

INSTITUTE OF SOCIAL STUDIES

Working Paper Series No. 194

**THE 'FAILURE' OF AGRARIAN REFORM IN TRANSITIONAL DEMOCRACY,
PHILIPPINES 1986-1992**

Yuko Kasuya

April 1995

WORKING PAPERS

Yuko Kasuya was a participant in the MA Programme (PPA 92/93) at the Institute of Social Studies.

This paper was submitted in partial fulfilment of the requirements for the Degree of Master of Arts in Development Studies.

Supervisor: Prof. Ben White

Second Reader: Prof. Martin Doornbos

Comments are welcome and should be addressed to the author:

c/o Rm 309, Faculty of Law, University of Tokyo, 7-3-1, Hongo, Bunkyo, Tokyo, 113
Japan.



TABLE OF CONTENTS

LIST OF TABLES	i
ACRONYMS	i
PERIODICALS	ii
INTRODUCTION	1
APPROACH	3
1. FILIPINO PERCEPTION OF AGRARIAN REFORM	6
1.1 Evolution of Agrarian Structure	6
1.2 Redistributive Reform as an Exogenous Concept	8
1.3 Conclusion	11
2. AQUINO'S AGRARIAN REFORM PROMISES	12
2.1 Aquino's Candidacy and the Four Main Political Forces	12
2.2 Behind the Aquino's Promises	15
2.3 From Election to the People Power Revolution	16
2.4 Conclusion	17
3. THE DEMOCRATIC CONSOLIDATION PROCESS	18
3.1 Multiple Rules of the Rule	18
3.2 A 'Democratic' Institution: the Presidential Agrarian Reform Council (PARC)	22
3.3 Conclusion	23
4. CONGRESS AS THE APPARATUS OF REPRESENTATION	24
4.1 Powers at Play	24
4.1.1 Peasant Organizations and Social Movements	24
4.1.2 Landowners	26
4.1.3 Business Sector	28
4.2 Formulation of CARL	29
4.3 Conclusion	31
CONCLUSION	32
BIBLIOGRAPHY	34
1. Published Documents	34
2. Unpublished Documents	38
3. Philippine Government Documents	39

LIST OF TABLES

Table 1: 'Democracies' of Anti-Marcos Movement During the Presidential Election of 1986.

ACRONYMS

ACES	Agency for Community Education Services
ACPC	Agricultural Credit Policy Council
AIM	Asian Institute of Management
AFP	Armed Forces of the Philippines
AMA	Aniban ng Manggagawa sa Agrikultura (Alliance of Agricultural Workers)
ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
ARBA	Agrarian Reform Beneficiaries Association
BAYAN	Bagong Alyansang Makabayan (New Patriotic Federation)
BBC	Bishop-Businessmen's Conference for Human Development
CAC	Cabinet Action Committee
CAMP	Cory Aquino Movement for President
CARP	Comprehensive Agrarian Reform Programme
CARL	Comprehensive Agrarian Reform Law
CCS	Centre for Community Services
CG	Conveners Group
COCOFED	Philippine Coconut Producers Federation
COMLEC	Commission on Election
ConCom	Constitutional Commission
CPAR	Congress for a People's Agrarian Reform
CPP	Communist Party of the Philippines
EO	Executive Order
FDC	Freedom from Debt Coalition
FFF	Federation of Free Farmers
FLRF	Federation of Land Reform Farmers
FRC	Forum for Rural Concerns
HB	House Bill
HMB	Hukubong Mapagpalaya ng Bayan (people's Liberation Army)
Huks	Hukbalahap
	Hukbo ng Bayan laban sa Hapon (People's Anti-Japanese Army)
KBL	Kilusang Bagong Lipunan (New Society Movement)
KMP	Kilusang Magbubukid ng Pilipinas (Peasant Movement of the Philippines)
LABAN	Lakas ng Bayan (Fight of the People)
LMMMP	Lakas ng Magsasaka Mangagawa at Mangisdang Pilipinas (Strength of the Awakene Farm Workers in the Philippines)
MAN	Movement for the Advancement of Nationalism
MAP	Management Association of the Philippines
MBC	Makati Business Club
MDP	Movement for a Democratic Philippines
MNC	Multinational Corporation
NDC	National Development Corporation
NDF	National Democratic Front
NEDA	National Economic Development Authority
NFSP	National Federation of Sugar Workers
NGO	Non-governmental Organization
NPA	New People's Army
NUC	National Unification Committee
OP	Office of the President
PAKISAMA	Pambansang Kilusang ng mga Samahang Magsasaka (National Movement of Farmer Unions)
PARC	Presidential Agrarian Reform Council

PARCODE	People's Agrarian Reform Code
PCCI	Philippine Chamber of Commerce and Industry
PCGG	Presidential Commission on Good Government
PCSD	Philippine Council for Sustainable Development
PD	Presidential Decree
PDP	Philippine Democratic Party
PDSP	Partido Demokratiko Sosyalista ng Pilipinas (Philippine Social Democratic Party)
PHILDHARRA	Philippine Partnership for the Development of Human Resources in Rural Areas
PKM	Pambansang Kapisahang ng mga Magbubukid (National Peasant Union)
PKP	Partido Komunista ng Pilipinas (Philippine Communist Party)
PnB	Partido ng Bayan
PRRM	Philippine Rural Reconstruction Movement
RA	Republic Act
RAM	Reform the Armed Forces Movement
RCC	Record of the Constitutional Commission
SB	Senate Bill
SWS	Social Weather Station
UFFAP	United Farmer's and Fishermen's Association of the Philippines
UNIDO	United Nationalist Democratic Organization
US	United States

PERIODICALS

BT Business Times
 Malaya
 MC Manila Chronicle

INTRODUCTION

In February 1986, the hasty departure of Ferdinand Marcos to the United States ended the authoritarian regime in the Philippines. The combination of a military revolt and the People Power installed the new regime presided over by Corazon Aquino. It is considered that political democracy has been restored since then. Some even argue that the People Power brought about the "birth of the civil society" in the Philippines (Fujiwara 1988).

It is generally accepted that the transition from authoritarian rule to political democracy is of intrinsic value.¹ In the case of the Philippines, many Filipino were rightfully proud when they ousted Marcos and restored political freedom in February 1986. Literature on the process of democratization during the Marcos-Aquino transition is abundant. It seems, however, less attention has been paid to the impact of democratization on society and state in the Philippines in the post-Marcos period. What happened, in the aftermath of the enthusiasm of the People Power, to the political and economic life of Filipino people? Is there any kind of civil society emerging in the Philippines? How did the nature of Philippine state change after the regime transition? What kind of democracy was created by 'democratization'? These questions form the basis of my research inquiry.

This research focuses on the policy-making process of the Comprehensive Agrarian Reform Programme (CARP) as a means to explore three inter-related themes: the democratic consolidation process, democracy, and state-society relations in the contemporary Philippines.

This is a study of the process of democratic consolidation after the change of regime in the Philippines. The democratic consolidation process here refers to the period from February 1986 to the end of the Aquino administration in June 1992. The research contends that CARP policy-making is a case study par excellence which illustrates the characteristics of the democratic consolidation process. This is not only because the period of CARP policy-making overlaps that of the consolidation process, but also because the forces and issues involved in the study correspond with crucial factors which characterize the democratic consolidation process.

The concern for policy-making in the period of democratic consolidation also means that this is an effort to study Philippine democracy after the 'democratization.' In analysing democracy in the post-Marcos era, many argued that the Aquino government only restored the democracy of the pre-martial law period, and attached labels such as "elite democracy" (Nemenzo 1987) or "cacique democracy" (Anderson 1988). In my view, however, democracy encompasses multiple viewpoints. This research is an attempt to provide an alternative perspective on Philippine democracy.

A study of democracy further suggests that this research is concerned with state and society relations in the contemporary Philippines. Democracy, which in principle means rule by the people, is a form of state-society relations in the governance of a society. Thus, a study of democracy, or how people rule, is another way to explore features of state-society relations. To explore state and society relations, an investigation into public policies is a useful means for analysis because these are instruments which link state and society. The study of public policy-making, or the study of how public policies are initiated, formulated, implemented and evaluated is, in the words of Hirshman, "merely another way of emphasising the relationship of state, society and politics" (1975). In this regard, a study of CARP policy-making can provide a meaningful insight into features of state-society relations in the Philippines.

The public discourse of CARP started in early 1986, during the presidential election campaign, when

1 For a critical interpretation of democratization with regards to Latin American cases, see McEwan (1988). For the Philippines, see Stauffer (1990).

Corazon Aquino promised her potential electorate a "genuine and comprehensive agrarian reform."² Two years after the February Revolution of 1986, the Comprehensive Agrarian Reform Law (CARL) which institutionalized the CARP was legislated. Its implementation began in 1988 and is scheduled to terminate in 1997.

Although evaluations of CARP greatly differ depending on one's viewpoint,³ CARP was a failure in the opinion of many in the sense that it has not been redistributive. To this problem, this research asks why it failed. The analysis of this research is focused on the policy formulation process among other dimensions, such as implementation, from which factors of failure can also be investigated.

The objectives of the research are twofold. One is to answer the research question, why the CARP failed. The other is to provide perspectives to understand characteristics of the three themes of my inquiry, that is, the democratic consolidation process, Philippine democracy, and finally state-society relations in the post-Marcos Philippines. To attain these objectives, the research uses the following analytical approach.

2 The terms land reform and agrarian reform are used interchangeably in this research. Generally the two terms are differentiated, the former more concerned with the redistribution of land ownership while the latter includes provisions of infrastructure services aside from land redistribution. Since the policy discourse of agrarian reforms in the Philippines does not strictly differentiate the terms, this research in principle use the terms following the usages of sources which it refers to.

3 For example, President Aquino assessed the CARP law as a "tolerable compromise." Cardinal Sin, Manila's politically influential archbishop, called CARP "a genuine, far reaching, effective land reform programme" (Timberman 1991:359).

APPROACH

In principle the research relies on the body of knowledge developed within the theories of public policy-making. The existing methodologies for explaining policy-making can be broadly classified into economic and political approaches. The economic approaches are represented by the New Political Economy (NPE) (Findlay 1991). Public Choice, rent seeking models, and New Institutional Economics are names used which are almost synonymous with the NPE. Influenced by the assumptions of neo-classical economics, these approaches presume that individual's behaviour is rational and that individually rational behaviour in politics leads to economically irrational outcomes. Thus, policy-making can be explained by the demand and supply schedule of the issue area in a political market (Grindle 1991). Another important, and seemingly insufficient, assumption of economic explanations of policy-making is their assumption that the political and power structure in society is either appropriate or institutionally sanctioned (Ruttan 1991:291).

Many economists have applied the NPE approach in their explanation of CARP policy-making (Hayami 1991, Hayami et. al., 1990, Balisakan 1990a, 1990b, Adriano 1993). A cost-benefit equilibrium schedule in the political market is used to explain the policy outcome. In this model, less redistributive policy outcome is justified because the effective demand for the redistribution of land was low and a greater opposition to the redistribution existed (Balisakan 1990b: 20-30). One of the problems with this model is its assumption which considers political institutions, or the procedures and arenas of decision-making, as given and static. Since political institutions pertaining to the CARP policy-making have changed during the period under investigation, the NPE approach is not useful in analysing the case in question.

Political approaches to the explanation of policy-making pay attention, explicitly or implicitly, to the dimensions of power.⁴ Among them, a differentiation can be made between the state-centred and the society-centred approaches (Grindle and Thomas 1991: 18-42). State-centred models locate sources of power in state autonomy, or among bureaucrats and political leaders in state. Those who argue for state autonomy in policy-making (Skocpol 1985, Stepan 1978, Poulanzas 1969) seem to pay excessive attention to abstract concepts and tend to "mystify" the state (Pye 1992:35-49). These approaches are less appropriate for an empirical study. For the Bureaucratic Politics model (Allison 1971) and those who emphasise state elites (Grindle and Thomas 1989, 1991), the role of societal actors is only marginally taken into account. This research does not find state-centred approaches helpful to analyze the case in question, mainly because in a democratic institutional setting, policy-making is not only the affair of the state but rather a matter of state and society relations. In this concern, it is necessary to pay attention to the roles played by societal actors.

Society-centred accounts of policy-making perceive that the power of societal actors is greater than that of state actors. They include class analytic or instrumentalist Marxist models (Miliband 1969), Pluralist models (Dahl 1961), and Elitist models (Hunter 1953). The class analytic models seem to offer considerable insights into Philippine society where sharp class-based conflicts can be observed. However, study of the CARP policy-making reveals that the interests of the actors involved in the process can not be reduced to the economic structure and thereby analyzed as class conflicts. For example, the peasant movement involved in the CARP policy-making was not a class phenomenon⁵ but encompassed a broad type of groups from different classes. Marxist models seem to be insightful in their analysis of the macro levels of social dynamics or structures, but they can be less useful for investigating micro levels of social interactions, particularly interests of individual

4 For the methodologies to study different dimensions of power, see Bachrach and Baratz (1970), Lukes (1974) for pluralist approaches, and Domhoff (1979-80) for marxist analysis. Clegg (1989) provides epistemological accounts for different analytical approaches to power.

5 The type of social movements involved in the CARP policy-making can be analogous to the New Social Movement, which, as one of the distinctive characteristics different from the traditional social movement, encompasses different classes in society. For further discussion, see Melucci (1989).

or organizational actors (McLennan 1989). The Pluralist and Elitist models are advantageous to conduct micro-level analyses of behaviour in contrast to the class-deterministic Marxist models. However, they have limited use in this study because of their voluntaristic account of human behaviour in policy-making. In other words, historical perspectives are not well accommodated in their framework. In the cases of Philippine policy-making, considerations of the history of colonization and its effects on the formation of state and social structure need to be added if deeper insights are to be provided.

Many analyses of CARP policy-making use the political approach. Some argue that the cause of the failure was Aquino's lack of political will (CPAR 1992). Others, by using class analytic models, conclude that the non-redistributive output of CARP was the result of elite's dominance of the state. Among those who adopt Marxist models, James Putzel (1992) provides one of the most comprehensive details of the policy-making process. However, his analytical framework, with which he explains the process as the "competition between conservative and liberal approaches to reform," seems to limit its usefulness. The over simplistic categorization of actors overlooks other important factors or actors which do not fit in the two approaches. For example, analysis into the impacts of the change from an authoritarian to democratic regime, which was a significant element in determining the arenas of "competition" can not be accounted for in his framework. As a consequence, such a framework did not guide to answer why the conservative approach was so powerful, instead, led to a pre-determined conclusion, that is, the non-redistributive CARP was the product of the "ultimate victory" of conservative advocates against reform.

The approach of this paper eclectically applies various elements of the political approaches described above. It basically uses the concept of power to explain policy-making. Among different approaches to power, this research particularly looks at relations of power among actors involved in the policy-making process. The following explains the research's conception of power and its approach to power relations.

Most political approaches to policy-making view power as a limited good, thus the exercise of power becomes a zero-sum game. They also assume that power is located within a group of people and it can only be exercised by the 'powerful.' However, power is conceptualized in this research as a resource which is capable of expansion or growth, as well as something which is franchised or diffused in society (Parsons 1969, Foucault 1977). This conception allows one to look at power not as the possession of actors but as a property of relations. At the same time, power is defined as an ability to realize one's interest.⁶ Based on these definitions, this research pays attention to the relationships of power among actors and their interests. Looking at power relations based on their interests can accommodate a broader range of factors. Class based interest, for example, became one of form of interests in this framework.

The focus on power relations does not limit this research to either society-centred or state-centred models, but allows it to focus on the relationship between state and society. Since this research looks at the process of policy-making which is by nature dynamic, it is not useful to dichotomize state power and societal power and to argue which power is stronger or weaker. By looking at the process of policy-making, one realizes that in a normal state there are changes of power relations between state and society.

Moreover, the focus on power relations leads this analysis to look at institutions, in particular, political institutions. Institutions in the political sphere of society are rules of the rule⁷. The former 'rules' refer to written or unwritten instructions, legitimized by members of society, and the latter 'rule' means the governance of a society. It is observed in this case study that power relations are regulated by institutions. Power relations

6 The analysis of interest in this paper will be based on the actor's statements. It will not go on to an analysis of hidden or disguised interests. For the problems of the analysis of interest, see Hindess (1986).

7 This definition of political institutions was suggested by Prof. Raymond Apthorpe during discussion with the writer in May 1993. Similar conceptions can be found in Hayami and Kikuchi (1981) in their analysis of village institutions with regards to agricultural production. They describe institutions as "rules sanctioned by the members of the community" (1981:5). Douglas North, known as an Institutional Economist, defines institutions as "rules of the game" (1981).

also create institutions and manipulate them. The case of CARP policy-making will illustrate how institutions and changes in them influence the shaping of a policy.

In view of the framework of analysis explained above, a set of research questions has been posed to explain why the CARP failed in its formulation process. These questions are as follows:

- (1) Why has CARP been evaluated as a failure for being non-redistributive?
- (2) Why was it Mrs. Aquino who promised to implement agrarian reform, what did she actually promise, and why?
- (3) Why did Congress become the arena to decide crucial items of agrarian reform policy, while President Aquino could have formulated the policy with her legislative power after the February Revolution?
- (4) Why did those who opposed redistributive reform become more influential than others?

The framework of analysis described above has been adopted to answer these questions for the following reasons.

First, the political approach, not the economic approach, needs to be adopted because the above questions can not be based on the concept of rationality which is the foundation of economic approaches. In other words, policy-making, and more importantly human actions, can not always be explained by economic rationality. The concept of power is useful because it allows this research to explain complex motivations of human actions and multiplicity of goals, which are often found in this case study. The adoption of the political approach, however, does not negate the relevance of rationality but includes it as one of the elements which can be explained by the concept of power.

Second, this research's approach to power, that is, focusing on the relationships of power within certain institutions, needs to be introduced because the above questions are closely related to the regime change. This change brought about changes of power relations and institutions. The power centralized within the Marcos and his cronies was dispersed to different groups, and the authoritarian rules of the rule became democratic. To incorporate influences of the democratization, the focus of this research should include the power relations as well as institutions.

The following four chapters are organized to facilitate answering each question based on the framework of analysis. At its conclusion, this research provides an answer to the main question why CARP failed. At the same time, it discusses the characteristics of the democratic consolidation process, Philippine democracy, and state-society relations in the contemporary Philippines based on the findings of the research.

1. FILIPINO PERCEPTION OF AGRARIAN REFORM

This chapter attempts to explain the first question which asks why many have evaluated the Aquino's agrarian reform as a failure for being non-redistributive. The Comprehensive Agrarian Reform Programme, or CARP is 'comprehensive' in the sense that it covers, for the first time in Philippine history, all private and public agricultural lands, all kinds of tenure arrangements, and all crops. It also provides support services such as irrigation, and credits for legal beneficiaries of the property owners. However, many have evaluated CARP as a failure. The Congress for People's Agrarian Reform, a national peasants' coalition which claimed to have 1.5 million members said that it "failed to address peasants' basic and just demands" (PHILDHARRA n.d.1). Another peasant organization, the Federation of Free Farmers (FFF) which has 250,000 member nationwide, commented CARP that it was a "comprehensive and genuine disaster"(FFF 1988:1).

The above evaluations assume that redistribution is one of the most important criteria. Such an assumption can be seen in their reasons, or indicators, of their criticisms: (1) land amount retention limits for landowners were high;(2) the ten year implementation period and the implementation phases which left private lands last gave landowners leeway for evasion from the reform; (3) many forms of land were exempted from the programme; (4) non-land transfer options such as stock distribution went against the "very essence of genuine agrarian reform, or 'land to the tiller'" (CPAR 1992:3).

Therefore, this chapter's question can also be formulated as: why do many Filipino use the concept of redistribution as the important criterion of evaluation in the case of CARP? There are also underlying queries for this question: why do many evaluations view and assume redistribution as the most important issue in the agrarian reform policy in the Philippines today, but not, for example, tenancy reform, gains in productivity, collectivization of landownership, resettlement schemes, or the recognition of communal land use systems? This chapter explores the historical processes by which the redistributive agrarian reform became a popular policy discourse in the Philippines.

1.1 Evolution of Agrarian Structure

A historical investigation into the development of the agrarian structure reveals why redistribution has been an important policy issue in Philippine agrarian reforms. The contemporary Philippine agrarian structure is correctly described by Hayami and others as having "extremely uneven distribution of both landownership and operational holdings and the coexistence of small peasant farms and large plantations" (1990:22). This section traces the origins of such agrarian structure.

Before the Portuguese mariner Magellan reached the shores of the Samar Islands in 1521, landownership in the country was largely communal: *barangay*, or small communities, owned a certain territory and individual families had rights to use specific areas of land as long as they occupied it. During the three hundred years of Spanish occupation, the major transformation of the agrarian structure was the development of *haciendas* or large estates in the hispanized areas of the Luzon Island and Visayas regions. One of the institutional changes which enhanced the development of *haciendas* was the legal recognition of individual land ownership by the Spanish colonial administration. Introduction of private real property rights gave the Hispanized natives the opportunity to encroach on communal land. It was mostly Christian and Chinese mestizos who secured documented property rights. However, their rights had often been acquired through the "outright usurpation of other people's prior rights, or some other anomaly" (Lynch 1991:501).

In the rice growing areas of the Luzon Island, landlordism, a share cropping arrangement between landlords and tenants emerged in the 19th century (Hayami et. al. 1990:35-36). In terms of the size of the individual landholding, however, the Coastal regions were relatively small, whereas the Central Luzon saw the development of large scale *haciendas*. The landlord-tenant relationship was relatively paternalistic in the Coastal

region because the majority of landlords and tenants lived in their municipality, and landlords patronized their tenants by giving economic and social benefits such as credits in return for the loyalty of their tenants. In Coastal Luzon, on the other hand, the landlord-tenant relationship in large haciendas was less paternalistic and was based on strict contracts (Hayami et. al. 1990:38). Many landlords lived in Manila, the capital of the Spanish colonial administration, and had no personal contact with their tenants because the management was carried out by farm managers. As a consequence of this non-personalistic relationship between landlords and tenants, the Central Luzon region experienced numerous peasant uprisings until the 1950s.

A different kind of agrarian structure appeared in the Visayas region. With the integration of Philippine sugar industry into the world market, by the end of the nineteenth century, large scale sugar plantations were established on the Visayan Islands (McCoy 1982). High sugar prices in the 1850s and 1860s created a monoculture of sugar cane in the region.

The development of *haciendas* was interrelated to the evolution of unequal power relations among the Filipinos. It was created through the mechanism of Spanish colonial management. The Spanish regime utilized local chiefs or *datu* to manage local political affairs. The *datu* later came to be called *cacique*, a Spanish term which means the head of the village. *Caciques*, most of who were Spanish mestizos or Chinese, became social and economic elites through the incorporation into the colonial administration. Along with the concentration of landownership, the gap in political and economic power between the Filipino elites and the rest of the population deepened during the Spanish era (Owen 1992).

By the Treaty of Paris in 1898, the American government annexed the Philippines from the Spanish and institutionalized existing power relations in the colony. The US government established many institutions pertaining to agrarian structure in the Philippines, many of which still exist today. The Second Philippine Commission headed by William Taft was sent by the US government to the Philippines in 1890 to establish a civil government with the commission acting as both legislature and cabinet.⁸ The Taft Commission was empowered to enact laws of the colony. During its term in office, the Commission legislated 1,003 acts.

Two important legal institutions relating to land titles and land classification were established by the Commission. One was the Land Registration Act of 1902, which introduced the Torrence system⁹ as the colony's land titling methods. The Commission intended to promote the use of land as a marketable commodity by registering and guaranteeing the legal rights of private land owners under the Torrence system. However, since the system did not create or vest title, but merely confirmed and recorded title already existing and vested, it benefitted only a few Filipino elites who had already documented their rights during the Spanish period. However, the Act excluded many natives, most of whom did not have knowledge about the system and lacked access to the titling system. As a consequence, it was estimated in the early 20th century that the land owned individually by Filipinos only amounted about 2 million hectares. The rest of the area in the Philippine archipelago, about 27 million hectares, was deemed as 'public land' (Lynch 1991:339).

The other important institution was the Organic Act of 1902, which served as the Constitution of the colony until 1935. Its crucial point with regards to land classification was that its definition of public land was the same as that used in the US Public Land Law, although the situation of public land was very different in the two countries. It stated that public lands were owned by the state based on the principle known as *Jura Regalia* or the Regalian Doctrine, which had first been introduced by the Spanish.

The US government's interpretation of the Regalian Doctrine was different from that of the Spanish.

8 The First Philippine Commission headed by Jacob Schurman, President of Cornell University, was created by the US government for fact finding purposes with respect to the colony (Wurfel 1988:8).

9 The system was devised by Sir Robert Torrens who had served as commissioner of customs in South Australia in the 1830's. He based his scheme on the English Merchant Shipping Acts, which had streamlined regulations pertaining to the loading and transshipment of cargo space (William Niblack, 1912, *An Analysis of the Torrens System of Conveying Land with reference to the Torrence Status of Australia, England, Canada and the United States*. Chicago: Callaghan. pp7-8, cited in Lynch 1991).

The Spanish aimed to recognize indigenous rights over property by differentiating them from the Crown owned lands. The native land rights were primary and superior to the sovereignty of the Crown (Royo 1988). For the US government, the public land meant the lands which were not properly registered under the Spanish administration. Since it was mostly Christian Filipino elites who secured their property titles during the Spanish period, the vast acreage of lands where much of the non-Hispanized population lived became public lands and thereby property of the state. The millions of people who lived on the public lands became illegal occupants or squatters. This institution reflected the US government's ignorance of the customary property rights of non-Hispanized population.

The agrarian structure in Mindanao was a result of this institutional setting. After American investors found the rainfall and soil conditions in Mindanao suitable for growing export crops such as pineapples, these public lands were leased to American capitalists by the US government in accordance with the law. Large fruit plantations were established in Mindanao during this period. The practice was then reverted to the Commonwealth government which was established in 1935. The first Filipino President, Manuel Quezon, created the state-owned National Development Company (NDC) in 1937 after being persuaded by the Philippine Packing Corporation, a subsidiary of Del Monte Corporation, to allow multinationals to continue leasing public lands in the Philippines (Edgerton 1982:375). Another institution which influenced the creation of agrarian structure in Mindanao was the Homestead Act of 1903, by which Filipino citizens were allowed to settle in the 'frontier' areas of public lands in Mindanao. The migration by Christian Filipinos into the Muslim ancestral lands created conflict between Muslims and the central government as well as the migrant Christians.

The US definition of public lands ignore one agrarian structure, that is, the customary land use of the indigenous Filipinos.¹⁰ Since their lands were classified as public, this agrarian structure had been almost neglected by the American government and, after the independence, by Filipino policy-makers in the central government. The fact that these indigenous peoples had their own *de facto* institutions had been overlooked by the national government, which had created and applied different *de jure* institutions (Prill-Brett 1992). Since the current agrarian reform policy covers all agricultural lands, the customary forms of agrarian structure among indigenous cultural communities are part of the issues being considered by CARP.¹¹

1.2 Redistributive Reform as an Exogenous Concept

The main features of the agrarian structure in the Philippines were essentially in place by the end of American period. As a reaction to the uneven land ownership, many peasants uprisings have taken place mainly on Luzon Island from the Spanish era to the 1950s. Agrarian reform policies emerged as a counter measure to the peasant revolts during the Commonwealth period in the 1930s. However, these uprisings did not focus on the issue of land redistribution until the 1950s. Similarly, the focus of reform policies until the 1960s was not the redistribution of land ownership but tenancy reforms and resettlement programmes to the public lands. The following review of peasant uprisings and past agrarian reforms will reveal that redistribution, if not entirely exogenous, is not purely an endogenous concept in Philippine agrarian reforms.

For many peasants who joined the revolts, the redistribution of land was hardly an issue in the agenda. Until the 1930s, peasant protests were organized around religious or superstructural elements. Peasants followed charismatic leaders for spiritual salvation. Sturtevant analyzed that "Few, if any, movements between 1840 and

10 There are six major 'indigenous cultural communities' spread in the archipelago. These are: (1) Igorot communities in the Cordillera region; (2) Negrito and Caraballo communities in Northern Luzon; (3) Mangyan communities on Mindoro Island; (4) Muslim communities in Western Mindanao, Basilan, Sulu and Tawa-Tawi; (5) Lumad communities in Eastern/Southeastern Mindanao; and (6) Negrito (Ati) communities on Panay Island (Inter-Agency Committee on Ancestral Land n.d.).

11 For CARP-related research on public domain, see Mangahas (1987), Quisumbing (1987), Cornista and King (1988), and Cornista and Escueta (1991).

1930 were organized around purely economic symbols. Few if any, further more, made the redistribution of land a basic objective" (1976:17). Since the 1930s, peasant uprisings have begun to take on secular characteristics. The Sakdal uprising in 1935, which mobilized 68,000 peasants and workers, demanded the immediate independence from the United States but not the redistribution of land (Sturtevant 1976).

President Manuel Quezon responded to the upheaval of the Sakdalistas by establishing the Social Justice Programme. His definition of Social Justice was the improvement of rural life through tenancy reforms, not by redistributing lands. The Share Tenancy Act was drafted as the "panacea for all the ills that plagues the countryside" (Constantino 1975:374-6). During the Commonwealth period, peasants made little concentrated effort for land redistribution. Nor did state policy-makers perceive a need to make redistribution of landownership a key policy issue.

From the late 1930s through the 1950s, the peasant movements led by the Hukbalahap (Hukbo ng Bayan Laban sa Hapon or the People's Anti-Japanese Army) in the Central Luzon developed into the uprising known as the Huk rebellion. Yet the peasants did not demand the redistribution of land but the reformation of tenancy arrangements. Kerkvliet analyzes that "there is no inherent reason for tenants to claim the land they till. What is crucial for peasants is the right of subsistence living from the produce of the land, not a legal title itself" (1976:255). Although the Huks were led by the leaders of the Communist Party or the PKP (Partido Komunista ng Pilipinas) and other communist influenced peasant organizations¹² which advocated redistribution of land ownership, the leaders' view did not become the peasants' visions.

It was the United States government which caused many Filipinos to perceive redistribution as an important element of agrarian reforms. In the 1950s, it introduced the notion of redistributive agrarian reform to the Philippines as an anti-communist measure in Southeast Asia in the 1950s. It can be argued that this galvanized awareness of the redistribution issue for many Filipinos.¹³

After the 1949 Chinese revolution, the United States was increasingly concerned with the communist threat and began to consider redistributive agrarian reform a political weapon in the fight against the communist insurgency in Third World countries (Putzel 1992:75-76). In 1952, Robert Hardie, a technical staff of the US Department of Agriculture, was commissioned by the US administration to study tenancy problems in the Philippines. His findings and recommendations, popularly known as the Hardie Report,¹⁴ were drafted in September 1952. It proposed a land reform programme similar to the land reform model used in Japan, which emphasised land redistribution in order to create small-scale owner-cultivators to avoid the communist take-over

12 Many of the leaders of the Huks were members of the Partido Komunista ng Pilipinas (PKP) or the Communist Party of the Philippines. The PKP organized the Pambansang Kaisahang ng mga Magbubukid (PKM) or the National Peasant Union in 1945. The Hukbalahap later changed its name to the Hukbong Mapagpalaya ng Bayan (HMB) or the Army of National Liberation (Constantino 1978:206).

13 Until the US government popularized this concept, there were few local peasant leaders (except those aligned with the communist ideologies) who recognized that the agrarian problems could be solved by redistribution of land ownership. For the Federation of Free Farmers (FFF), which was established in 1953 by a group of Catholic laymen with the purpose of undermining communist problems, redistributive agrarian reform was an 'unjust' measure. Its official publication Importance of Land Settlement, drafted in early 1954, stated that:

the basic problem of the Filipino farmer is insufficient production....the most practical way to give land to the farmers is not by the expropriation and subdivision of landed estates....but the most important objection to (the expropriation and subdivision of landed estates) plan is the fact that in our country there are thousands upon thousands of hectares of public lands fit for agriculture but idle since time immemorial. Since there are...agricultural lands unoccupied by anyone which we can give to our landless farmers, why should we force the owners of landed estates to give up their lands? Is this not unjust and immoral? ...It is clear, therefor, that ...most important and most practical solution to our agrarian problems is land settlement (cited in Carter 1959:105).

14 Formally, the Hardie Report was entitled Philippine Land Tenure Reform: Analysis and Recommendations. Before Hardie was sent to the Philippines, the Bell Commission was sent by the US government to survey the country's economic situation and its report proposed the same recommendations as the Hardie Report: the land redistribution was the solo solution to the agrarian unrest (Ofreneo 1980:34).

of the country (Monk 1990:appendix 1-42). The US government considered his proposal effective not only to undermine the communist insurgency in the Philippines but also to replace President Quirino with Magsaysay in the 1953 presidential election.

In December 1952, US Ambassador Spruance deliberately released the Hardie Report to the press both in the United States and the Philippines. This resulted in a controversy in both nations. Reactions from much of the press and public were overwhelmingly favourable to the analysis and the solution prescribed in the Hardie Report (Monk 1990:42). The US intention in releasing the controversial report was to discredit the conservative Quirino administration and to show America's support for the reform-minded Defence Secretary Ramon Magsaysay in the 1953 election. The release of the Hardie Report created a public criticism against the Quirino government's lack of action toward agrarian problems (Monk 1990:45-59). Consequently in 1953, with the financial support from the US, Magsaysay won the election.

It can be argued that since this incident, many people have come to realize that the problems of the agrarian sector should be solved by the redistribution of landownership. Magsaysay, as a presidential candidate, also popularized the notion of redistributive reform through his campaign pledge to "enforce a greatly accelerated programme of land acquisition and redistribution" (Sterner 1961:39).

However, after his assumption to office in 1953, no redistributive agrarian reform law passed the Congress for two years. The Land Reform Act of 1955 only provided that "land in excess of three hundred hectares of contiguous areas if owned by individuals and six hundreds hectares if owned by corporations could be expropriated" (Putzel 1992:92). Consequently, little redistribution of land took place under this law. The Philippine government, echoing the conservative shift of its American counterpart¹⁵, promoted alternative measures to resolve peasant insurgency: the resettlement programmes and the establishment of cooperative credit and marketing (Putzel 1992:92-93).

The Agrarian Reform Code introduced by Magsaysay's successor, Diosdado Macapagal, in 1963 differed from his predecessor's policy. It emphasized productivity increases in order to promote industrialization. There were, again, little redistributive intention in Macapagal's agrarian reform. The original 25 hectares retention limit drafted by the Presidential Land Reform Committee was watered down as Congress inserted 200 amendments and increased retention limits to 75 hectares. The Code's scope of implementation was limited to some pilot areas in Central Luzon and thus had little redistributive outputs (Hayami et.al. 1990:56-57).

In the 1960s, in reaction to the deteriorating social economic conditions,¹⁶ the discontent of the population were expressed in the form of social movements. Many rallies and demonstrations were organized by various social sectors such as industrial workers, peasants, and students. These mass protests demanded government implementation of social and economic reforms, and redistributive agrarian reforms were often included in their agenda items. It was not only because the peasants constituted an important part of the social movements, but also because the movements were led by the Marxist activists who emphasised redistribution of landownership as a measure to solve rural problems (Hick 1987, Huizer 1980).¹⁷ It can be argued that along with the upgrade of education standards and the diffusion of mass media in the 1960s, the Marxist activists made the notion of redistributive agrarian reform a popular issue within the social movements.

15 With the inauguration of the Eisenhower administration, the United States government made a conservative shift in its foreign policies and decided on retrenchment of the land reform issue even before Magsaysay was elected (Monk 1990:59).

16 In the 1960s, the degree of landlessness increased mainly due to the rapid expansion of agribusiness operated by multinational corporations. Also, the stagnation in the industrial sector failed to absorb the excess labour in the rural areas and resulted in the higher unemployment along with the high population growth rate (Asano 1992:41-44).

17 For example, Jose Maria Sison had been lecturing at the University of the Philippines since the beginning of the 1960s before he established the Communist Party of the Philippines (CPP) in 1968. In his theories of 'National Democracy', free distribution of landownership was one of the components to dismiss the 'semi-feudalism' in the country. About his lectures on agrarian reform and National Democracy, see, for example, Sison (n.d.).

The national legislature reacted to the increasing social pressure by formulating a redistributive agrarian reform law. The Code of Agrarian Reform of 1971, during the presidency of Ferdinand Marcos, was a result of social demands which were demonstrated by peasants, students, and urban trade unions (Hick 1987:30). The retention limits for landowners were reduced from 75 to 7 hectares and the Department of Agrarian Reform was created by this law (Hayami et.al. 1990.57-58). However, one year later under the martial law regime, this progressive law was replaced by presidential decrees.

Soon after Marcos proclaimed martial law on September 1972, he declared the entire Philippines a land reform area by the issuance of Presidential Decree (PD) No. 2. One month later, agrarian reform programmes were started in the rice and corn areas to "emancipate the tillers from the bondage of the soil." Tenants were entitled to purchase the lands they tilled if the landholding under which they worked were more than 7 hectares.¹⁸

By the 1990s, the Marcos land reform has been evaluated with different criteria. Some argue, by adopting economic productivity as the criterion, that it was successful in transferring much of the economic returns from absentee landlords to share-croppers. The farmer beneficiaries have been receiving large economic surplus due to an increase of rice yields along with the improvements of agricultural technology (Hayami et.al. 1990:68-69, Otsuka 1992). For others who use redistribution as the criterion, the Marcos land reform was a failure. Peasant leaders have criticized that the retention limit was high and the reform only covered rice and corn areas but not other major crop areas such as sugar cane and coconuts. They also argued that many landlords evaded the programme and that many tenants could not repay their debt to the government and became landless labourer.¹⁹

From the view point of popular perception, one of the major achievements of the Marcos land reform was that, compared to the previous period, it made the notion of redistributive reform more acceptable to the political elites. It also legitimized the social movements' demands for redistributive reform.

1.3 Conclusion

From the discussions in this chapter, it can be concluded that there are two main reasons why many Filipino use redistribution as one of the most important criteria in assessing agrarian reforms in the Philippines today. One reason derives from the structure of agricultural landholding, with its extreme concentration of land ownership and landlessness. Such agrarian structure was established during the Spanish and American colonial period. The unequal power relationship over landownership created by the Spanish was legitimized by the United States government with its imposition of institutions pertaining to land ownership.

The other reason is that many have come to believe that agrarian problems should be solved by redistribution. The notion of redistributive agrarian reform was popularized by the American government in the 1950s and by the Marxist activists in the 1960s.

Since redistribution was not achieved by the Marcos land reform, the issue still remains important for many, particularly the peasantry. Accordingly, the criterion of redistribution has been used to evaluate the current agrarian reform policy. So far the redistributive aspects of the reform have not been achieved, therefore, the CARP has been deemed a failure.

18 For a detailed analysis of Marcos land reform, see Wurfel 1977, Richter 1980, and Kerkvliet(1979).

19 Statement of Leonoy Montemayor, Executive Secretary of the Federation of Free Farmers, from the transcript of public hearing of the House Committee on Agrarian Reform on August 11, 1987.

2. AQUINO'S AGRARIAN REFORM PROMISES

In an environment where redistribution was one of the most important elements of agrarian reform, Corazon Aquino promised to implement a "genuine agrarian reform" while campaigning for president in January 1986. This chapter intends to answer the second question of this research: why it was Mrs. Aquino who promised to implement agrarian reforms, what was actually promised, and why.

2.1 Aquino's Candidacy and the Four Main Political Forces

To understand why it was Corazon Aquino who promised agrarian reforms, it is necessary to consider characteristics of the democratization process. The democratization process here refers to the period from the imposition of martial law in 1972 until the success of the February Revolution in 1986.

In September 1972, President Marcos declared martial law throughout the entire country. With the advent of "Constitutional authoritarianism"²⁰ (Hernandez 1985), democratic political institutions were replaced by authoritarian forms of government which concentrated political power in the presidency. Congress was dismantled, political parties were banned, the right of assembly was withdrawn, and civil and political rights were suspended. President Marcos, Head of the Executive, assumed legislative power.

As a reaction to Marcos' authoritarian rule, various opposition groups emerged. A schematic categorization of these groups using 'democracy' as a point of reference is useful to understand the characteristics of the anti-Marcos movements and thereby that of the democratization process. All opposition groups against Marcos called for democracy, but their definitions of democracy, their scenarios for replacing Marcos, and therefore, their visions of the post-Marcos era were different in kind (Fujiwara 1988). Table 1 categorizes the four main kinds of opposition groups.

Table 1: 'Democracies' of Anti-Marcos Movement during the Presidential Election of 1986.

	Elite Democracy	Bourgeois Democracy	Participatory Democracy	Revolutionary Democracy
definition of democracy	Constitutional procedure	economic liberalism	social/economic transformation within Constitutional procedure	social/economic transformation by social revolution (abolition of 'semi-feudalism')
leading organizations	UNIDO (1980)	BBC (1971) MBC (1981)	LABAN (1985 November) CORD -> BAYAN -> BAYAN -> Bandila	CPP (1968)
form of organization	traditional political party	interest group	loosely organized political party	vanguard party
social base of support	landowners, local politicians (rural)	business community (urban)	urban middle class	peasant/ labour (mainly rural)
mechanism of support	clientelism	membership	voluntary participation	CPP directed participation
method to replace Marcos	by election	by election	by election	by social revolution

Note: Above table is from Fujiwara 1988:25. Some modification is made with reference to Diokno 1988, and Abinares 1988.

20 The 1935 Constitution allowed the president to 'call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privileges of the writ of habeas corpus, or place the Philippines or any part thereof under martial law' (Constitution of the Philippines, 1935, Article VII, Section 10-2).

The following explains the developments and characteristics of the four categories of 'democracy' from the above table.

The Elite Democracy refers to the traditional politicians who had been the centre of state power before the martial law period. The corresponding definition of democracy emphasizes the Constitutionality of state decision-making (Fujiwara 1988:23), which was strictly observed in the pre-Martial era. The forces in the Elite Democracy had been organized as political parties. In practice, however, the party mechanism--absorption and channelling of collective interests through political parties--had deteriorated into 'clan politics' (IPD 1992). Since the election was organized through patron-client relations (Lande 1967), local landowners played an important role in mobilizing votes. Consequently, the Elite Democracy represented the interests of the landowners who generated its primary support.

The power of Elite Democracy declined after the imposition of martial law in 1972, when the Congress was suspended. Nevertheless, its strength reemerged with the restoration of national elections and the Interim *Batasan Pambansa* (Interim National Assembly) in 1978. The opposition parties gained many seats in the Interim National Assembly at the expense of the Marcos-created party KBL, or the New Society Movement. In this political environment, the United Democratic Organization (UNIDO) was established in 1980 and became the leading force within the Elite Democracy, which aimed to replace Marcos by elections.

The business leaders who opposed Marcos' rule are categorised as the Bourgeois Democracy. Democracy for them mainly meant economic liberalism. The Bishops-Businessmen's Conference (BBC) for Human Development, an organization of business leaders and the Catholic Church hierarchy established in 1971, was one of the first business associations to criticize Marcos' authoritarian rule. The BBC's connection to the Catholic Church protected its anti-Marcos activities from Marcos' repression.²¹ With growing discontent against the Marcos regime which brought about the expanded public sector activities along with rampant favouritism to cronies, the Makati Business Club (MBC) was established in 1981 by a group of business leaders representing large corporations in the Philippines. The MBC opposed the excessive economic intervention by the government and called for economic liberalization.²² Guided by BBC and MBC, many businessmen, mainly from the metropolitan Manila, became politically active and participated in the anti-Marcos movement.

The Participatory Democracy as composed mainly of the urban middle class spontaneously participated in anti-Marcos rallies and demonstrations. It was led by progressive politicians such as Agapito 'Butz' Aquino, brother of Benigno Aquino, Lorenzo Tanada, and Jovito Salonga. It sought democracy by bringing about a social/ economic transformation within the Constitutional structure (Fujiwara 1988). After the assassination of Benigno Aquino in 1983, there were a unorganized growth in the support for the Participatory Democracy. A political party LABAN (Laban ng Bayan or the Fight of the People) was created in November 1985 as a leading organization of Participatory Democracy.

The Revolutionary Democracy was led by the Communist Party of the Philippines (CPP) which was established in 1968. Although the CPP's founder, Jose Maria Sison, narrowly defined its democracy as the demolition of 'semi-feudalism' attained by an armed revolution (Guerrero 1979), democracy for the Revolutionary Democracy could broadly mean the realization of social/economic transformation by a social revolution (Fujiwara 1988). The repressive authoritarian rule provided a favourable environment for the forces of Revolutionary Democracy to grow. Its influence on social organizations such as labour unions, peasants, and student associations expanded during the martial law period. Its support base was mainly among the poor population as its strategy to achieve democratic goals was essentially via the working class struggle.

The assassination of Senator Benigno Aquino, Marcos' biggest political rival, in 1983 accelerated the

21 Interview with Ma. Teresa F. Nieva, Executive Director of the BBC, on February 28, 1995.

22 Interview with Guillermo Luz, Executive Director of MBC, on July 13, 1993.

opposition movement against Marcos.²³ Its escalation, however, made the four Democracies compete each other for the leadership of the post-Marcos era. Since early in 1984, it was rumoured that Marcos would hold a presidential election before the scheduled end of his term in June 1987, due to the President's poor health and increasing international pressure against his authoritarian rule. Many opposition groups started to prepare for the election. Some efforts were made to unite the opposition groups and nominate a single candidate against Marcos. However, the selection process of candidates highlighted the cleavage among the four main political blocks.

Traditional politicians believed that the political parties should assume leadership in the task of replacing Marcos. Within the Elite Democracy, there was also a competition for leadership: different factions were going to choose different candidates. In early 1985, traditional politicians formed the National Unification Committee (NUC) from which they tried to select a single candidate for the election. Many in the NUC thought that Salvador Laurel, head of UNIDO would be nominated.

In 1984 November, leading personalities in the Participatory Democracy and the Bourgeois Democracy organized the 'Convenor Group' (CG) in order to select a single candidate from the opposition groups, including those in the Elite Democracy. The CG felt that the traditional politicians, particularly Laurel, were undermining the efforts to unite the opposition. From its start, many people associated with the CG wanted Corazon Aquino to run for election, but she had turned down the offer.

In August, the CG organized the political party LABAN in order to unite opposition groups to nominate single candidate. LABAN encompassed people in the Participatory and Bourgeois Democracy. It was going to nominate Corazon Aquino. However, at this point in time, Aquino had no intention of running and the NUC still wanted to select its own candidate. Many thought that the unifying efforts had reached a stalemate.

The forces in the Left also competed for the leadership. BAYAN (Bagong Alyansang Makabayan), a coalition which tried to organize a mass movement against Marcos, was a creation of Revolutionary Democracy and Participatory Democracy. However, two days after its establishment in March 1985, BAYAN split into two groups. This was mainly because BAYAN failed to share leadership among its leaders who had different political orientations. The leaders in Revolutionary Democracy, namely the National Democrats outnumbered the Social Democrats. Faced with the domination by the National Democrats, leaders of the Social Democrats resigned and formed a new alliance called the BANDILA (Bayang Nagkakaisa Sa Diwa at Layunin). These two coalitions separately organized large scale public support for the anti-Marcos movement. In October 1985, a group of businessmen organized the 'Draft Cory Aquino for President' group which later became the Cory Aquino for President Movement (CAMP), to gather signatures to convince Aquino to run, although without her encouragement. She was still denying her intention to run. One week after CAMP started, Aquino announced that with two conditions, she would run: first, Marcos would call a snap election, and second, signature campaign collect one million names endorsing her candidacy. At this time, she did not think these two conditions would be realized. On November 3, in an interview with an American TV programme, Marcos unofficially announced his intention to hold a snap election in February 1986. On November 11, after 10 hours mediation at a convent, Aquino decided to run. By November 25, one million signatures endorsing her candidacy had been collected.

Traditional politicians, however, still resisted to abandon chances of replacing Marcos with their own leadership. Aquino asked Salvador Laurel to run as her Vice-President. This only served to antagonize Laurel, who had made immense political investments to prepare himself as the post-Marcos national leader. He later accepted the offer, but the negotiations stalemated on the issue of whether Aquino would run under the UNIDO or LABAN banner. Laurel insisted that Aquino run under the UNIDO banner in exchange for his acceptance of the post of vice presidency. Through the intermediation of Cardinal Sin, a politically influential archbishop

23 The following description on the snap election draws mainly from Burton 1989 and Simons 1987.

of Manila, Laurel finally made a compromise. The Aquino-Laurel ticket under the LABAN-UNIDO coalition was registered at the Commission on Election (COMLEC) a few hours before the closing of the registration period. The campaign continued from the next day until the election day on February 7, 1986.

Among the popular debate surrounding the February Revolution, it is often argued that the reason why Corazon Aquino became the opposition's presidential candidate was that as Ninoy's widow she was the 'symbol of unity.' However, a more fundamental reason can be deduced from the circumstances: the opposition forces competed for the leadership of the post-Marcos regime and thereby failed to unite with each other. It can be argued that this condition made Corazon Aquino, who in the beginning had no intention to run for the election, the consensus candidate of the opposition groups. This 'unity' was in reality a compromise among different political forces in the anti-Marcos movement. The fact that Corazon Aquino was the widow of Ninoy, a political martyr who died for the democracy of the country, became a secondary factor in this analysis.

The reason why Aquino was in a position to promise an agrarian reform policy was mainly due to the circumstances of the time: competing opposition forces failed to unite themselves. They finally made the compromise to accept Aquino as the candidate of the 'united' opposition. The nature of this compromise is reflected in the contents of Aquino's promises for agrarian reform. The following section explains what she actually promised and why.

2.2 Behind the Aquino's Promises

Among Aquino's four major campaign speeches, two mentioned agrarian reform. The first one was the speech she delivered on January 6 in front of 700 businessmen in Makati, the nation's business centre. The speech which outlined her economic programme was drafted mainly by Jaime Ongpin who was President of the Benguet Corporation, a large conglomerate. It stated that:

We are determined to implement a genuine land-reform programme which will provide beneficiaries of land reform with adequate credit and the marketing and technological support to enable them to become self-reliant and prosperous farmers (Putzel 1992:183).

The other speech which mentioned agrarian reform was delivered in Davao City, in the southern part of the country, on January 16. The speech was first drafted by Fr. Joaquin Bernas, one of Aquino's close advisor and President of Jesuit-run Ateneo de Manila University. The draft of the speech later incorporated advice from Jaime Ongpin (Joaquin 1990: 240). In her speech made in front of peasants, workers and slum dwellers, she placed land reform as her first priority of social policy and explained her land reform policy as follows:

The two essential goals of land reform are greater productivity and equitable sharing of the benefits and ownership of the land. These two goals can conflict with each other. But together we will seek viable systems of land reform....for long-time settlers and share tenants, land-to-the-tiller must become a reality, instead of an empty slogan. ...I stand for efficient use and equitable distribution of ownership of land (Schirmer and Shalom 1987:339-343).

From her speeches one can find that what she promised was an agrarian reform which could be interpreted in many ways. In front of businessmen she emphasized the productivity concerns of agrarian reform. The speech in Davao was more ambiguous because it talked about redistribution and productivity at the same time. The "genuine agrarian reform" could mean either a productivity increase or land redistribution, or both.

Why, then, did she promise to implement agrarian reform which was defined ambiguously?

It is most probable that Aquino and her campaign organizers believed the promise of agrarian reform

would attract much support. Aquino herself might have been convinced that redistributive agrarian reform should be implemented. Although her family owned a large sugar plantation in Luzon, Corazon Aquino might have thought that agrarian reform was imperative for social development and national economic growth because of her husband's influence. Her husband Ninoy was a strong advocate for redistributive agrarian reform based on what he had witnessed in Korea and Taiwan where he worked as a foreign correspondent in the 1960s.²⁴

One reason for her ambiguous promise was that there were conflicting opinions within her election coalition with regards to agrarian reforms. Many businessmen and traditional politician opposed including agrarian reforms in her election speech. They were afraid that agrarian reform promise would exclude landowners support. It was mainly the Jesuit priests from the Ateneo de Manila University who urged Mrs. Aquino to promise agrarian reform.²⁵

Above all, however, her promises were made under the assumption that the change of government would take place through an election. This scenario was drastically changed when the military entered the stage of People Power Revolution.

2.3 From Election to the People Power Revolution

On the election day of February 7, Marcos attempted to employ the ruling party's usual technique to win the election: vote-buying, ballot box stuffing, and harassment by the military of opposition supporters. He also controlled the election results through the government's ballot watching agency, the Commission on Election. On February 15, the National Assembly announced Marcos' victory. This aroused anger nation-wide. Many rallies and demonstration were held against Marcos' rigged election. Corazon Aquino called for "non-violent revolution," suggesting general strikes and boycotts of products made by Marcos cronies. Few would have expected, at this point, the manner in which the People Power Revolution happened in the following one week.

On February 22, the coup d'etat was staged by Defence Minister Juan Ponce Enrile, the leaders of the reformist faction of the military, the Reform the Armed Forces Movement (RAM), and General Fidel Ramos. This was the beginning of People Power Revolution. About 450 mutinies entrenched themselves in two military camps along the EDSA highway. They announced to the press that Aquino was the legitimately elected president. On the same day, thousands of people surrounded the camps and created "human barricade" to protect military mutinies from Marcos' loyalist military. Spurred on by Cardinal Sin's call on the Church controlled radio Veritas for people to go to the EDSA highway, 'people power' overflowed beyond the EDSA. And on February 25 in the morning, the inauguration ceremony for Aquino and Laurel was held in Manila. Next morning, Marcos fled to Hawaii in a US military airplane.

The above circumstances of the regime change by the People Power Revolution had two major impacts on the agrarian reform policy-making which took place after the democratization.

First, the procedure for decision-making of agrarian reform policy became undefined and unclear. When Aquino made the promise of agrarian reform, the opposition coalition aimed to replace Marcos by election and thereby establishing a democratic government similar to that which existed before the martial law period. In that scenario, the Aquino coalition had an assumption that the agrarian reform policy should be formulated and implemented through Constitutional procedure. This meant that the Congress would formulate a law on agrarian reform as it did in the formulation of previous reform laws except for the one Marcos issued

24 Interview with Philip Juico, an Aquino's long time friend, on August 19, 1993 and Benigno's brother Agapito Aquino on February 27, 1995.

25 Interview with Teodoro Locsin Jr., one of Aquino's campaign organizers, on 28 February 1995.

in 1972. However, since the change of government took place through a 'revolution', the sources of the Aquino administration's legitimacy became ambiguous. It became unclear whether the Aquino government was legitimized by the 1973 Constitution and thereby obligated to follow Constitutional procedure.

Second, the dramatic event of People Power Revolution made many Filipinos consider the new government as 'revolutionary.' Under such perceptions, there were high expectations that the Aquino administration could implement a redistributive reform which would change the structure of society.

2.4 Conclusion

From the analysis in this chapter, it can be concluded that Corazon Aquino became the candidate of opposition groups as a result of their compromise. She was a symbol of compromise rather than that of unity. This was a primary reason why she took the position of promising agrarian reforms. As the candidate of competing forces, what she actually promised was an ambiguously defined agrarian reform policy which could be interpreted in many ways. The reason why her promise became ambiguous was because her election coalition involved forces which had different and conflicting interests with regards to agrarian reforms.

The ambiguity of her promises were enhanced by the success of the People Power Revolution. This complicated the Aquino coalition's vision for formulating and implementing the reform programmes. The source of the Aquino administration's legitimacy was questioned because the change in government did not take place within the procedure defined by the 1973 Constitution. This brought, on the one hand, uncertainty about the policy-making procedure, and on the other hand, a high expectation that the new regime would implement a revolutionary agrarian reform.

3. THE DEMOCRATIC CONSOLIDATION PROCESS

Since the regime change took place through a 'revolution', the rules for formulating the agrarian reform policy were unclear for both the new government as well as the public. When the Aquino presidency began, the President held legislative power until the establishment of a new Congress based on the new Constitution. There were also public debates as to whether Aquino could use her power to formulate and implement the reform law. The third question of why Congress became the arena for deciding major issues in the agrarian reform policy need to be considered in this context.

3.1 Multiple Rules of the Rule

One month after the February Revolution on March 25, the Aquino administration issued Proclamation No. 3, commonly known as the Freedom Constitution. This proclamation changed the legitimacy of the Aquino government from *de facto* to *de jure*.

Before issuing the Freedom Constitution, there were much debate on the legitimacy source of the Aquino government. Some attributed the source of the Aquino administration's legitimacy to the 1973 Constitution. Under the 1973 Constitution, the Batasan Pambansa (the National Assembly) proclaims the president of the country. Although the KBL-dominated Batasan Pambansa had proclaimed Marcos the winner of the February 7, 1986 election, the Batasan could revoke its proclamation and proclaim Aquino as the president since Aquino formed a majority in the Batasan after many KBL members deserted Marcos and joined the Aquino camp (Nemenzo 1987:228-229). Others argued that the legitimacy derived from a popular action and was not based on the 1973 Constitution. This position was advocated by Neptali Gonzales, who was the first Minister of Justice in the Aquino Cabinet, and tasked to draft the Freedom Constitution. Finally, the Freedom Constitution stated that "the new government was installed through a direct exercise of the power of Filipino people assisted by units of the New Armed Forces of the Philippines," and "the heroic action of the people was done in defiance of the provisions of the 1973 Constitution." Under these provisions, the Batasan Pambansa was abolished and the President was granted the authority to exercise legislative power until a new legislature was elected and convened under a new Constitution²⁶. Proclaiming the Freedom Constitution put an end to the debate on the Aquino government's basis of legitimacy.

Publicly, the above provisions in the proclamation gave the impression that the Aquino government was a revolutionary one. However, in practice the Freedom Constitution defined the Aquino government as a transitional government with a mandate until the establishment of rules under the New Constitution. Priorities of the new government were limited to government reorganization; protection of civil, political, social, economic, and cultural rights and freedoms; rehabilitation of the economy; recovery of Marcos' illegally acquired assets; eradication of graft and corruption; and restoration of peace and order (Proclamation No.3). Agrarian reform was not mentioned as a priority of the government. This indicated that the new government had no revolutionary programme as to change the structure of the society.

In contrast to the transitional definition of the new government, there were public expectations and demands for President Aquino to implement agrarian reform with her legislative power. Peasant organizations and NGOs demanded "sweeping" implementation of agrarian reform. Those who advocated quick implementation of agrarian reform held conferences and demonstrations to pressure President Aquino to use her legislative powers. An opinion poll also reported that about 60 per cent of the sample population favoured agrarian reform implementation by her law-making power before the Congress convened (SWS 1989-2). On the other hand, however, strong opposition to her use of legislative power was expressed by landowners (Putzel

26 Proclamation No.3 Article II, Section 1.

1992:228-235).

The people within the government thought that agrarian reform policy should be formulated by Congress as due process of democracy. A former high ranking official of the Office of the President during 1986 observed that among those who were central to the government, there was, on the one hand, a temptation to use revolutionary power vested in President Aquino²⁷. On the other hand, there was a consensus that she should not abuse her legislative power in the same way her predecessor had. Many considered that whatever President Aquino would do, it would be used as the "code of conduct"²⁸ by subsequent presidents. This meant that President Aquino had to reestablish and consolidate democratic procedure to negate the authoritarian practices of the Marcos era.

The consolidation of legitimacy by the popularly approved Constitution was one of the most urgent tasks of the Aquino government. Based on the provisions of Freedom Constitution, 44 commissioners for the Constitutional Commission (ConCom) were appointed by the President on May 25 to draft a New Constitution within 90 days. The Committee on Social Justice was given the task to draft provisions regarding agrarian reform.

The selection of ConCom members reflected the anti-Marcos nature of democratization. Most were active leaders in the anti-Marcos movement.²⁹ Jaime Tadeo, Chairman of the Kilusan Magbubukid ng Pilipinas (KMP or the Peasant Movement of the Philippines) was appointed as the peasant sector representative in the ConCom. Although KMP followed BAYAN's strategy of boycotting the election and did not support the Aquino's coalition during the campaign (Holmes 1987:28), President appointed Tadeo in recognition of KMP's contribution to the anti-Marcos movement.³⁰

The Constitutional provisions on Social Justice set basic rules of agrarian reform policy-making. It provided that "the State shall encourage and undertake the just distribution of all agricultural lands, subject to such priorities and reasonable retention limits as the Congress may prescribe, taking into account ecological, developmental or equity considerations, and subject to just compensation" (1987 Constitution Article XIII Section 4).

The significance of the above provision is not only that it granted Congress the authority to decide details about the agrarian reform policy, but also that it allowed the Congress to interpret the Constitution's broad definitions on agrarian reform. This meant that the Congress could curtail or enhance the effectiveness of the reform.

The double-edged nature of the Constitutional provisions on agrarian reform was already apparent during the interpellation and amendment of the proposed resolution by the Committee on Social Justice in the plenary sessions. For example, Commissioner Jose Nollado, a law professor, interpreted priorities as follows: the rice and corn areas were to be covered first before the coconut and sugar plantations (Record of the Constitutional Commission or RCC August 5 1986: 700). On the contrary, for Jaime Tadeo, priorities meant the process of starting agrarian reform from the large estates before touching the small landholding (RCC August 7 1986:24). There were many other differences in interpretations of provisions on agrarian reform, but during the plenary sessions hardly anyone questioned Congress's authority to determine items such as retention limits and priorities. There was almost a consensus among the commissioners that Congress had better facilities and that they would be better qualified because they were elected by the population (but ConCom members were

27 Interview with Elfren Cruz, the Head of Presidential Management Staff, Office of the President, on 22 July 1993.

28 Interview with Joker Arroyo, former Executive Secretary, on August 20 1993 and Elfren Cruz, 22 July 1993.

29 Interview with Jose Martin Louis 'Chito' Gascon, one of the Constitutional Commissioners who represented the youth sector, on 11 August 1993.

30 Interview with Rafael Mariano, Executive Director of the KMP, on 19 August 1993.

appointees). Section 5 of the draft Constitution, which grants Congress power to determine crucial items, was unanimously voted for by the ConCom on August 7 (RCC 1986 August 7:35).

In general, the new Constitution restored most of the institutions which existed in the pre-martial law period (Asano 1992:234-238). An important difference from the previous Constitutions was that, on the one hand, it reduced the authority of Presidency³¹ and on the other, the authority of Congress was strengthened in relation to the diminished power of the Presidency. For example, the new Constitution included many provisions which empowered Congress to decide specifics. The provisions on agrarian reform was one such example where administrative details were left to Congressional decisions.

Ten days before the plebiscite of the draft Constitution, the incident known as the 'Mendiola Massacre' happened. On January 22, 1987, 15,000 peasants led by the KMP, a militant peasant organization, demonstrated in front of the Presidential Palace demanding that President Aquino implement a "genuine agrarian reform." 19 peasants were gunned down and hundreds were wounded by the police and a contingent of Philippine marines.

The Mendiola incident indicated the unstable nature of the new regime. First, it revealed that President Aquino, the Chief of Staff of the Philippine military, was not fully in control of the military. Not only did she not order the troops to fire, but also she was not able to identify who did order the shooting.³²

Second, the incident provided an excuse for anti-regime forces to withdraw from the peace talks with the government. There were ongoing peace negotiation between the government and the CPP led front organization of the revolutionary forces, the National Democratic Front (NDF), at the time of the Mendiola incident. After the February Revolution, President Aquino released hundreds of political detainees including top officials of the CPP and the New People's Army (NPA), the armed wing of the CPP. This created an environment that allowed the incorporation of the disloyal opposition into the new regime. However, the NDF withdrew from the peace negotiation one day after the incident. This in turn gave other anti-regime forces a favourable political climate to challenge the government. One week after the Mendiola incident, a coup d'etat was staged by Marcos loyalist faction of the military. Under these volatile conditions, the draft Constitution was overwhelmingly approved in the plebiscite on 2 February 1987.

With regards to the agrarian reform policy-making, the Mendiola incident exerted pressure on the government to formulate a new law. One week after the Mendiola, the Cabinet Action Committee (CAC), composed of Ministers of agriculture related agencies, was created to draft an executive order on agrarian reform.³³ This showed that before the incident, the government had little intention of using the President's law-making power to formulate and implement agrarian reform programmes.

From February, CAC prepared 25 draft versions of an executive order on agrarian reform. It finally came up with the final version dated June 28, which was supposedly signed by the President and issued as the law on agrarian reform.³⁴

Informally, rules about policy-making were changed. There were crucial differences between the final draft and the executive order issued on 22 July. The final draft specifically provided the orders for an

31 In the new Constitution, for example, the emergency legislative power of the President was abolished and the recruitment of the President's relatives was prohibited (Asano 1992:235).

32 See the 'Report of the Citizen's Mendiola Commission', Office of the President, Manila, February 27, 1978 (Extract) in De Dios et.al. 1987:789-793.

33 Memorandum, Office of the President, issued on January 28, 1987.

34 Interview with Gerald Bulatao, one of the CAC members and former Assistant Secretary of Department of Agrarian Reform on July 21, 1993.

implementation schedule and retention limits for landowners.³⁵ However, according to Joker Arroyo, who was the first Executive Secretary of the Aquino administration, they were "excluded by some members of Cabinet" before the President signed the draft.³⁶ Arroyo further pointed out that since the Constitution provided that Congress should set priorities and retention limits of agrarian reform, it was "un-Constitutional and undemocratic" for these items to be determined by executive order.³⁷

However, one Constitutional interpretation views the President as being equivalent to Congress because the Presidency was authorized to work as the legislature before the new Congress opened.³⁸ It was five days before the Congressional inauguration when the executive order was issued. In this regard, if the Aquino administration opted to define the priorities and retention limits, it could have been done so within Constitutional mandates. The exclusion of these provisions completely authorized the Congress to decide crucial points of reform programmes.

Conversely, the provision on corporate landowners was inserted in Executive Order 229 (EO229). Chapter 3, Section 10 stated that the "corporate landowners may give workers and other qualified beneficiaries the right to purchase such proportion of the capital stock of the corporation." Such a provision can not be found in the final version of the draft executive order. This provided a legal basis for the stock-sharing scheme, with which many corporate farm owners were able to escape the redistribution of their properties.³⁹

Finally, Proclamation No.131 (PO131) and Executive Order No.229 (EO229) were issued on July 22. PO131 institutionalized CARP and EO229 provided mechanisms for its implementation. The timing of the issuance--five days before Congress opened--can be interpreted in two ways. According to Arroyo, this was to pressure Congress to discuss the retention limit and thereby enact a law on agrarian reform because many people speculated that Congress might not do so.⁴⁰ Another interpretation is that although President Aquino intended to pass the burden of formulating agrarian policy to Congress, she appeared to respond to the farmers' demands:

35 The final version of the draft of executive order stated about the priorities and retention limits as follows:

[W]ithout prejudice to the deadlines for ownership/retention fixed in Section 4 hereof and the period for the exercise of the voluntary land transfer option set in Section 10 hereof, and unless Congress provides otherwise, land acquisition and redistribution as provided for in this Order shall immediately be implemented in: (a) rice and corn areas under Presidential Decree No.27; (b) agricultural lands that are idle, abandoned, expropriated, foreclosed and/or foreclosable by government financial institutions, those that form part of ill gotten wealth recovered by the Presidential Commission of Good Government (PCGG), and those which have been voluntarily offered; (c) agricultural lands owned by the government, its agencies and instrumentalities in a proprietary capacity; and (d) agricultural lands in the public domain. The schedule of acquisition and redistribution of all agricultural lands covered by this Order shall be provided in the rules and regulations to be prepared by the Department of Agrarian Reform (DAR) and approved by the Presidential Agrarian Reform Council (PARC). The Section 4 in the same chapter on Landownership Ceiling and Retention Limits provided that "[E]xcept as provided for in this Order and unless Congress provide otherwise, no person, association or corporation may own/retain, directly or indirectly, agricultural land in excess of fifty (50) hectares by July 1, 1990, twenty-four (24) hectares by July 1, 1992, and seven (7) hectares by July 1, 1997. Landowners shall have the option to choose a contiguous retention area (June 28 Draft, Chapter 1 Section 2).

36 According to Amado Doronila, President signed the draft of executive order which were written by the following people: Executive Secretary Joker Arroyo; Deogracias Vistan, President of the Land Bank; Assistant Executive Secretary Fulgencio Factoran; Deputy Executive Secretary Catalino Macaraig Jr.; Justice Secretary Sedfrey Ordonez; and Constitutional Commissioner Adolfo Azcuna (Amado Doronila, Manila Chronicle July 23, 1987, cited in Putzel 1992:235).

37 Interview with Joker Arroyo, on August 12, 1993.

38 This interpretation was suggested by Jose Martin Louis 'Chito' Gascon, one of the Constitutional Commissioners of the 1987 Constitution in an interview with the writer on August 11, 1993.

39 According to Putzel, this provision was inserted by Deogracias Vistan, President of the Land Bank, and Jaime Ongpin, Minister of Finance (Interview by James Putzel with Philip Juico on August 16, 1989, cited in Putzel 1992:241).

40 Interview with Arroyo on August 12, 1993.

by the issuance of PO131 and EO229, somehow or other, she had used her law-making power to formulate an agrarian reform policy.

3.2 A 'Democratic' Institution: the Presidential Agrarian Reform Council (PARC)

Although EO229 granted Congress the authority to decide crucial items in reform, the executive order also established a potentially influential institution which could change policy output. It was the Presidential Agrarian Reform Council or PARC, which was mandated to "formulate and/or implement the policies, rules and regulations necessary to implement each component of CARP" (EO 229, Chapter IV Section 18).⁴¹ The President served as Chairman, and its members were Secretaries or Heads of CARP related agencies. Representatives of peasant beneficiaries and affected landowners were to be appointed as members of the PARC. Its creation was recommended by Philip Juico, who was a member of CAC and the Assistant Secretary of Department of Agriculture at that time.⁴² His concern was to make the policy formulation process "democratic." Despite its legal capacity, PARC did not function as it was designed. The following explains the double standard of its functions.

First, the fact that the President served as Chairman of PARC showed that PARC was a high priority of the Aquino government. However, the President's role in the meeting was akin to arbitrator. In many cases, she mainly listened to the reports from members and did not take leadership in decision-making.⁴³

Second, the PARC was supposed to serve as the highest decision-making body with respect to the implementation guidelines. In fact, however, it became a rubber stamp body. Most of the crucial discussions or surveys were done by the Executive Committee of PARC or by each Department. PARC meetings were in many cases merely forum for approval of previously agreed items.⁴⁴ Eventually, the frequency of meetings was reduced and the member Departments themselves became more responsible for the formulation of implementation guidelines.⁴⁵

Third, the inclusion of private sector representatives, three from the landowners' side and five from farmer beneficiaries, implied that the government was willing to incorporate private sector opinions. However, whether purposely or not, private sector participation was obstructed in the following manner.

The appointment of private sector representatives did not take place until Congress was opened. This was deliberately done because, according to Juico, PARC members from the government were afraid that the presence of private sector representatives might change the course of PARC decisions "too much."⁴⁶ Moreover, no representatives from ethnic minority groups were appointed during the term of Aquino.⁴⁷ The

41 For example, Roy Prosterman found that the PARC could be a powerful institution to bring more land under the coverage of the CARP (Prosterman and Hansstad, 1988). Prosterman is an American advocate of redistributive agrarian reform as anti-communist formula. After he worked in the South Vietnam with Nguyen Van Thieu government in 1960s when it implemented redistributive agrarian reform programmes, he came to the Philippines and became one of the advisors of Marcos land reform (Putzel 1992:11-15).

42 Interview with Philip Juico on August 19, 1993.

43 Interview with Felicio Matienzo, one of the farmer beneficiary representatives of PARC, on August 11, 1993, and Santiago Barcelona, a landowner representative, on February 27, 1995.

44 Interview with Felicio Matienzo and Santiago Barcelona.

45 Interview with Gerald Bulatao, former Assistant Secretary of Department of Agrarian Reform, on July 21, 1993.

46 Interview with Philip Juico on August 19, 1993.

47 According to Nanette Canpitan, Director of the PARC Secretariat, no efforts were made to appoint representatives from the minority groups. Interview on July 19, 1993.

fact that most of the discussions and decisions were made at the Executive Committee level also reduced the effective participation of private sector representatives.⁴⁸

Since the reimbursements for travel allowances were paid quarterly, the payments for transportation were often made after meetings were held. Many of farmer beneficiary representatives who came from the provinces could not afford to pay their travel expenses by themselves. Consequently, they often missed the meetings. On the other hand, all of the landowner representatives lived in Metro Manila, although they were 'regional' representatives. Moreover, invitations for farmer representatives to the PARC meetings sometimes arrived after meetings had been held. Among 5 farmer beneficiary representatives, only two had direct access to a telephone, while on the other hand, all the landowner representatives could be easily contacted by phone.⁴⁹ Telegrams or letters from the PARC Secretariat often did not reach farmer beneficiaries before the meeting date.

3.3 Conclusion

The reason why the Congress became the arena for making the important decisions about the agrarian reform policy is that the Aquino government was not committed to implementing agrarian reform programmes using the President's law-making power. The government wanted the decision-making procedure to be democratic, feeling that it should negate the authoritarian legacy of the Marcos regime. Since Marcos abused his legislative power, democratic rule meant the decision-making by the elected representatives. The new Constitution, reflecting the path towards democratic governance, also authorized Congress to decide details of agrarian reform. Consequently, the Proclamation and the Executive Orders left the detailed decisions of reform policy to Congress. Moreover, other potentially powerful institutions such as PARC did not function as officially intended.

For these reasons, therefore, the making of decisions on important items of agrarian reform policy were left to the new Congress which was convened in July 1987.

48 Later, at the request of Felicio Matienzo, private sector representatives were allowed to attend the Executive Committee meetings as observers. However, it made little change since they did not have rights to vote in decision-making process of the Committee (Interview with Matienzo on August 11, 1993).

49 Interview with Felicio Matienzo on August 11, 1993. The record of addresses of private sector representatives was obtained from the PARC Secretariat, Department of Agrarian Reform in August 1993.

4. CONGRESS AS THE APPARATUS OF REPRESENTATION

Since the opening of the 8th Congress in July 1987, the main arena of state decision-making shifted from the executive to the legislature, the Congress. This chapter intends to answer the fourth question which asks why those who opposed redistributive reforms gained the upper hand, focusing on the function of Congress in decision-making. The chapter first discusses the various social groups which participated in the decision-making process, how they pressured the government and why. It then analyzes how the societal interests were linked to the Congressional arena in the process of agrarian reform law legislation.

4.1 Powers at Play

With the collapse of the Marcos regime, with its highly centralized power structure, new power relations emerged. The following explains who had stakes in the agrarian reform policy-making, their interests, and their methods of lobbying with respect to agrarian reform policy-making.

4.1.1 Peasant Organizations and Social Movements

At the national level, there were three major peasant organizations which had stakes in agrarian reform policy-making. These are (1) the Congress of People's Agrarian Reform (CPAR), a coalition of 12 peasant and fishermen's organizations established in May 1987; (2) the Federation of Free Farmers (FFF), one of the oldest peasant organizations established in 1953; and (3) Sanduguan, the National Farmers Supreme Council, which is a confederation of 16 national farmers' organizations created in February 1987.

Among the three, CPAR was the most active participant in the policy-making process. The following explains characteristics of CPAR activities.⁵⁰

Firstly, the unique feature of CPAR was that it involved different sectors and strata of people in the Philippine society. This was a new phenomenon because during the Marcos period, the peasant movement was almost a class-based struggle guided by communists. The People's Declaration of Agrarian Reform which was a manifestation of CPAR's principles of "land to the tiller" was supported by about 60 NGOs, Churches, academic institutions, and business associations. It also received international support from parliamentarians, NGOs, and Church groups from various countries (CPAR 1990: 65-72).

The Church support symbolized the moral component of CPAR's principles in a predominantly Catholic country. The Catholic Bishops Conference of the Philippines (CBCP), the Bishop-Businessmen's Conference (BBC) for Human Development and the National Council of Churches in the Philippines (NCCP) joined CPAR's organizing Committee.

Academic institutions supported the CPAR by providing data and information concerning policy-making.⁵¹ With the technical data they obtained, CPAR justified its demands for redistributive agrarian reform. For example, based on the study conducted by the Centre for Social Policy of the Ateneo de Manila University, CPAR argued that small-sized farms were more productive than the large farms in the case of

50 The following analysis of the CPAR is made based on interviews during July and August 1993 with Corazon 'Dinky' Soliman, the Director of the CPAR Secretariat; Cala 'Cha' Cesar, Executive Director of the Institute of Popular Democracy; Isagani Serrano, Vice President of Philippine Rural Reconstruction Movement; Steve Guerrero of the Peace Formation Institute; Jose Louis 'Chito' Gascon, former Congressman; Felicio Matienzo, Chairman of KASAMA; and Rafael Mariano, Executive Director of KMP.

51 For example, Mahar Mangahas of the Social Weather Station, a NGO conducting opinion poll research, worked as a consultant of the CAC. He provided information about the CAC meetings to the CPAR.

coconut sector.⁵²

Aside from peasant organizations, the voluntary organizations, particularly NGOs, were most actively involved in CPAR. This showed the robust growth of voluntary activities in Philippine society after the EDSA Revolution. The initiatives to establish the coalition were started mainly by the NGO workers and not from the peasants themselves.⁵³ The CPAR Secretariat was composed of individuals from different NGOs associated with CPAR.

Secondly, CPAR's methods of lobbying not only took the form of conventional peasant politics such as demonstrations, pickets and rallies, but also directly influenced policy-makers by working with them in drafting bills of reform. Bonifacio Gillego, Chairman of the Committee on Agrarian Reform in the House of Representatives and a known member of the 'progressive bloc' in Congress, closely worked with CPAR. Some CPAR leaders worked as his technical staff when Gillego drafted his bill on agrarian reform. His bill incorporated most of CPAR's recommendations such as progressive compensation payment. Among the Senators, Agapito 'Butz' Aquino, President Aquino's brother-in-law, included CPAR's principles in his bill. Moreover, CPAR used the media extensively to express their demands to the public.

Thirdly, CPAR created a mechanism to maintain its plurality of political ideology and leadership within the coalition which included a variety of political orientations. Among the past coalitions created by the Philippines social movements, hegemony was enjoyed by the National Democrats (NatDem), or those who aligned themselves with the National Democratic causes of dismantling the 'US imperialism' and the 'semi-feudalism' in the country. In some other cases, the coalition's efforts collapsed due to the failure to share leadership within the coalition.⁵⁴ Among the peasant organizations belonging to CPAR, there were four ideological differences. These were the NatDem affiliated organizations, Social Democrats (SocDem)⁵⁵ affiliates, those aligned to the PKP, and those who claimed to be "ideologically independent."⁵⁶ The conflicts over their ideological differences were largely reduced by CPAR's decision-making process: decisions were made by consensus, not by a majority votes. This contributed to reduce the numerical dominance of the NatDem organizations in the coalition while the NatDem hegemony was primary in the coalitions established during the Marcos era⁵⁷.

The diversity of political orientations, however, became a problem towards the end of Aquino's term.

52 Transcript of public hearing conducted by the Senate Committee on Agrarian Reform on August 12, 1987.

53 The 'coalition builders' were workers of NGOs such as the Agency for Community Education Services (ACES), Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), the Centre for Community Services (CCS), the Philippine Rural Reconstruction Movement (PRRM), the Philippine Partnership for the Development of Human Resources in Rural Areas (PHILDHRA), and the Forum for Rural Concerns (FRC).

54 The BAYAN, for example, was one of the recent cases of failure due to leadership problems.

55 Social Democrat (SocDem or SD) is a label attached to those who support and sympathise the ideologies of Social Democracy, which in principle try to bring about social equity by participating in parliamentary politics.

56 The ND affiliated organizations are: (1) Pambansang Pederasyon ng Kababaihan Magbubukid (AMIHAN), (2) Kilusan ng Magbubukid ng Pilipinas (KMP), (3) National Federation of Sugar Workers-Federation of General Traders (NFSW-FGT), and (4) Pambansang Lakas ng Kilusang Mamalakayang Pilipinas (PAMALAKAYA). Those of SDs were: (1) Bahanguinan ng Maliliit na Mangingisda sa Lawa ng Laguna (BAHANGGUNIAN), (2) Lakas ng Magsasakang Pilipino (LMP), (3) Pambansang Kilusan ng mga Samahang Magsasaka (PAKISAMA), and (4) Lakas ng Magsasaka, Manggagawa, Mangingisda ng Pilipinas (LMMMP). The old PKP aligned were: (1) Aniban ng Manggagawa sa Agrikultura (AMA), (2) Katipunan ng Bagong Pilipinas (KABAPA), and (3) Kapatiran ng Malalayang maliliit na Mangingisda ng Pilipinas (KAMMMPI). The Katipunan ng Mga Samahan ng Mamayan (KASAMA) claimed to be independent from any political orientations (interview with Felicio Matienzo on August 11, 1993).

57 In the Marcos' time, some of the coalition created among the social movements were, for example, the Movement for the Advancement of Nationalism (MAN) in 1967, the Movement for a Democratic Philippines (MDP) in 1970, the National Democratic Front (NDF) in 1973, and the BAYAN in 1985 (Grageda n.d.).

The May 1992 presidential election highlighted the difficulty of overcoming ideological differences in coalition-making. Different member organizations supported different candidates. Some supported Fidel Ramos, whose political platform included the extension of land lease to the MNCs. The support for Ramos invited discontentment of other members who supported Jovito Salonga, a pro-agrarian reform candidate. In July 1993 when the National Consultative Council, the highest decision-making body of CPAR, was convened, a consensus to dismiss the coalition was reached among the member organizations.

The other two major peasant organizations, FFF and Sanduguan, did not join CPAR. It was mainly because on the one hand, the CPAR was created and supported by the people who were active in the anti-Marcos movement. And on the other, FFF and Sanduguan were, in CPAR's view, the 'collaborators' of Marcos in his land reform. During the conference which launched CPAR in May 1987, the representatives of FFF and the Sanduguan were present. On the same day, they left after hearing a speaker criticise the peasants organizations which worked with Marcos.⁵⁸ As a result, FFF participated in the policy-making process independently from CPAR. Sanduguan did not participate, saying that the productivity increase was more important than the redistributive agrarian reform.⁵⁹

4.1.2 Landowners

While peasants formed a nation-wide coalition like CPAR, the landowners' lobbying efforts were exercised separately according to corp sectors or regions.

The most vocal opposition came from the sugar plantation owners in the Visayas, the central region in the archipelago where 50 per cent of sugar cane plantations are located. Their basic position was to exempt sugar lands from the coverage of agrarian reform.⁶⁰ Sugar planters used the mass media to appeal their demands to the public and policy-makers. The National Federation of Sugar Cane Planters (NFSP) sponsored a TV programme during the Congressional deliberation and warned that the proposed Senate bills would ruin the country (MC 17 April 1988). The threat of armed violence was another lobbying technique. About 100 sugar planters of the Movement for an Independent Negros (MIN) demonstrated against the agrarian reform and announced their intention to take arms to defend their lands. MIN was rumoured to be closely connected with an anti-communist vigilante group in Negros (BT 5 June 1987).

The sugar sector's production structure can explain their strong resentment. The production of sugar is concentrated in large scale plantations, 70 per cent of the crop is produced on plantations of more than 25 hectares (Hayami et. al. 1990:107-113). Thus, redistributive reform would affect their sector severely. Another reason is perhaps due to the stagnation of the sugar industry. International prices of sugar have plunged, and many plantation owners have failed to diversify into other field of business.⁶¹

Opposition from the coconut sector was less vocal compared to the sugar sector. The sector's production structure again helps explain why: the majority of the farms were middle-sized and their income sources were diversified. About two thirds of the coconuts farms are between 3 and 25 hectares and approximately 60 to 70 per cent of the farm income comes from crops other than coconuts because intercropping

58 Interview with an NGO worker attended the CPAR launching conference on July 6, 1993. The FFF's Chairman Jeremias Montemayor was one of the advisors for Marcos in his land reform programme. Among the member organization of the Sanduguan, for example, the Federation of Land Reform Farmers (FLRF), the Agrarian Reform Beneficiaries Association (ARBA), the United Farmer's and Fishermen's Association of the Philippines (UFFAP) were beneficiaries of Marcos land reform.

59 Interview with Benjamin Cruz, Chairman of the Sanduguan on July 13, 1993.

60 Transcript of public hearing in the House of Representatives Committee on Agrarian Reform on August 12, 1987.

61 Interview with Rolando Dy of the Centre for Research and Communication, on March 14, 1995.

is widely practised under the coconut trees (Hayami et.al. 1990 108-110). Thus, it can be speculated that a majority of coconut farm owners did not consider agrarian reform as big of a threat as the sugar plantation owners.

It seems, however, there was also a political reason behind the coconut sector's limited participation. Coconut farmers' interests were not represented through the sector's association, the Coconut Farmers' Federation (COCOFED). The COCOFED was the major national organization which supposedly represented the coconut farmers' interests. After the regime change, however, it had been sequestered by the Presidential Commission of Good Government (PCGG), an organ which researches and sequesters the ill-gotten wealth of the Marcoses and his cronies. The COCOFED was alleged to be controlled by cronies.⁶² Since the sequestration practically stopped its activities, the COCOFED did not represent coconut farmers' interests in the CARP policy-making.⁶³

The landowners of rice and corn areas were also less visible than sugar planters. Once again, the production structure of the sector is instructive in conjuring reasons. Statistically, almost 90 per cent of Philippine rice and corn farms were less than 5 hectares (Hayami et. al 1990: 84-85). The Marcos land reform had already redistributed most of the large estates in the rice and corn areas. Consequently, their position on reform was different from that of sugar and coconut farmers. Their demand was more oriented to increased productivity and resolving of unpaid compensations from the Marcos land reform, rather than requests to exclude the rice and corn areas.⁶⁴ Some landowners also pointed out that the independent production and marketing of rice did not facilitate to form associations among rice field landowners. Sugar plantation owners were, on the other hand, more inclined to organize their interests. They tend to have more interaction because one sugar mill factory is shared by many plantations.⁶⁵

The owners of other commercial crop lands also opposed the redistribution. In the public hearing of the Committee on Agrarian Reform in Congress, representatives from the owners of cacao, onions, flowers, and cattle farms asked Committee members to exempt them from the ambit of reforms. They also proposed non-redistribution options because, they argued, in their case redistribution of land was not economically efficient due to the industries' capital intensive nature.⁶⁶

From Mindanao, the interests of the Multinational Corporations (MNCs), mostly fruit growers, were represented by the "supporters of the MNCs." Several Filipinos spoke for MNC's interests during the public hearing conducted by the Congressional Committees on Agrarian Reform. They demanded that corporate ownership in export oriented crop sectors should be protected by the production/ stock sharing schemes.⁶⁷

There was another kind of opposition from Mindanao. Strong resentment against redistribution was expressed by small to medium-size landowners who migrated to the island under the government's resettlement programmes and the Homestead Act. The 'South Cotabato Council of Agricultural Landowners Association and

62 PCGG 1986, and interview with Maria Clara Lobregad, President of COCOFED on March 3 1995. For the activities of COCOFED, see Manapat 1991:174-198.

63 During the public hearings conducted by the House of Representative Committee on Agrarian Reform, the person who spoke for the coconut sector did not belong to any organizations, while others who represented the rice or sugar sectors belonged to associations (Transcript of Public hearing in the House of Representatives Committee on Agrarian Reform, August 11, 12, 1987).

64 Transcript of public hearing in the Senate Committee on Agrarian Reform on August 12, 1987.

65 Interview with Santiago Barcelona and Manuel Josen, both on February 27, 1995. They respectively own rice fields of 1600 and 600 hectare in Central Luzon.

66 Transcript of public hearing in the Senate Committee on Agrarian Reform on September 4, 1987.

67 Transcript of public hearing in the House of Representatives Committee on Agrarian Reform on August 11, 1993.

the Sons and Daughters of Landowners, Settlers and Pioneers in Mindanao' argued that it was unjust to take away the lands which their grandfathers obtained through hard work with little government support. They proposed that the government should make separate programmes for Mindanao. It is reported that, their disgust for the agrarian reform policy of the government caused the South Cotabato Farmers' Associations to join the Muslim separatist movement.⁶⁸

In general, the interests of landowners were directly linked to and represented by national legislatures. For example, Congresswoman Hortencia Stark from Negros was President of the National Federation of Sugar Planters and one of the authors of House Bill No. 319 on agrarian reform. Maria Clara Lobregad, a Representative from Zamboanga, was President of COCOFED and at the same time served as a board member of a couple of coconut-related cooperations. There were many other Congressmen who had stakes in agriculture.⁶⁹ Therefore, it can be argued that the interests of landowners were well-represented in Congress even without organized lobbying activities.

4.1.3 Business Sector

In the Congressional legislation process, the business sector was not an officially recognized stake holder: in the public hearings in both chambers, representatives from the business sector were not invited. However, its voice must have had strong influence in the Aquino administration since many business leaders were appointed to high echelons in government. For example, the Aquino administration's first Finance Minister, Jaime Ongpin, was then Vice-Chairman of the MBC. The BBC's Co-Chairman Vicente Jayme took over Ongpin's place after his death. Minister of Trade Jose Conception served as MBC's Vice Chairman and as a board member of BBC. The 'comprehensiveness' of the agrarian reform programme made the business sector a vocal participant in policy-making process.

During Marcos' rule, the Philippine Chamber of Commerce and Industry (PCCI) was officially recognized as the "single voice" of Philippine business, by the insurance of the Letter of Instruction No.780 in 1978.⁷⁰ Under the Aquino government, there was a plurality of voices from business associations. In general, they were worried about the implementation of reforms, but were concerned for different reasons.

Strong opposition was expressed by rural financial institutions, which would be directly affected by the change of land ownership. They were against implementing agrarian reform in areas of sugar cane, coconut, aquaculture, and corporate farms because these areas formed the bulk of their agri-lending portfolios. Rural commercial banks were concerned with increased transaction costs and risks of dealing with smaller land owners (ACPC, 1987). The Bankers Association of the Philippines (BAP), which composed of nationwide commercial banks, met President Aquino and presented their positions. BAP worried that the agrarian reform might discourage foreign investors intent on establishing large scale farming operation (Malaya, 19 June 1987). The Makati Business Club, whose membership consisted of large-scale cooperations, presented a position paper to the President urging a "middle course of action" by the government and proposing a programme limited to sequestered, foreclosed, idle, abandoned, expropriated and alienable lands of public domain (BT 25 June 1987). The Management Associations of the Philippines (MAP), which consisted of individual management professionals, submitted a position paper which mainly concerned the government's management capability in agrarian reform (MAP 1988). The Bishop and Businessmen's Conference (BBC) for Human Development, an

68 Transcript of public hearing by the Senate Committee on Agrarian Reform on 4 August 1987.

69 For a profile of Stark and Lobregad, see Gutierrez 1994:256-257, 339, 183-184. On the agriculture related interests of Congressmen in general, see Gutierrez 1994:39-40.

70 PCCI brochure, Seven Good Reasons for Joining the Philippine Chamber of Commerce and Industry.

organization of individual businesses leaders and the Catholic hierarchy, released an official statement saying that the objective of agrarian reform was equity and social justice and that productivity was a secondary concern (BBC 1987).

PCCI's position was similar to that of landowners. It demanded the exclusion of commercial crops from reform and indefinite retention of landholding limits for landowners (PCCI 1987:20-22). One of its local chapters suggested that the government should channel more efforts to programmes related to land productivity, infrastructure development, and cooperative development (MBC 1987:9). PCCI's interest differed from associations of big cooperations because its nationwide members were mostly small to middle scale enterprises.⁷¹

In view of the matrix of interest groups explained above, the following section aims to relate the interests of societal groups to the Congressional decision-making arena.

4.2 Formulation of CARL⁷²

The formulation process of the Comprehensive Agrarian Reform Law (CARL) started immediately after the new Congress was convened in July 1987. In the House of Representatives, the House Speaker Ramon Mitra appointed Bonifacio Gillego, who was "ideologically biased in favour of more radical reform" (Gillego 1988:2) as Chairman of the Committee on Agrarian Reform. Among the 31 Congressmen named to the Committee, Gillego said that only 10 were liberal and that the others were advocates of landowners' interests. There were, as Gillego said, "the magnificent seven," who were committed to introducing redistributive agrarian reform provisions.⁷³

From the first week of August, the Committee started to draft a bill which would be submitted to the plenary sessions as the Committee Report. There were two different types of bills submitted. The House Bill (HB) 65 was drafted by Florencio 'Butz' Abad and some other "progressive" members of the Committee. It included many CPAR recommendations such as a 2 hectare retention limit, a 5 year implementation period, and a progressive rate of compensation to landowners. The other bill was HB319, which was submitted by a group of landowner Congressmen. It called for non-compulsory conditions for landowners to include their lands in the reform, indefinite retention limit and implementation period. By August 17, the Committee adopted HB400, which was the product of a "bargaining process" between those who advocated CPAR's principles and Congressmen who defended landowners interests. HB400 provided retention limits of 7 hectares and a 5 year implementation schedule. It adopted a progressive compensation system in which landowners of larger estates receive less than those of small estates. The landowners' demands were incorporated in provisions such as the exemption of commercial farms from the coverage of the reform and the stock and production sharing schemes. In spite of some "pro-landlord" provisions, CPAR estimated that 80 per cent of their demands were still incorporated in HB400 (AIM n.d.:15).

HB400 was then introduced in the plenary session as Committee Report No.4. From August 26, the period of interpellation (questions and clarifications) and amendments started. After 9 months, the House finally came out with the amended version of HB 400 which would be submitted to the Joint Conference Committee

71 Interview with Alfred Mendoza, deputy Executive Director of PCCI on March 14, 1995.

72 The chronological information in this section is mainly drawn from Putzel 1992:259-281 and Mendoza (1988).

73 These 'magnificent seven' were Gregorio Andolana and Ven Garduice of PnB, Oscar Rodoriguez and Edcel Lugman from Lakas ng Bansa, Raul Roco from UNIDO, Florencio Abad from the Liberal Party and Romeo Angeles as the sectoral representative of peasant groups (Gillego 1988:2). The 1987 Constitution provided that 50 out of 250, which is the fixed number of the House of Representatives, are appointed by President as sectoral representatives from various sectors such as the urban poor, minorities, women, youth, as well as peasants (Asano 1992:236).

composed of the Senate and House panels.

Most of the amendments voted for during the plenary sessions were to make the bill more non-redistributive. The retention limits were defined as 7 hectares plus 3 hectares for each direct legal heir. This reduced the coverage of reform programme significantly because 'legal heir' does not only include children but also grandchildren and grandparents. The programme period was extended to 10 years so that, as many speculated, landowners would have more time to evade the reform. The compensation mode became more advantageous to landowners by providing more cash payments, which nonetheless might have an inflationary effect on the economy.

In the Senate, Heherson Alvarez, the Aquino administration's first Minister of Agrarian Reform, was appointed as Chairman of the Committee on Agrarian Reform by the Senate President Jovito Salonga. Fifteen out of twenty-four members of the Senate joined the Committee. In August, Alvarez submitted Senate Bill (SB) 133. It included provisions such as variable retention limits from 7 to 15 hectares, a 5 year period of implementation, and exemption from coverage for the corporate lands from the coverage. It also stated that the lease and management contracts of foreign investors should be maintained. This provision was criticized by many as being "pro-MNCs." He later introduced a new bill SB249, but the basic components of SB133 remained. In October, Agapito 'Butz' Aquino introduced another bill, SB123, which incorporated many of CPAR's proposals. It provided 3 hectare retention limits and zero retention for absentee landowners, landowners' compensation based on the tax declarations, and cash payment which reduced in size as the landholding became bigger. SB249 and SB123 were debated in the Committee until December. After incorporating some amendments, finally the Committee voted for the amended version of SB249.

The debate over SB249 continued in the Senate floor until April 1988. The major amendments pertained to the retention limits, which were reduced to 5 hectares. Other provisions remained fundamentally unchanged.

One of the differences between the Senate and the House of Representatives was that on the one hand, the Senate's proposals were concerned about the national impact of agrarian reform. It represented more closely the interests of large industrialists than that of landowners. These considerations can be seen in the provisions on MNCs and the mode of compensation which aimed to reduce the inflationary impact on the national economy. The proposals by the House of Representatives were, on the other hand, more protective of the local landowners. Such intentions were expressed in the proposals which exempted commercial farming and those which allowed landowners to have compensation with more cash than bonds. This is largely attributable to the fact that Senators are elected from a national constituency while the members of the House come from provincial constituencies.

Upon approval of bills on agrarian reform in both the Senate and House of representatives, the Joint House-Senate Conference Committee was called to reconcile the two bills. Its first meeting started on May 12 and finished in one month. There were some important modifications made at the Conference Committee meetings. One of them was the retention limits. The House agreed to a five hectare retention limit and the Senate allowed three hectares for each heir of 15 years or old. The House panel also pursued its demands in sequence of the implementation. Although the Senate draft provided implementation for privately owned lands begin in the second year, in the final version the private land area was to be included in the last phase of implementation as the House bill provided. The Senate was able to negotiate the extension of land lease and contract period for the agri-business related multi-national cooperations, while the House insisted that these leases should be terminated 5 years after the start of the programme.⁷⁴ These modifications indicated that the opinions of the House of Representatives were more reflected in the final bill than those of the Senate.

Consequently, the bill which passed the Conference Committee allowed for retention limits of five hectares per landowner plus three hectares for each heir over fifteen years old. This meant that in fact, retention

74 House Committee on Agrarian Reform (1988), Summary of the Proceedings of the Bicameral Committee on Agrarian Reform.

limits would average from 11 to 14 hectares and thus greatly reduce the scope of reform. The period of implementation became 10 years rather than 5 years which the Gillego and Aquino bills initially suggested. The phases of implementation which placed the private lands in the last stage also gave landowners time to convert their land into other uses and thereby exclude their lands from redistribution. The corporate owners were given options to share stocks with workers so that redistribution would be unnecessary. A ten year deferment was allowed for commercial farming including livestock, poultry, and aquaculture. This opened the door for landowners of traditional crop areas to shift cultivation to commercial farming so that they could defer the redistribution. All private lands leased to domestic and multinational cooperations were exempted from redistribution for ten years or until the lease expired. However, if it was "not economically feasible", the corporate farms were allowed to form cooperatives so that they could maintain operations.

On June 7, three days before the first session of the 8th Congress was adjourned, 152 members of the House voted for the law and 20 against it. On the same day, the Senate also approved the law with 7 votes in favour, 3 abstentions and 1 vote against. On June 10, President Aquino's signature instituted the Comprehensive Agrarian Reform Law, or Republic Act (RA) 6657.

The above process of law formulation can be described as the process of negotiation and compromise between advocates of redistributive reform and those of status quo, rather than that of the domination by Congressmen who represented landowners' interests. While many legislators protected the landowners' interests, there were some who represented the interests of peasant organizations. Outnumbered, they had little impact in the majority-vote decision-making procedure. In the end, Congress represented the interests opposing redistributive agrarian reform more than the interests which advocated it.

4.3 Conclusion

Those opposed to redistributive agrarian reforms became more influential because the state mechanism of representation amplified their power. Manifold and competing interests were expressed by societal organizations with regards to agrarian reform policy. Although some national representatives strongly represented the interests of peasants, the majority of Congressmen voiced the views of those opposed to redistributive agrarian reforms. Since the numerical majority determined the Congressional outcome, the peasants' interests, which were represented by a minority of Congressmen failed to influence the policy output. It was this mechanism of interest representation which magnified the power of those who opposed redistributive agrarian reform and made them more influential than other social groups. Consequently, CARP law became less redistributive.

CONCLUSION

This conclusion aims firstly to answer the major question of this research: why did CARP fail. Secondly it attempts to provide perspectives for understanding characteristics of the democratic consolidation process, democracy, and state-society relations in the post-Marcos Philippines.

The answer to the first question is as follows. The failure of CARP was a cost of democratic consolidation, or the project of democratic consolidation undertaken by the Aquino government. The reasons for this assertion are provided in the following paragraphs.

The Aquino government considered democratic consolidation as the establishment of democratic institutions but not the implementation of social reforms such as redistributive agrarian reform. Although the new government came into power through the People Power Revolution, it did not have visions of being revolutionary because the Aquino coalition's original scenario of regime change had been to replace Marcos by election, not by a revolution. At the same time, consolidation of democracy meant abolishing the legacy of Marcos authoritarian rule for those within the government. Since Aquino's predecessor had ruled the country by abusing his legislative power, it was important for the new government to follow democratic procedures. This meant that legislation should be enacted by Congress. These characteristics of democratic consolidation made it almost necessary to leave the crucial decisions of agrarian reform to Congress.

As Congress became the main arena of agrarian reform policy formulation, the mechanism of interest representation worked in favour of those who opposed redistributive agrarian reforms. The majority of legislators represented the interests of landowners and business sectors which were against redistributive reforms. Although there were some Congressmen who represented interests of peasants, the majority vote process enlarged the influence of those who opposed redistributive agrarian reforms. This caused CARP to be evaluated as a failure by many.

Therefore, I argue, redistributive reform was sacrificed for democratic consolidation which established democratic institutions in the post-Marcos Philippines.

Hereafter provided are perspectives to understand characteristics of democratic consolidation, democracy, and state-society relations based on the findings from this research.

The process of democratic consolidation can be described as the process where the uncertain and multiple rules of the rule gradually became defined. This research shows that in the beginning, uncertainty about the procedures of decision-making surrounded those within the government as well as the societal actors who participated in the policy-making. This uncertainty was increased because of the fact that the regime change took place by the People Power Revolution, not through the Constitutional procedure. Moreover, the institutional change took place sometimes informally and sporadically as in the case of the Cabinet Action Committee.

In the period of democratic consolidation, the Aquino government sought to establish institutional forms of democracy but not other kinds of democracy, for example, social democracy which would bring a greater equity by implementing social reforms. In this regard, it was institutional democracy which was 'democratized' in the process of democratic consolidation.

As *de jure* institutions of democracy theoretically guarantee participation of citizens in policy-making, democracy can also be looked at from the viewpoint of participation. This case study has shown the active participation of various social groups in the process. In particular, social movements have increasingly become active in policy advocacy. The combination of guaranteed participation and the robust development of social movements suggests that participation of social movements opened a possibility to bring about a change in the policy-making process and hence in policy output. In this sense, participatory democracy was strengthened in the post-Marcos Philippines.

From the above perspectives on democracy, one can also deduce a feature of state-society relations in contemporary Philippines. State here refers to the apparatus which allocates values in society. The society here

means the civil society as it is commonly defined:⁷⁵ the sphere of society which is different from family affairs and from the state activities. On the one hand, the institutions of democracy regulate the relationship between state and society: institutional democracy guarantees that the state represents interests in society, and that social groups participate in the state decision-making. Participatory democracy, on the other hand, urges the state to represent interests of society. This research has revealed the multiple forms of societal interests as well as the plurality of political leadership. In this regard, the state is no longer an "instrument of the dominant class", but an instrument of many classes. Under the democratic form of governance, society utilizes the state to represent manifold and competing interests. At present, state-society relations in the Philippines appear to be in a condition where society incorporates the state in order to transform society into something else by changing allocation of resources in society. The 'something else', however, is unknown but decided by society.

Nevertheless, a question still remains unanswered: whether the sacrifice of redistributive agrarian reform in exchange for the institutions of democracy was worthwhile, particularly for those who shouldered the burden of the failure, that is, the rural poor. Society will decide the answer in the future.

75 For different definitions of civil society as well as an explanation of philosophical development with regards to the concept of civil society, see Bobbio 1988.

BIBLIOGRAPHY

1. Published Documents

- Abinales, P.N. (1988) 'The Left and Other Forces: The Nature and Dynamics of Pre-1986 Coalition Politics' ed. by Third World Studies Centre, University of the Philippines, Marxism in the Philippines (Second Series) Quezon City: Third World Studies Centre, University of the Philippines.
- ACPC (Agricultural Credit Policy Council) (1987) 'Banker's Reaction to the Proposed E.O. on the Comprehensive Agrarian Reform Programme (CARP)'. Occasional Paper No.87-01.
- Allison, Graham (1971) Essence of Decisions: Explaining the Cuban Missile Crisis. Boston: Little, Brown & Co.
- Anderson, Benedict (1988) 'Cacique Democracy in the Philippines: Origins and Dreams'. New Left Review. 169:3-31.
- Asano, Yukiho (1992) From Marcos to Aquino. (in Japanese) Tokyo: Institute of Development Economics.
- Bachrach, Peter and Morton S. Baratz (1970) Power and Poverty: Theory and Practice. London: Oxford University Press.
- Balisakan, Arsenio M. (1990a) 'Why Do Governments Do What They Do?: Agrarian Reform in the Philippines.' Research and Training Program for Agricultural Policy Working paper Series No. 90-03.
- Balisakan, Arsenio M. (1990b) 'The Political Contest For land Reform in a Developing Country.' The University of the Philippines School of Economics (UPSE) Discussion Paper 9001.
- Bobbio, N. (1988) 'Gramsci and the Concept of Civil Society.' John Keane ed. Civil Society and the State: The New European Perspectives. London: Verso.
- Burton, Sandra (1989) Impossible Dream: The Marcoses, the Aquinos, and the Unfinished Revolution. New York: Warner Books, Inc.
- Carter, Sonya Diane (1959) The Philippine Federation of Free Farmers: A Case Study in Mass Agrarian Organizations. Data Paper no.35 Southeast Asia Programme, Department of Far Eastern Studies Cornell University, Ithaca: Cornell University.
- Clegg, Stewart R. (1989) Frameworks of Power. London: Sage Publications.
- Constantino, Renato (1975) A History of the Philippines: From the Spanish Colonization to the Second World War. New York: Monthly Review Press.
- Cornista, Luzviminda and Eva F. Escueta (1991) 'Communal Forest Leases as a Tenure Option in the Philippine Uplands'. IAST Occasional Paper Series No.36. Laguna: Institute of Agrarian Studies.
- Cornista, Luzviminda and David King (1988) 'Operationalizing CARP in the Philippines Uplands: Problems, Issues and Recommendations.' IAST Occasional Paper Series No.25. Laguna: Institute of Agrarian Studies.
- CPAR (1992) 'Four Years of Agrarian Reform: An Assessment from the Peasant Movement.' Philippine Development Briefing 1:1-10.
- CPAR (1990) 'The Congress for a People's Agrarian Reform' in Lupa at Buhay: Agrarian Reform in the Philippines. Amsterdam: Philippine Development Forum.

- Dahl, R. (1961) Who Governs? New Heaven: Yale University Press.
- de Dios, Aurora Javite, Petronilo Bn. Daroy and Lorna Kalaw-Tirol eds. (1987) Dictatorship and Revolution: Roots of People's Power. Manila: Conspectus.
- Diokno, Ma. Serena (1987) 'Unity and Struggle.' in Aurora Javite-de Dios, Petronilo Bn. Daroy and Lorna Kalaw-Tirol eds. Dictatorship and Revolution: Roots of People's Power. Manila: Conspectus.
- Domhoff, G William (1979-80) 'Introduction' Insurgent Sociologist 4-2&3:3-7.
- Edgerton, Ronald K (1982) 'Frontier Society on the Bukidnon Plateau, 1870-1941.' in Alfred McCoy and Ed. C. de Jesus eds. Philippine Social History: Global Trade and Local Transformations. Quezon City: Ateneo de Manila University Press.
- Findlay, Ronald (1991) 'The New political Economy: Its Explanatory Power for LDCs.' Gerald M. Meier ed., Politics and Policy Making in Developing Countries: Perspectives on the New Political Economy. San Francisco, California: ICS Press.
- Foucault, Micheal (1977) Power/ Knowledge: Selected Interview and Other Writings 1972-1977. New York: Randam House.
- Fujiwara, Kiichi (1988) 'Institutions and Movements of Democracy in the Philippines'(in Japanese) Shakaigakukenyu, 40-1.
- Gillego, Bonifacio (1988) 'The Confessions of Boni Gillego'. Alternative 2-2&3 3-6.
- Grindle, Merilee S. and John W. Thomas (1989) 'Policy Makers, Policy Choices, and Policy Outcomes: The Political Economy of Reform in Developing Countries, Policy Sciences. 22: 213-248.
- Grindle, Merilee S. and John W. Thomas (1991) Public Choices and Policy Change: The political Economy of Reform in Developing Countries. Baltimore: The John's Hopkins University Press.
- Grindle, Merilee S. (1991) 'The New political Economy: Positive Economics and Negative politics.' Gerald M. Meier ed., Politics and Policy Making in Developing Countries: Perspectives on the New Political Economy. San Francisco, California: ICS Press.
- Guerrero, Amado (1979) Philippine Society and Revolution. Oakland, California: International Association of Filipino Patriots.
- Hayami, Yujiro, Ma. Agnes R. Quisumbing and Loudes S. Adriano (1990) Toward an Alternative Land Reform Paradigm: A Philippine Perspective. Quezon City: Ateneo de Manila University Press.
- Hayami, Yujiro and Masao Kikuchi (1981) Asian Village Economy at the Crossroads: An Economic Approach to Institutional Change. Tokyo: University of Tokyo Press.
- Hayami, Yujiro (1991) 'Land Reform' in Gerald M. Meier ed., Politics and Policy Making in Developing Countries: Perspectives on the New Political Economy. San Francisco, California: ICS Press.
- Hernandez, Carolina G (1985) 'Constitutional Authoritarianism and the Prospects of Democracy in the Philippines.' Journal of International Affairs 38-2:243-258.
- Hindess, B. (1986) '"Interests" in Political Analysis.' John Law ed. Power, Action and Belief: A New Sociology of Knowledge? London: Routledge and Kegan Paul.
- Hirschman, Albert O. (1975) 'Policymaking and Policy Analysis in Latin America- A Return Journey.' Policy Sciences. 6-4:385-402.

- Holmes, Ronald (1987) 'The Left Opposition: Partido ng Bayan and Parliamentary Politics'. Praxis. 2-1:23-34.
- Huizer, Gerrit (1980) Peasant Movement and their Counterforces in South East Asia. New Delhi: Marwah Publications.
- Hunter, F (1953) Community Power Structure. Chapel Hill: University of North Carolina Press.
- IPD (1992) All in the Family: A Study of Elites and Power Relations in the Philippines. Quezon City: Institute of Popular Democracy.
- Joaquin, Nick (1990) Jaime Ongpin: The Enigma, A Profile of the Filipino as Manager. Makati: Jaime V. Ongpin Institute of Business and Government.
- Kerkvliet, Benedict, J. (1979) 'Land Reform: Emancipation or Counterinsurgency?' David Rosenberg ed. Marcos and Martial Law in the Philippines. Ithaca: Cornell University Press.
- Kerkvliet, Benedict, J. (1977) The Huk Rebellion: A Study of Peasant Revolt in the Philippines. Berkeley: University of California Press.
- Landé, Carl H. (1965) Leaders, Factions, and Parties: The Structure of Philippine Politics. Southeast Asian Studies Monograph Series No.6. New Heaven: Yale University.
- Lukes, Steven (1974) Power: A Radical View. London: Macmillan.
- Makati Business Club (1987) 'Agrarian Reform: A Nation Divided?' MBC Papers 6-6.
- Manapat, Ricardo (1991) Some Are Smarter Than Others: A History of Marcos' Crony Capitalism. New York: Aletheia Publications.
- Mangahas, Mahar (1987) 'Land Reform on the Public Domain'. IAST Occasional Paper Series No.21. Laguna: Institute of Agrarian Studies.
- Mangahas, Mahar (1987) 'The Comprehensive Agrarian Reform Programme as Drafted by the Cabinet Action Committee'. (SWS Occasional Paper) Quezon City: Social Weather Station.
- McCoy, Alfred W. (1982) 'A Queen Dies Slowly: The Rise and Decline of Iloilo City.' in Alfred McCoy and Ed. C. de Jesus eds. Philippine Social History: Global Trade and Local Transformations. Quezon City: Ateneo de Manila University Press.
- McEwan, Arthur (1988) 'Transitions from Authoritarian Rule' Latin American Perspectives 15:3:97-130.
- McLennan, Gregory (1989) Marxism, Pluralism and Beyond: Class Debates and New Departures. Cambridge: Polity Press.
- Melucci, Alberto (1989) 'New Perspectives on Social Movements: An Interview with Alberto Melucci' J. Keane and J. Mier eds., Nomads of Present London: Hutchinson Radius.
- Mendoza, Edgar (1988) 'House Bill No. 400: A Chronology on Its Rise and Fall.' Alternative 2-2&3:7-10.
- Miliband, R. (1969) The State in Capitalist Society. New York: Basic Books.
- Monk, Paul M. (1990) Truth and Power: Robert S. Hardie and Land Reform Debates in the Philippines, 1950-1987. Victoria, Australia: Centre of Southeast Asian Studies, Monash University.
- Nemenzo, Francisco (1987) 'From Autocracy to Elite Democracy.' in Aurora Javite-de Dios, Petronilo Bn.

- Daroy and Lorna Kalaw-Tirol eds. Dictatorship and Revolution: Roots of People's Power. Manila: Conspetus.
- North, Douglas C. (1990) Institutions, Institutional Change and Economic Performance. Cambridge: Cambridge University Press.
- Ofreneo (1980) Capitalism in Philippine Agriculture (Updated edition). Quezon City: Foundation for Nationalist Studies.
- Otsuka, Keijiro (1991) 'Determinants and Consequences of Land Reform Implementation in the Philippines.' Journal of Development Economics 35:339-355.
- Parsons, Talcott (1969) Politics and Social Structure. New York: The Free Press.
- Phelan, John L. (1959) The Hispanization of the Philippines: Spanish and Filipino Responses, 1565-1700. Madison: University of Wisconsin Press.
- PHILDHARRA (n.d.) 'Agrarian Reform: Today's Imperative, A Special Supplement on the Congress for a People's Agrarian Reform.' Makati: PHILDHARRA.
- Poulantzas, Nicolas (1969) 'The Problem of the Capitalist State.' New Left Review. 56:67-78.
- Prill-Brett, June (1992) 'Preliminary Perspectives on Local Territorial Boundaries and Resources Control'. CSC Working Paper 06. Baguio: Cordillera Studies Centre.
- Putzel, James (1992) A Captive Land: The Politics of Agrarian Reform in the Philippines. N.Y. Monthly Review Press.
- Pye, L.W. (1991) 'The Myth of the State: The Reality of Authority' ed. by R.K. Aurora Politics and Administration in Changing Societies. New Delhi: Associated Publishing House.
- Quisumbing, Ma. Agnes (1987) 'Land Reform for Forest and Upland Areas: Some Suggestions.' IAST Occasional Paper Series No.22. Laguna: Institute of Agrarian Studies.
- Royo, Antoniette G. (1988) 'Regalian Doctrine: Whither the Vested Rights?' Philippine Natural Resources Law Journal. 1-2:1-8.
- Ruttan, Vernon (1991) 'What happened to Political Development?' Economic Development and Cultural Change 39-2:265-292.
- Schirmer, Daniel B. and Stephen Rosskman Shalom eds. (1987) The Philippine Reader: A History of Colonialism, Neocolonialism, Dictatorship, and Resistance. Quezon City: Ken Incorporated.
- Simons, Lewis (1987) Worth Dying For. New York: William Morrow and Co.
- Sison, Jose Ma. (n.d.) On National Democracy. Quezon City: Aklatang Gisingna.
- Skocpol, Theda (1985) 'Bringing the State Back In: Strategies and Analysis in Current Research' in Peter Evans, Dietrich Rueschemeyer and Theda Skocpol eds., Bringing the State Back In. Cambridge: Cambridge University Press.
- Social Weather Station (1989) 'Public Opinion on Land Reform'. Social Wether Bulletin 1989-2.
- Starnes, F.L. (1961) Magsaysay and the Philippine Peasantry: the Agrarian Impact on Philippine politics. Berkeley: University of California Press.

- Stauffer, Robert B. (1990) 'Philippine Democracy: Contradictions of Third World Redemocratization.' KASARINLAN. 3rd and 4th Quarters:7-22.
- Stepan, Alfred (1978) The State and Society: Peru in Comparative Perspective. Princeton: Princeton University Press.
- Sturtevant, David R. (1976) Popular Uprisings in the Philippines 1840-1940. Ithaca: Cornell University Press.
- Timberman, David (1991) A Changeless Land: Continuity and Change in the Philippine politics. Singapore: Institute of Southeast Asian Studies.
- Wurfel, David (1977) 'Philippine Agrarian Policy Today: Implementation and Political Impact.' (Institute of Southeast Asian Studies Occasional Paper No. 46. Singapore: Institute of South East Asian Studies.
- Wurfel, David (1988) Filipino Politics: Development and Decay. Quezon City: Ateneo de Manila University Press.

2. Unpublished Documents

- AIM (Asian Institute of Management) (1989) 'The Battle For CARP,' a case material written for a course in Development Management Programme at the AIM.
- BBC (Bishops and Businessmen's Conference on Human Development) (1987) 'BBC Official Stand on Land Reform.'
- Federation of Free Farmers (1988) 'Comments on Comprehensive Agrarian Act'.
- Grageda, Jose (1992) 'History of Coalition Politics in the Philippines'. unpublished draft.
- Lynch, Owen (1991) 'Colonial Legacies in a Fragile Republic: A History of Philippine Land Law and State Formation, with Emphasis on the Early U.S. Regime (1898-1913).' diss., Yale University.
- MAP (Management Association of the Philippines) (1988) 'MAP Position Paper on Comprehensive Agrarian Reform Programme (CARP).' Circular N0.09-88.
- PCCI (Philippine Chamber of Commerce and Industry) (1987) 'Resolutions Adopted by the 13th Philippine Business Conference, November 12, 13 & 14.'
- Prosterman, Roy and Timothy Hansstad (1988) 'Whether Failure is Inevitable Under the New Philippine Land Reform Law.' memorandum to file.
- Owen, Norman G. (1992) 'The Power of the Principalia: Local Politics in Early 19th-Century Kabikolan'. (paper presented at the Fourth International Philippine Studies Conference, Canberra, Austraria, July 1-3, 1992.
- Richter, Linda Kay (1980) 'Land Reform and Tourism Development: Policy-making in Martial Law Philippines.' diss., University of Kansas.

3. Philippine Government Documents

<Republic of the Philippines >

Committee on Agrarian Reform, House of the Representatives (1987) Transcript of Public Hearing.

Committee on Agrarian Reform, Senate (1987) Transcript of Public Hearing.

Constitution of the Republic of the Philippines (1935).

Constitution of the Republic of the Philippines (1973).

Constitution of the Republic of the Philippines (1987).

House Bill (HB) 65.

House Bill (HB) 319.

House Bill (HB) 400 submitted as the Committee Report.

House Bill (HB) 400 as amended by the House of the Representatives.

House Committee on Agrarian Reform (1988) Summary of the Proceedings of the Bicameral Conference Committee on Agrarian Reform.

PCGG (1986) Order to the COCOFED, July 8, 1986.

Record of the Constitutional Commission (1986, 1987).

Republic Act (RA) No. 6657 (1988) An Act Instituting a Comprehensive Agrarian Reform Programme to Promote Social Justice and Industrialization, Providing the Mechanism for its Implementation, and Other Purposes.

Senate Bill (SB) 123.

Senate Bill (SB) 133.

Senate Bill (SB) 249 submitted as the Committee Report.

Senate Bill (SB) 249 as amended by the Senate.

< Presidential Issuances >

Administrative Order No.11 (1987 January 25) Creating a Presidential Investigation Commission to be known as the Citizens' Mendiola Commission.

Draft Executive Order, 1987 June 28.

Executive Order No.229 (EO229) (1987 July 22) Providing the Mechanisms for the Implementation of the Comprehensive Agrarian Reform Programme.

Memorandum (1987 January 28) addressed to Ministers Heherson Alvarez, Ramon Mitra, Carlos Dominguez, Solita Monsod, and the PCGG Chairman Jovito Salonga.

Proclamation No.3 (1986 March 25) Declaring a national policy to implement the reforms mandated by the people, protecting their basic rights, adopting a provisional constitution, and providing for an orderly transition to a government under a new Constitution.

Proclamation No. 131 (PO131) (1987 July 22) Instituting a Comprehensive Agrarian Reform Programme.

