intellectual, analytical as well as research capacity-building functions in an independent atmosphere are indispensable to any S and T program.

C. National Science Ethos

Science and technology, both process and product, must be appreciated by all Filipinos, rich and poor, young and old, hence a need to promote its essence and enhance its impact. We need a *science ethos* which will permeate all sectors of society. For example, the most important consequences of the new rice technology on our farming community is the fact that it has opened their minds to new ideas, to the product of research.

D. Broadly Defined to Include the Social Sciences

Science and technology, for improving the quality of life of our people must not be narrowly defined as: physical and biological sciences and the technologies resulting therefrom. As a matter of fact, science and technology policy can never be pursued independently of its socio-economic, cultural and political setting. It is the values of our own society which will determine the relevant S and T policies. It is the social scientist who helps define the nature and magnitude of our development problems in terms of employment, inequality, productivity, social justice, population pressure, poverty, response to technology, and development programs, perceptions of government, etc. The products of science help broaden our horizons to what is possible beyond age-old traditions.

Broadly speaking, the substantive and professional tasks for the social scientists may be outlined as follows:

- To identify, describe, and if possible, explain in general and specific terms (macro and micro levels) the socio-economic, cultural, political, and historical parameters within the context of which the problems of agriculture, health, industry, etc., can be defined.
- To assist (in collaboration with other scientists) in determining the nature and design of technological, institutional, and organizational options required to solve these problems;
- To assess *ex-ante* and *ex post facto*, the social acceptability, potential viability and impact of technology, institutions and organizations on the achievement of development goals such as increasing productivity, reducing poverty, inequality and unemployment, protecting the environment, conserving energy, and saving foreign exchange.
- To monitor and comprehend the social change process (whether anticipated or unanticipated).

Examples of studies which illustrate these social science role are: the introduction, diffusion, adoption, and impact of new agricultural technologies; family planning, mechanization; bio-medical technologies; agricultural policy studies including rice policies, marketing, land reform, etc. All of these examples are meant to be examples. They are neither exhaustive nor comprehensive. As a matter of fact, it would be the task of the S and T program to inventory, synthesize, and analyze these kinds of S and T experiences in order to provide convincing evidence that research contributes significantly to development and to quality of life.

E. Science Promotion and Technology Diffusion

Science and its products must be communicated and promoted if they are going to have an impact on our lives. An over-all system for performing this mission

must be designed involving all the government departments, local governments, and NGOs.

For a dramatic illustration of what research can do for humanity, we cite the case of ORT (Oral Rehydration Therapy):

"In December 1987, *The Milwaukee Journal* presented a series on the global tragedy of child mortality, noting: 'Every weekend almost 100,000 children in poor countries die of largely preventable causes, about the number of people who died in Hiroshima in 1945; but the weekend toll doesn't command a headline anywhere in the world. The dying just continues, silently, relentlessly, beyond the glare and glitz of mass media.'

The discovery of oral rehydration therapy (ORT) and its application grew from scientific research on location in poor countries where most of these deaths have and still do occur. If our present knowledge were fully applied in just one simple and low-cost health treatment...that of ORT...four to five million child deaths could be prevented each year at the cost of pennies a day. In wealthy countries, ORT could substantially reduce health costs.

The International Child Health Foundation (ICHF) symposium on ORT focused on significant improvements in an already highly successful treatment therapy which saves hundreds of lives each year and could save more.

The challenge now is to press forward with adequate investment in research and training to expeditiously assure that the benefits of knowledge result in healthy children around the world, and that we alleviate disability and death in other populations, such as the elderly."

F. Dynamic Organization Internally as well as Externally

A national S and T program must embody policies not only for the development and maintenance of S and T capacity but also for the role of S and T in our national life including how we are going to galvanize disparate activities within the country and relate to S and T developments abroad (regionally as well as globally). Dynamic and creative leadership which will be respected here and abroad is absolutely essential. As they say: "People make a difference even in science."

Some miscellaneous ideas which might be useful are:

1. Science and technology is not just a sector. Neither is it just for scientists and technologists. Science and technology is for humanity. Life in the developed countries is shaped very much by science and technol-

ogy. Everyone is part of the production and consumption of so-called science and technology.

2. Science is a way of seeing; a way of thinking; a way of solving problems. It fosters curiosity; opens new horizons; discovers new meanings in old patterns; makes a different world possible for any individual.

3. Science is a very moral human activity for it is based on integrity without which there is no science. Science must become part of human wisdom. It is too important to be left to the research community.

4. Science and technology is not simply something to be transferred from creator to recipient on the basis of comparative advantage. It has to be learned and understood so that it can become part of a human being's repertoire of knowledge, skills, and competence which can be called upon as one goes through everyday life.

5. Science and technology can enhance the value of one's time; increase the range of alternatives at his disposal; and develop productive and sustainable relationships between man and the environment.

6. Science and technology promotion in developing countries is not only catching up with the developed world but for catching up with our own problems. We need to define for ourselves what these problems are and design our own pathways and mainstream using as starting point whatever is available from whatever source.

7. The communication of specialized research products so that they can become part of humanity's tools for well-being is still in its infancy. The process is crude and undeveloped waiting for more creative talents.

8. In the developed countries there is a great deal of concern for the excesses of science and technology but for many people in the developing countries, its fruits have yet to touch their lives.

These are not just bits of armchair philosophy but a product of exposure to a variety of development circumstances which have both been exciting and frustrating at times. The following are certain concepts and ap-

proaches which have been fashionable in the science and technology development process intended to benefit mankind. Each one carries some development philosophy behind it; a whole series of assumptions; and promises of a better world or at least bits of it to the developing countries. I believe there is merit in examining them as they have been operationalized and implemented in order to discover implications for science and technology policies. This is not an exhaustive list but is meant to be illustrative:

- 1) Farming systems research
- 2) ORT (Oral Rehydration Therapy)
- 3) Natural family planning
- 4) Integrated pest management
- 5) Tissue culture, rapid multiplication techniques and other high-tech procedures
- 6) Water supply for health and sanitation
- 7) Post-production technologies to reduce losses, drudgery, etc.
- 8) The participatory process in technology development
- 9) South-South networking as a mechanism for the emergence of LDC reference groups which develop their own mainstreams in science and technology
- 10) The adaptation process in technology adoption and the innovative problem-solving which accompanies it.
- 11) The appropriate technology movement - cookstoves, latrines, biogas, etc.
- 12) Alternative models for organizing for international or national mission-oriented research and development efforts.

I can call this whole exercise "*Exploring Alternative Pathways to Science and Technology for Development.*"

*Dr. Gelita T. Castillo is University Professor at the University of the Philippines, Los Baños (UPLB). She is with the Department of Agricultural Education and Rural Studies of UPLB.

Now available at the Central Subscription Service

SOCIAL SCIENCE AND THE ECONOMIC RECOVERY

Contains the papers and proceedings of the second National Social Science Congress held in 1988.

Editors: Allen L. Tan
Ruperto P. Alonzo
Alex B. Brillantes, Jr.

with the assistance of Rachel Angela P. Anosan

ORDER FORM

Please send me _____ copies of the **Social Science and the Economic Recovery**.

150 pesos (bookpaper)

120 pesos (newsprint)

() Enclosed payment of:

Money Order _____

Check No. _____

Please make check and money order payable to the PSSC Central Subscription Service.

() Please bill me later

Signature

Name/Company _____

Address _____

Send back this order form with your payment to:

PSSC Central Subscription Service
PO Box 205, Up Post Office
Diliman, Quezon City

SOME ISSUES..... (continued from the inside front cover)

rise presidential clemency for those guilty of criminal acts prior to the conviction by the court.

In terms of the delivery of social services there are agencies that need to improve their concern for the people's interests. The efficiency of two government institutions like the GSIS and the SSS has not been looked into. While these institutions are active in collecting the small employees' contributions to the government insurance system which provide funds for the government and high salaries for its executives, they should be more responsive to attending and facilitating the requirements of the members. Their lending policies to the members must be re-examined and must be based on a socialized system. For those who have paid more must be allowed to borrow more and those who have paid less must be pegged to a ceiling. After all, it is the members' money that makes these financial institutions generate money for the government. These two institutions must also pay attention to the problems of retirees from the regions. They must empower their local units to service the retirees in their respective regions. Retirement pensions for old folks must be attended to without requiring the retirees to follow-up their papers in the central office in Manila. Service must also be made immediately. Don't let the retiree languish for a year or two or even more before the pension is released.

Governance is not merely concerned with the nature of government organization but the quality of the operation of that political unit, may it be in the national or the local levels of government. There is a need for self-assessment and for the imbibing of conscientiousness in all government units and their leaders in the country, whether they are rendering to the people who are their clientele, honest efficient services or they are just a fat bureaucracy, listless and sluggish. While many in the country have accepted the *Kabisig* movement of the President as the spearhead in the development ef-

fort for the country, it need not have come to that point of desperation when the responsibility to bring to fruition the country's development and the improvement of the quality of life of the Filipinos is left mostly to the special private group's initiative because of the lack of direction and serious commitment on the part of most people in the government.

Public service morality means the government official must resign immediately from office the moment his honesty and competence is questioned by anyone. There is no need for private citizens to raise issues and bring to the courts legal evidences on his malfunctions in office. The legal procedure and the requirements of due process will make the Office of the Ombudsman a toothless bulldog that will rarely prove the guilt even of the most guilty. He must not bring the office of the appointing power to the test by waiting to be informed that he still has the Chief's confidence.

There are indeed multifarious problems involved in governance. For that matter, the workings of an effective and efficient government in the country are limited. There are also crucial policies, the success or failure of which would test the sincerity of the Aquino government. Among them are the agrarian reform program, the operation of the autonomous government, and the labor issues which contribute to the instability of investments in the country. This issue of the PSSC Social Science Information has included some relevant articles to these topics. The task of social science, political science for that matter, is to help identify what and where the problems of governance are, but only the government officials and the political will can really provide the remedial measures to many of the problems if they will only think seriously about them.