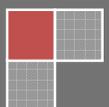


2015

# Inclusive Growth in the Next Philippine Development Plan:

## JUSTICE IN THE POST-2015 SUSTAINABLE DEVELOPMENT GOALS

This is the documentation for the conference entitled “Inclusive Growth in the Next Philippine Development Plan: Justice in the Post-2015 Sustainable Development Goals” which was held last May 26, 2015 at the Luxent Hotel along Timog Avenue, Quezon City. It discussed the issue of Inclusive Growth in the next PDP and justice in the post-2015 SDGs. There were six presentations: 1) “The SDGs: Justice in Post-2015” by Stacey Cram of NAMATI; 2) “The Next PDP and the Continuing Challenge of Inclusive Growth” by Ramon Falcon of NEDA; 3) “The PDF Rule of Law Working Group” by Assistant Secretary Geronimo Sy of DOJ; 4) “Measuring Progress Towards SDGs and Justice” by Dr. Mangar Mangahas of SWS; 5) “Inclusive Growth in the Next PDP, Justice in the Post-2015 SDGs” by Atty. Renelie Mayuga of the JSCC; and 6) Inclusive Growth and the 2011-2016 PDP Through the Basic Sector Lens” by Paul Paraguya of NAPC NGO Council. After the presentations and Open Forum, Planning for Next Steps was done.



## Opening Remarks – by Atty. Marlon Manuel (National Coordinator, ALG)

Atty. Marlon Manuel (National Coordinator, ALG): The Alternative Law Groups (ALG), the National Anti-Poverty Commission (NAPC) NGO Council and NAMATI welcome all of you to this very important forum.



I am sure you all know about the MDGs (Millennium Development Goals), and the period for the achievement of the MDGs is fast approaching. They are about to end. Unfortunately for the Philippines and many other countries, we failed to reach the MDG targets that we set to achieve by the end of this year. So now, the international community, the Philippines included, are now busy discussing the successor framework for the MDGs.

What will happen after the MDGs? What will be the next step of international development goals after the MDGs? This is where we now go to the Sustainable Development Goals (SDGs). Later on, we will have a presentation on the SDGs. But just to have a quick discussion in the context of the Philippines, we are approaching again a very opportune timing for discussion of development issues and development goals. We are about to enter a transition by next year. I am not sure if you are hopeful, or not hopeful, about the transition that will happen next year as far as the Philippine government is concerned, but this makes the discussion of the MDGs doubly significant for the Philippines, because we are also, at the same time that we are discussing globally the SDGs, we are also preparing for the Philippine Development Plan (PDP). We are about to end the current PDP, and about to start the discussions on the formulation of the next PDP, in time for the transition in government that will happen by the middle of next year.

In the past, in the review and updating of the current PDP was through the NAPC, initially through the leadership of the NAPC NGO Council, and then through the involvement of all 14 basic sectors of the NAPC. The basic sector organization is engaged in the process of reviewing and updating the current PDP. That happened in 2013 until 2014.

For now, the NAPC is also in transition. Some of you know that I just ended my term as sectoral representative for NGOs, and as vice-chair for the basic sectors of NAPC, so we are now moving into a new term for the NAPC basic sectors. We are hoping that the engagement that happened in the review and updating of the PDP will continue. We are also hoping that we can push for a more participatory discussion of the PDP, a multi-sectoral participatory process that will involve basic sector organizations, marginalized and vulnerable communities and groups as we prepare for the next PDP.

In this regard, we are holding this whole day forum to discuss two important parallel themes: inclusive growth in our country-level development plan, and justice in the global, universal SDGs. We see the connection. We see the link. And we see a very good opportunity for the Philippines to discuss the inclusion of justice as one of the goals in the next SDGs, and the formulation of a more comprehensive and more inclusive PDP.

Today, we have here a number of key leaders from CSOs, from the academe, from government, and from international organizations, and we are hoping that this forum will be an initial venue for us to discuss our continuing engagement in the discussion of the SDGs, and our continuing engagement in the formulation of the PDP.

Before I end, allow me to recognize some people. We have here the Chairperson of the ALG Council, Atty. Joan Sanieel, from Children’s Legal Bureau (CLB) of Cebu. We also have here some of the newly appointed sectoral representatives of NAPC – I will start with the sectoral representative for NGOs, Mr. Paul Paraguya. We also have the sectoral representative for Indigenous Peoples, Deonato Mokudef. We also have the sectoral representative for senior citizens, Ms. Salvacion Basiano. We have the sectoral representative for fisherfolk, Ruperto “Ka Uper” Alerosa. We have the sectoral representative for the formal labor sector, Edwin Bustillos. We have the sectoral representative for children, Josh Cesar Cerillos from Iloilo. We also have Noel Cano, the sectoral representative for the urban poor, and Joy Garcia, sectoral representative for the PWDs (Persons with Disabilities).



The only reason why this activity was organized by the NAPC NGO Council is because during the time we were planning this activity, we were still waiting for the appointment of the sectoral representatives. We still did not have the SRC (Sectoral Representatives Council), but we are hoping that after this activity, we can engage as the 14 basic sectors of NAPC – that this engagement will be adopted by all 14 basic sectors of the NAPC, together with all their partner institutions and organizations from civil society and government.

Finally, we would also like to recognize the presence of six of our partner practitioners on legal empowerment in Southeast Asia. We have lawyers from Indonesia, Myanmar and Bangladesh. Please, let us welcome all of them. They are here and will be ending their 3-week exchange program here in the Philippines. They are doing legal empowerment work in their respective countries, working with vulnerable sectors and communities.

With that, let us start the activity because we have a full day of presentations and discussions. *Maraming salamat po* and good morning to everyone.

### *Presentation 1: The Sustainable Development Goals: Justice in Post-2015*

The first speaker was MS. STACEY CRAM, the global advocacy specialist of NAMATI. She has advised and lobbied the National Global Policy Development across a range of thematic issues. She is currently working on UN-Post 2015 processes to ensure that citizen priorities will influence the agenda with a strong focus on justice, governance and data evolution.

Her presentation is entitled “FROM MDGs TO SDGs – THE SUSTAINABLE DEVELOPMENT GOALS: JUSTICE IN POST-2015” and is found as Appendix \_.

### **Open Forum:**

**Q:** I am Edwin Bustillos from the NAPC formal labor and migrant workers sector. I have 3 points: First, is on land management and acquisition, which pertains to rights to land and property. Since we are also campaigning for IP rights, we would like to underscore the IPs in your paper – the lumads, the tribes, etc – they should also be part of the document, because the document pertains to communities, including women and others, but it should specify clearly the IPs and their rights to land and property. Second, you can find engagement with the private sector as private-public partnership (PPP) in relation to the goals in the industries.

But with respect to the crafting of the mechanism, we would like to ensure that there would be a full consultation with the CSOs. Third, with respect to accessing justice, we have some problems with the labor sector in particular, on the contradiction between the international laws and covenants like ILF, which are in direct contradiction with the institutions here that interprets the laws. For example, on freedom of association - the ILO Freedom of Association Committee decided on these cases, and they have recommendations for the national government. Unfortunately, the differences between the executive and judiciary makes it unclear on how to address the recommendations coming from the ILO. I don't know of any national or local level institutions that will ensure labor access to justice, which must adhere to the international covenants and international labor instruments to avoid further conflict between civil society and the different branches of government.



**Stacey Cram (NAMATI):** On the Philippine national context, I'm going to let everyone else discuss that. I will not pretend to be the expert on that, but I think that is a valid point raised. In terms of involvement of the CSOs in the crafting of mechanisms with the private sector, I think that would be a progressive and positive move by some fields and industries which we should recognize and push for. It is my understanding that there are a lot of private sector groups here that are actively getting involved in development, so there are some mechanisms for them to get more involved, which we have seen in Kenya as a big issue right now. The private sector there is heavily involved in the land policy which allows the communities to sell off their land at a very small rate to the private sector.

In terms of the competition between the international and the national, I think what is different is that the SDGs are non-legally binding. It's really there to provide a framework and an opportunity. Where they are relevant, use them. When it is directly in line with something that you know is working better at the national level, be vocal about that. Don't feel compelled to comply with something that is not working in the national context.

The challenge could be on how will you nationalize those targets which work, and having the consultations prior to setting the targets to ensure that you will be hitting the right ones. So, it's providing both the mechanisms and the tools for doing that. In terms of the conflict between the judiciary and the executive branches of government, sadly it's often an ongoing case, and it's

something that the international community often doesn't always get right. So continue to fight against the wrong decisions.

**Q:** I am Roldan Gonzales from the NAPC NGO Council. I have two points on the MDGs to SDGs. Is there any mechanism on how to address failures? For example, if a country like the Philippines was not able to achieve a target, then what? Because this also affects the next set of targets for the SDGs. Second, the framework for justice – is there a way to identify what is just and what is not just? We know what is lawful and what is lawless, as identified by those in power. For example, destroying the IP communities and their Ancestral Domains could be lawful, and fighting the mining companies that destroy the IP communities could be lawless and even considered as an act of terror. Is there a mechanism on how to address those things?

**Stacey Cram (NAMATI):** On your first point on learning from the MDGs, yes, absolutely, I think that are a lot of things that need to be looked at. But we can look at the data and it wouldn't be perfect. We know that. Having an audit and having the government report against that is definitely something I would encourage you to try and get forward, not only in terms of understanding why some things work and some things didn't, but also in terms of reviewing the design as we enter into the future – so it's really knowing where we are, and where we want to get to, and how can we use the learnings to get that.

When it comes to justice, a lot of the baseline won't exist, and it's something that everyone is struggling with right now. There's a big movement around data evolution and how we can create a baseline, and how we can start to understand where we've gotten through, especially when it's aligned with the MDGs. So that should be coming around at a global level in September. So, yes, I would encourage you to do that as a next step.



In terms of justice and what is not justice, one of the things that they shied away from in the language while the rule of law comes up, was that they distinguish rule of law from justice for all. They are recognizing that the rule of law does not equal justice. And that was done very intentionally for reasons like the ones that you mentioned, and it opens up the mechanism to go about at the national level when it comes to justice. And when we were talking about the sense of justice needed necessary that expectedly, yes, within the FGD framework, it is the role of the non-formal justice as well, and the important role that it can have within a formal justice system. It recognizes, but does not regulate it - you know, for you to recognize the role of the non-formal justice system. The more that it's supported, the more the communities are able to address the local situation better. If you're thinking about the development of a justice plan, how you separate the formal from the non-formal justice systems and how you are aware of the rule of law versus justice for all and mechanics like authority between those two principles are important.

**Q:** I am Tris Alfis from the NGO Council. I was just wondering. For the 15 years that the MDGs have been going on, implemented and assessed and reviewed, and come up with this decision now that we have to move forward from the MDGs to SDGs, I was wondering where the justice component

was found to be missing, and therefore as we now launch into the SDGs, we would like to introduce a strong core toward justice. Where was it missing? Because in the MDGs, there was a concern for Human Rights and Human Rights-based development to address anti-poverty and the development price, but when I look at your recommendation for evidence showing five major salient themes, incorporate justice in the global framework of Goal 16, we might be missing the very essence why we want justice there, which is not clearly the legal framework, but the socio-economic and development frame because we are formulating and assessing the situation. This is my impression. It's a very legalistic approach.

**Stacey Cram (NAMATI):** In terms of where justice is recognized, it would come a few across all of the MDG areas that this idea of justice not necessarily just as a legal framework, but local justice and local kinds of authority are the ways to really monitor all of the other areas. There are things around education, one of the reasons why the education goals were put forward, and I will use Nigeria as an example because I know it well, everything was being lost at many things – the teachers weren't turning up in the schools, etc, so there were problems with very high level corruption to very low level corruption – so there were issues that were preventing the provision of education for all. But within the framework, there was nothing which cut across that. There was no way to redress why this was happening at all these different levels, and it was kind of blurred in amongst other things. And the result was that it wasn't even tackled, and that sort of happened for all of these areas for all the goals. It was often the role of corruption, a lack of transparency, repression and lack of human rights, which all brought forward why justice, accountability and governance were key elements in the next agenda.

In terms of it just being a legal doctrine, we're focusing today on the justice element. I would encourage you to look at Goal 1, which very much frames the whole sustainable development agenda of transformative and for all and ensuring equal rights for everyone. There has been a shift in talking about human rights only on the strategy to stop the countries that were blocking policy based on the use of that word. And when we talk about things like legal empowerment, which is getting communities the tools to understanding what their rights are, and how to address their rights when they aren't going well – it's a different avenue and a different language. So that's why there's been a shift. So now it's very, very clear there'll be no mention of human rights.

**Q:** I am Elsie from NACP coop sector. You were mentioning about the formal and non-formal justice systems. I am just curious if you are also considering alternative dispute resolution (ADR). In the legal system, we are talking about what is right and what is wrong. But if we are talking about equality of both parties, I think we also have to consider the ADR.

**Stacey Cram (NAMATI):** Yes, I think that's absolutely something that needs to be considered.

**Q:** I am Mahar Mangahas from the Social Weather Station (SWS). I want to ask about the sustainable development data that you mentioned. I want to ask if the people there have a sense of the need for empowerment in statistics. Is there a role for private, non-governmental statistics, or is there going to be a bias towards "official" governmental statistics and some kind of rule-making and standard-making which will in effect, disempower others from making their own statistics?

**Casey Cram (NAMATI):** The official site right now is the global partnership for sustainable development data, and it is very much not just focused on "official" data, or just on looking at third-

party data and all its forms. So whatever data is generated, whether through statistical or information pooling companies, it's taking all of that as well, like Google, for example, owns a lot of data, and how these can all be supported and supplemented. Right now, they are looking at how the tri-party partnership between government, citizens and third-party data suppliers can all work together. It's still very much being developed as of now, so I can't give you the details, but I know as well that funding mechanisms are being worked out.

## *Presentation 2: The Next Philippine Development Plan and the Continuing Challenge of Inclusive Growth*

The second speaker was MR. RAMON FALCON, the long-time focal person of NEDA, the partner organization of the NAPC NGO Council. He is the Chief Economic Development Specialist of the Social Development Staff of NEDA.

His presentation is entitled "THE NEXT PHILIPPINE DEVELOPMENT PLAN AND THE CONTINUING CHALLENGE OF INCLUSIVE GROWTH" and is found as Appendix \_\_\_ .

### **Open Forum:**

**Q:** I am Uper Alerosa from the NAPC fisherfolk sector. I found it a little difficult to absorb such voluminous information in one presentation. But there are a few points that I wish to clarify. First, in all the planning processes of the government, it has always set the target "to eliminate or reduce poverty." The government is proud in saying that lately, there has been an extreme increase in our economy from 6.4 to 7.2%, but the question we want to ask is, who enjoys or benefits from that increase? How come the poor remain poor? In the case of the basic sectors, the poorest are the farmers and fisherfolk, but between the two, the fisherfolk are the poorest among the poor. But why is this happening if you are saying that your favorite catchphrase is "inclusive growth"? It seems that we do not see eye to eye on what "inclusive growth" means.

For us, if growth and development is to be inclusive, then no one or no particular sector will be left behind. Everyone and all sectors will enjoy and benefit from the increased growth. But how is it that inequality in the benefits of such an increase still happens? There is an



injustice. Injustice happens because there is inequality. Inequality happens when poor people are denied access to their primary sources of livelihood. For the fisherfolk, there is a provision in the Fisheries Code that states preferential rights are awarded to the municipal fisherfolk. But who actually dominates and monopolizes the resources? And yet one of your priority actions is to promote tourism.

For the information of everyone, tourism is one of the things that burden the small fisherfolk, and keep us poor and marginalized. They privatize illegally and control the coastal areas. They charge the fisherfolk entrance fees for access to the coast, which is supposed to be a public area. Such

inequality happens not only to fisherfolk. It happens to other sectors as well – for as long as there are IPs who are continually being pushed out from their ancestral domains due to mining, for as long as women remain unacknowledged for their valuable contribution towards the country's economic development, for as long as the youth do not understand that they are the ones who will eventually inherit this development, for as long as there are workers and laborers who are continuing to provide manpower for the country's development but are not being valued, we can never hope to attain sustainable development.

So now, what is the space that is being given to fisherfolk to say that inclusive growth should have “meaningful” participation? The only space that we enjoy is becoming a member of the Local Development Council (LDC) of the Local Government Unit (LGU). However, it is merely a recommendatory body.

When the plan that we formulated participatorily becomes politicized by the local Sanggunian, then the plans will never be implemented. If “inclusive growth” has never been successfully implemented in the past, are we then still going to use it in the next stage? How can you really ensure that there will be inclusivity? For us, meaningful participation of the marginalized and basic sectors should be institutionalized. We should not remain as a recommendatory body, which is just being used as a justification and excuse to show that participation of the basic sectors was done. This has to be carefully considered as we shift from the MDGs to the SDGs. Thank you very much.

**Ramon Falcon (NEDA):** Thank you for your observation that inclusive growth has not yet been realized. In my presentation, I mentioned that the inclusive growth agenda has remained to be elusive and we have not really achieved it, despite some progress made in our economic growth. Unfortunately for the poverty-stricken, we often hear the complaint that they do not “feel” the effects of economic growth and development. It seems that the economic growth and development and poverty reduction efforts of the government has not been very responsive to the needs of the poor and marginalized. Poverty remains pervasive at 25.2% or ¼ of the population remains poor, and you pointed out that the fisherfolk are the poorest among the poor.

Inclusive growth leaves no one behind, is shared and benefits all. I would pose this as a challenge to everyone. You are right in saying that not all of the voices of the poor are being heard meaningfully in the many discussions being conducted. A case in point would be the LDC, as you pointed out. But even at the highest level, such as in the NAPC, which is chaired by the President, and has 13 government agencies and 14 basic sectors, it has remained a challenge even for us to continue and to revive the lively discussions and debates on development issues during the *en banc* meetings. The last *en banc* was way back in 2007, and with a new set of basic sector representatives, we should clamor for a revival of this institution, because we should talk about inclusive growth and social justice, about the attainment of the MDGs, discussions on the SDGs that we will pursue, and the formulation of the next PDP. We should give out the mechanisms for government, private sector and civil society engagement, and I think that the NAPC is the right institution for these deliberations and engagements as we move forward.

**Q:** I am Ritz Lee from BALAOD Mindanaw. I have a few concerns, and the first one is related to what Ka Uper mentioned. I could not agree more that one of the conclusions in your presentation is that growth has not been inclusive, because in my immediate core community, I could not see any solid

indications that poverty is indeed reduced, although I don't have the statistics to prove that – just mere observation. One of the things mentioned in the presentation is that the creation of more jobs would reduce poverty, but as Ka Uper pointed out, it's not always the case. In fact, it could make the lives of the marginalized sectors worse. They could become poorer and more marginalized.

It's not always the case that the creation of jobs, especially in far-flung areas, would reduce poverty. Several times I have heard that the creation of more jobs, but never did I hear about sustainable alternative livelihoods and the actual protection of our environments would uplift the lives of the marginalized sectors. And to add to what was mentioned earlier, may I suggest to NEDA that they be at the forefront in telling the proper government agencies or officials in highlighting one of our key learnings in the implementation of the PDP that disasters can reverse most of the gains. Man-made destruction can actually add to the already huge negative impacts of natural disasters.

Also, can NEDA review some of the programs and projects being implemented by the government on justice, such as the "Justice on Wheels?" In most cities and towns, the buses are just parked outside the Hall of Justice. It is merely a symbol that we have such a program, but they are just parked in front of the Hall of Justice. Second is on ADR. The ALG has been supporting the strengthening of the ADR, but not in all cases can ADR be applied. For example, we don't advise ADR for environmental cases, especially if the other party is a mining company because we are not in equal footing with them.

**Ramon Falcon (NEDA):** NEDA would be more than willing and happy to spearhead the Disaster and Risk Reduction and Management (DRRM) program. Recently, there was a Memorandum transferring the functions of the Office of the Presidential Adviser on Reconstruction and Rehabilitation (OPARR) to the NEDA. NEDA is also the Vice-Chair of the National Disaster and Risk Reduction and Management Council (NDRRMC). So definitely, NEDA would not ignore the need for DRRM efforts in our programs, and would put it high in its list of developmental priorities.

On the other observations, I would agree that poverty has not yet been very much felt on the ground level. As mentioned in my presentation, it continues to be an elusive and continuing agenda. I recall that in the PDP in 1986, President Cory Aquino focused on the Low-Income Municipalities Program (LIMP), as well as pursued programs that promoted entrepreneurship and local level employment. During the administration of President Fidel Ramos, the focus was on a total human development approach, which was known as the "Philippines 2000" program, which was a pursuit to become a newly-industrialized country. It was called "Philippines 2000" because we were striving to attain a per capita income of about US\$ 2,000 in 1998. The development agenda then was improving the quality of life of the people, focusing on 3 elements: total human development, international competitiveness and people empowerment.

During the administration of President Joseph Estrada, the program was put in the form of an equation. Poverty eradication equals broad-based growth and development, represented by the PDP, plus focused targeting, represented by the program known as the "LINGAP" or "Caring for the Poor" Program, which focused on livelihood, employment, social empowerment, etc. So it basically was a combination of broad-based growth and focused targeting.

Under the Arroyo administration, we had the "Strong Republic" Program, and the KALAHI program – Kapit Bisig Laban sa Kahirapan – was high in the agenda. And now, under the Benigno Aquino

administration, we are pursuing inclusive growth, with sustainable economic growth, employment generation and poverty reduction as the development goals. So, yes, poverty reduction will continue to remain a challenge, even as we go into the SDGs.

**Q:** I am from the Social Action Center. One of the things that we notice is that the PDP is in synch with the term of the presidency. But in other countries, you could see that their development plans are long-term and extends beyond the term of a president. Is this also in the works, as far as NEDA is concerned, to insulate the development plans from any changes wrought by the political dynamics of our country?

**Ramon Falcon (NEDA):** In as far as the PDP is concerned, this is the consensus and development blueprint of the country. This is our socio-economic 6-year plan which considers socio-economic parameters, as well as other realities. This plan is actually guided by the current thinking on development by the administration, in consultation with the development sectors. The government, through NEDA, will coordinate the plan formulation, but it will consult the national and local governments and agencies, private sector, academe, civil society, as well as the communities, to the extent that is possible to invite them into the presentations and discussions.



In so far as NEDA is concerned, we continue to be an apolitical institution. We focus on the social and economic dimensions of development, and we leave the political considerations to the rest of government. NEDA is supposed to be an apolitical institution because it is the central planning agency, so we focus more on the socio-economic aspects of development.

**Q:** I am from the Philippine Cooperative Center. Before I proceed to my question, I would like to react first to the previous discussion on ADR. I was working before with the CORE foundation, and we were giving courses on mediation. Yes, I agree that not all cases are mediatable, but you mentioned that if it is with a mining company, ADR should not be used. I would like to mention one case in Ambuklao dam. It was in the form of ADR, and it was even commended by an international organization, so it's possible to use ADR in some non-mediatable cases.

Because I am with the Philippine cooperative movement right now, I want to ask NEDA – and this is not because we are asking for your attention or because we want to be mentioned in the NEDA report – but this is more on the promotion of cooperatives. If you would notice in the NAPC, under all the sectors, you could find that there is a cooperative.

In the Philippines, we are poor in data gathering. But for the cooperatives, if we are able to gather all the contributions in the growth of the Philippine economy, then we would know that we have certainly done our part as a cooperative movement. So now, I am asking NEDA because we are not included in their report, and even in the SONA (“State of the Nation Address” of the President) – we have really done so much for the economy, and yet we were not mentioned. So we are asking if we can be mentioned in the NEDA report. This is not because we crave for attention, but it is really more on the promotion of cooperatives. The cooperatives are not charitable institutions, they don't provide a “dole-out” system, and it is really a self-help organization. So I think that it provides a more

lasting solution and help to people in the communities, compared to dole-out programs. By the way, I would like to add that we are celebrating 100 years of the cooperative movement in the Philippines. Thank you.

**Moderator/Atty. Tonet (ALG):** In the interest of time, may we gather the next 3 questions first, then we shall go to the answers or responses. After that, we will gather more questions. You may ask questions to the two presenters.

**Q:** I am Joy from the PWD sector. Good morning, I was a little late, but I was able to see the NEDA presentation, and I could see that it's more on cross-cutting issues. What I would like to ask is how inclusive is "inclusive growth?" Because when you say cross-cutting, there are different sectors that need to participate, with concerns that need to be addressed. I will cite an example. In the presentation, sexual and reproductive health focuses on contraceptives. We, in the PWD sector, recognize that a woman with disability can be a parent or mother. So they will require pre and post maternal care. But accessing even the basic health services can be very difficult for PWDs. It is difficult because of accessibility issues of the hospitals.

We have conducted some research, and we found out that there are also many women with disabilities that are at the same time abused, and they could not complain because of their disabilities. For example, the deaf cannot be understood by the courts. They require special interventions.

Aside from domestic violence, I would also like to mention that we need to have more concrete and updated data on PWDs. I am a member of the Regional Development Council (RDC), and we were informed by NEDA that there will be another population census. The census for PWDs was last conducted in 2010. And it was not successful because of the complicated forms and tools that were used that were recommended by the Washington group. I asked the representative from NEDA if it's possible to join or be included in the aggregate data. I am not really asking for the disaggregated data because what we need right now is concrete data for PWDs. So that is what we perceive as the gaps, and how could we address those concerns?

Another thing, when we think about inclusive growth in the next PDP, we should also consider the poverty threshold in the Philippines, especially when we talk about the "double-marginalized" sectors. We should take into consideration and understand these things because we could not really pave the way to alleviating poverty when we do not really know the characteristics of whom we are serving.

So those are the key issues I would like to raise, especially, our question to NEDA if we can be included in the census. I think there will be a census this year or next year.

**Q:** I am Juliet Manlapaz from Partnership for Clean Air. Just a point of clarification from NEDA. Since I am working on air, I noted that the report only mentions access to safe water and sanitation. Sanitation actually includes clean air. Could we therefore request to consider the inclusion of "clean air?" After all, clean air will definitely boost our tourism, and help the environment, especially since our air pollution index now is already around 88% based on 2011 data from traffic congested areas. We also have high indoor pollution from cooking and burning. Thank you very much.

**Q:** I am Marietta Paragas from Baguio City, NGO sector. We all know that inclusive growth is not yet fully realized. My impression in working with the IP communities from the Cordillera region is that the framework and concept of development that we are pursuing is not really suitable to the local geographical and cultural situation of the area, especially among the IPs.

Ironically, a majority of the provinces in our region belong to the so-called “Club 20” or the 20 poorest provinces in the country. But if you look at the reality, the Cordilleras are very rich in natural resources, social wealth and cultural wealth. We are only cash-poor.

There was an admission that inclusive growth and development is not to be measured by the Gross National Product (GNP). If that is the case then, may I request NEDA that we have to look into our perspective of development that is very Western. I have worked with the IP communities and I see the wisdom in their concept of development. You have to protect the environment and the mountains, which the mining companies are threatening to destroy. We are supposed to be the watershed cradle in the North, but we allow large-scale mining that destroys the watersheds. A majority of the people there are farmers and rely solely on agriculture for livelihood. Higher up in the mountains, you could no longer find enough water to supply agricultural needs, especially in regions 1 and 2.

NEDA emphasizes manufacturing and tourism. If you encourage manufacturing, and these industries are not found in the provinces, you will have a problem with squatting in the cities as people will all flock to the cities.

Second, have you heard of “La Preza” and our tourism in Baguio City? Our watershed in La Preza was destroyed because of tourism. We now experience a lot of problems because of traffic and the lack of water because La Preza was the source of water for Baguio City. When you go there, you will have a lot of problems with drinking water and traffic.

What is really our own home-grown Filipino concept of development? Not one that is measured by the GNP, employment and income, etc? We have a lot of gold in the mountains, but who benefitted from them? The foreigners. Even in the Ancestral Domains.

So I would like to encourage NEDA to consult and coordinate with the IP sector, because I fully believe in the IP concept of development, which is sustainable. I hope, Mr. Falcon, that you bring this matter up to your boss and colleagues in NEDA. I hope that the development concept that NEDA espouses is localized or regionalized. Do not impose on us your national development framework, which is not attune to the local context. As a result of the national development framework that you are imposing on us, the Cordilleras are slowly eroding and degrading.

**Stacey Cram (NAMATI):** I would just like to quickly answer the question on clean air. Air is actually referenced across a number of different goals. It’s found under Goal number 3, which is around assuming happy lives and promoting well-being for all. There’s one there on lessening the deaths and illnesses caused by hazardous chemicals, foul air and pollution. Goal 11.6 is specifically about air quality. Goal 4.4 is around sustainable consumption and production patterns, and looking at how industries affect air quality. So it’s included in the agenda.

**Ramon Falcon (NEDA):** On the concern over PWDs, I am one with you in pursuing data generation for all 14 basic sectors, because I think we only have 8 sectors that have disaggregated data. I think

we can present this request to the PSA (Philippine Statistics Authority) on the conduct of the census, and ask them not to ignore the PWD sector.

Based on the latest economic and family survey of 2012, the national poverty threshold stands at P7,889.00 per month, per family. In the National Capital Region (NCR), it stands at P8,477.00 per family, per month.

Definitely, when we formulate the PDP, we will be all in this together. We are not going to develop a framework ourselves and ram it down across the regions. In my experience, the development planning process has been quite interactive. You cannot really say that it was totally developed in a top-down fashion, although you also cannot say that it was entirely a bottom-up approach. It was really a combination of the two approaches. The data planning parameters were set at the national level, then by consultation and consensus among the sectors, we defined the priority development agenda and identified the goals. Then in consultation with the government agencies and their constituents, we set the targets.

We are also informed of emerging priorities through the bottom-up approach. Many of the programs and projects were actually identified from a bottom-up approach, such as the BUB (Bottom-Up Budgeting) and KALAHI-CIDDS (*Kapit-Bisig Laban sa Kahirapan* Comprehensive Integrated Delivery of Social Services). These are the reinforcing mechanisms that show that although there are nationally-set directions, there are also important inputs and decisions from the ground on what priority programs and projects they would like to implement.

In the policies and planning, I would like to believe that we will all be in this together, because in the formulation of the next PDP, right now, I do not know what will be the priorities. The next administration will be crucial in informing us of its vision and priorities for the next 6 years. There will be consultations with various sectors. We invite you to submit to us what you think should be included in the priorities for the next PDP. Even the MDG accomplishment report is not yet formulated, so we will be looking at how to assess the MDGs, and how we can better move forward in the next PDP. I would like to believe that the formulation of the next PDP will be subjected to the broadest possible efforts possible. We would of course consult the NAPC in the formulation of the national development agenda, which will be an input towards the next PDP.

**Moderator/Atty. Tonet (ALG):** Time check. It's already way past noon, so those who will not have a chance to ask their questions on the floor, you can approach our resource persons later, or you may jot your question down in a piece of paper and pass it on to any members from the Secretariat. For now, we will prioritize follow-up questions, then other questions before the response.

**Q:** I would like to beg your indulgence. I had a chance to talk with Mr. Falcon in the elevator, and I learned a lot from our little chat. However, since NEDA is the partner agency of the NAPC NGO Council, may we request that when you go down to the regional level, can you ensure that our sectoral members from the basic sectors be institutionalized to be regularly invited? You see, when it comes to the regions, sometimes, we get lost as there are so many agencies. Also, can they be given priority to sit in the regional consultations?

Lastly, you made mention of the agenda. It just dawned on me that I have been hearing about social protection for children from ages 0 to 5 years old as included in the agenda. However, in our

experience, we have a lot of problems with children from 5 years old and up. It could involve peace and order, and others. But these are our future leaders, and there seems to be no urgency or prioritization or provisions for the development of children 5 years old and above. Thank you.

**Q:** We wish to ask NEDA on how they will guide the CSOs in engaging on the debates on migration. In the NEDA presentation, we saw that a lot of discussions will be focusing on migrant concerns, but you failed to give us specifics. So for the sake of discussions, will you be focusing on creating more jobs abroad again, or on creating more local opportunities so that many women and youth will no longer be forced to look for work abroad, because many of them get trafficked in the process? What is the perspective or guidance on the debates that we can expect from NEDA regarding these concerns on the consultations? Thank you.

**Q:** I am Deonato Mukadef from Region 12 and from the IP sector. First, thank you for the very nice and informative presentation. I would also like to take this opportunity to extend our heartfelt gratitude and thanks to all our support groups for the IPs. I have 10 inter-connected issues, but I will just mention 3.

Sorry for this, but I will prefer to use the term “failure” – this is a part of our recommendation and suggestion as a prime mover to the PDP for Philippine economic growth. One of our failures is how to connect or consult marginalized groups, especially those in the countryside, because these people and groups actually have the skills on how to boost economic growth by using locally-available materials in the area.

The second item is I would like to float this suggestion and recommendation for consideration – we know that vast land areas of the IPs, which are either titled or untitled – the important thing is that they are living on the land – are being turned into commercial areas for mining or logging operations, rather than turning the area into a “food basket” for food security of the general population.

You see, seldom are the issues just the main issues, but it also spreads out to other issues of the people residing in the area. For example, on education: out of 10 IP pupils or student-age children, only 6 of them will be able to graduate from Grade 4. Then, out of 6 IP pupils moving on to grades 5 and 6, only 1 will be able to finish grade 6. We ask them what is the reason for that, and the answer is “massive poverty.” They cannot afford education.

The next question is addressed to Stacey. We are living under one nation, we have one constitution and one justice system. Of course, this is one of our failures as a prime mover of Philippine economic growth – because we know for a fact that IPs have their own tribal justice systems and customary laws. We often overlook the fact that within IP communities, they have their own tribal laws and tribal courts, and customary law is commonly practiced. Because of this, I have a motion for the new and upcoming administration to include qualified and experienced IP leaders in the crafting of the PDP for the purpose of Philippine economic growth that is inclusive to all. Thank you.

**Q:** Good afternoon. I am Salva Basiano of the senior citizen sector. I would not be asking a question. This is just a comment. A while ago, some 2 or 3 people asked about the scope of inclusivity. For us, we are not concerned about inclusivity – we are more concerned about exclusivity, because the elderly have been traditionally excluded from all the plans. I have never seen anything in the plans

that were presented today that refers specifically to older people. In fact, the UN does not have a specific convention for the older people. They do have conventions for PWDs, for women, for children, for migrant workers, but not for the elderly. The MDGs do not mention anything about older people, and similarly, the SDGs do not mention them either. The plans for economic growth and development do not include older people.

A while ago, social protection against torture, and social protection for women and children was mentioned. I heard that social protection is needed for children above 5 years old. Can we revise that to read “children from 5 to 105 years old”? Last night, we heard the news about a very old woman who was being tortured by her own son. That is just the tip of the iceberg. There are so many cases of elderly abuse that are never reported or recorded. I hope that all of us can work together in a cross-sectoral approach – let us not be divided and fragmented. Even government agencies have all these development plans, but they do not have a plan to streamline the bureaucracy. Red tape and bureaucracy is one of the things that burden the people, especially the elderly. Remember that many of our elderly have never even finished high school. Many in our group have only finished elementary school. If we go to a government office just to ask for a card, there are so many procedures to undertake, and so many layers of signatures that we have to get. This can be very daunting for older people, especially those who have less education.

Another thing is that government agencies should fully implement their plans. I would like to thank you for mentioning social pension. Our group was one of those which pushed for social pension in RA 9994. Thank you for mentioning that it is one of the achievements of our government. However, the implementation of social pension has been very defective and deficient. For last year, the budget was P3.1 billion to cover 1.3 million indigent senior citizens. That was according to NEDA. However, only 15% of that budget was actually disbursed and paid out to indigent senior citizens. Why? The amount is already small compared to the needs, and still, where did the 85% go? I will not wait for an answer because I think we all know the answer to that.

Last, what I am mentioning are based on actual experience. 2 years ago, I was at a forum in Malacañang, and there were several agencies there for the elderly. I was surprised that we had one particular agency – the Philippine Retirement Authority. I was surprised when they mentioned that their program is to make retirement communities for foreign retirees. I asked them what percent was allotted for Filipino senior citizens and retirees, and they said none. I asked why, and they said because that is their mandate. I said, couldn't you please work towards the amendment of your charter to widen the scope of your mandate to include the Filipino senior citizens? I was thinking that they are being paid for by Philippine money, and they serve only people coming from other countries. They didn't have at least a token 10% for Filipinos – no. No service at all to Filipino senior citizens. That drives home what I am saying that the elderly are at most times excluded.

**Q:** I am Imee from CODE NGO. For Stacey, since we are talking about justice and sustainability, I want to ask you about climate justice. Are we moving forward towards climate justice especially on the issue of industrial countries on the issue of climate debt and climate financing? And for Mr. Falcon, how does the government plan to address not only disaster resiliency, because we are currently focused more on DRRM (disaster risk reduction and management) response, but to focus really on climate change adaptation. Do you have plans on climate financing and what will be our

stand in the COP (Conference of Parties) talks in Paris, especially since the Philippine delegation last year fell apart. What does government plan to do about it?

**Stacey Cram (NAMATI):** OK. I will answer the question on climate justice first. I think that it is contained within the framework. There is a strategic move by the climate community to not mainstream it towards the Goals, and to ensure that the COP has its own procedures. They'll want to get high commitments and settings, but there is a whole section on climate.

In terms of climate financing, there will be some stuff coming out in July from this conference which will set the financing structures. But after the COP in Paris, they'll re-address that as well with a new financing framework.

One other reflection is that there has been a lot of discussions on the needs of different groups, like houses for the men, etc. It was something reflective of different countries went through their sustainable development goal process.

**Ramon Falcon (NEDA):** Thank you very much for your inputs. I must say that I can't agree more to your views on the PDP, as well as the realities on the ground. On the migrant's employment issue, I think that we will continue with our promotion of local domestic employment. That will always be a priority in the PDP – creating employment while looking at the domestic economy. However, since we have labor mobility, we cannot dissuade our labor force from going abroad to seek what they perceive are higher wages and better remuneration. But I think that the government must scale up its labor welfare interventions. We promote employment, income generation, facilitation, as well as labor welfare, especially for the OFWs (overseas Filipino workers). So my answer is that domestic employment is still the priority, but we will not ignore the needs of our OFWs.

On the observations on the poverty situation, I would like to announce that the government has recently launched the "Accelerated and Sustainable Anti-Poverty Program" or ASAPP. This anti-poverty program is supposed to be a catch-up plan to provide employment, livelihood and enterprise support to the 10 poorest provinces that we have. Cities and municipalities selected from those 10 provinces will really be supported with employment, livelihood, social enterprise, production and marketing support and anti-poverty interventions. If you will recall, there was a reported under-investment by the Philippine government. In 2014, I believe that 14% of the budget was not released. Maybe this is the response of the agencies to the PDAF, so there was a slowing down on the disbursements. To catch up, the government is going to pursue an accelerated and sustainable anti-poverty program focusing on the 10 poorest provinces.

### *Presentation 3: Philippine Development Forum Rule of Law Working Group*

The third speaker was ASSISTANT SECRETARY GERONIMO L. SY of the DOJ (Department of Justice). He was a Career State Prosecutor before his appointment as Assistant Secretary of the DOJ. He obtained his BS in Management Engineering and Juris Doctor at the Ateneo, and his Master's Degree in Public Management from the UP (University of the Philippines). He is currently a candidate for Doctor of Public Administration at the UP-NCPAG (National College of Public Administration and Governance). He is an Assistant Secretary of the DOJ and heads the Planning and Management Service in charge of the justice sector reform agenda, among other functions.

His presentation is entitled “PHILIPPINE DEVELOPMENT FORUM (PDF) RULE OF LAW WORKING GROUP” and is found as Appendix \_\_\_ .

**Open Forum:**

**Q:** I’m Imee from CODE NGO. With regards to the anti-cyber crime law or RA 1175, our comment on it is that it’s not yet rights-based, because we don’t even have a framework of the people’s rights offline as well as online. People’s rights offline are supposed to be the same as online, but we haven’t established that yet. So that’s our comment. We are still against the anti-cyber crime law because we wanted a rights-based approach towards people’s usage of the internet, but we still haven’t established that yet.



With regards to cyber libel, we recently had a case where a blogger wrote some unflattering things about his experiences in the Philippines, and now some Bicol LGUs are contemplating of filing a case against him for the bad things that he wrote. But how is that rights-based?

**Asec. Geronimo Sy (DOJ):** First of all, how are you able to say that people’s rights are not yet established in cyberspace?

**Imee (CODE NGO):** I don’t think that most people already know that whatever their rights are offline are the same as their rights online.

**Asec. Geronimo Sy (DOJ):** When you say “most people,” you have to identify who they are. I can also say that most people know their cyberspace rights. You cannot just give generalizations, and say that most people believe this or that. Please give me a factual basis.

**Imee (CODE NGO):** I’m sorry I don’t have the numbers with me right now, but even in the access to internet, we have not even penetrated most households right now.

**Asec. Geronimo Sy (DOJ):** Access or infrastructure is different from rights. We were talking about rights in cyberspace, which is inherent in every person.

**Imee (CODE NGO):** That means that the rights of the people who do not have access to the internet – somehow their rights are being curtailed. For the moment, we can say that lack of access limits their freedom of speech, for example.

**Asec. Geronimo Sy (DOJ):** All your rights, whatever you have right now, whether in the physical real world is also applicable in cyberspace. There is no delineation, and no difference in protection. Just because you are online doesn’t mean you have an additional layer of protection.

Also, we know that a lot of our freedoms are not absolute. I think this is an over-discussed topic already. Just because you have the freedom to say anything doesn’t mean that you can say anything at all because it might hurt other people’s rights. Again, not all freedoms are absolute – even the freedom to live and die are not absolute. So, freedom of speech is also not absolute. If it is not absolute, then it means that there are certain restrictions. If you don’t agree on the kinds of

restrictions, then that is another matter. If you think that certain restrictions should be punished by a reprimand, or civil penalties, or some other form, then that is another matter entirely. But fundamentally, the freedoms that are being enjoyed by any human person is not absolute. That's all I can say about it for now.

If we are talking in the level of intricacies – like whether or not cyber libel should be totally free or it should be punished – let's just ask for the policy decision of our legislators. In the meantime, our discussion is cyber libel, as a form of libel, we actually enjoy the same rights either in cyberspace or offline. We don't want people calling you bad things, and at the same time, you don't want people saying bad things about you in cyberspace.

**Imee (CODE NGO):** OK. Last comment on the matter. We just want to establish that we need a more rights-based approach, which is why we have the Magna Carta for the Internet, and we continue to question what is rights-based internet use?

**Asec. Geronimo Sy (DOJ):** Yes, help us push for the rights-based approach, not only for cyberspace, but everywhere. Thank you.

**Q:** I am Josh from the children's basic sector. I will be 4<sup>th</sup> year high school this coming year. About the anti-cyber crime law, you mentioned that it will benefit the children. May I ask what are your other programs or projects of DOJ that can benefit children? If not, what are your plans for the children? Thank you.

**Asec. Geronimo Sy (DOJ):** For the DOJ, we have several legs. The latest program we have is the establishment of the Office of Cybercrime Special Protection of Children Online. Before, we were not very conscious that there is so much child pornography and child trafficking going on, especially online. In terms of our regular program, we have a sub-committee on child protection which updates our database and leads rescue operations. But we believe that we should not just be reactive in our approach. By the time when you conduct the rescue operations, the child is already scarred for life. That is too late in a lot of ways, so it is really better to be preventive.

However, a lot of these problems should really be handled by the criminal justice system, however, many or most of these situations stem from socio-economic problems. Due to poverty, some children get an idea of how to get some quick money through the internet.

So those are our regular programs, and you can find them in our website at the main page. You can click on "child protection convergence" and "IACAPP" which is on anti-child pornography. Whereas for the TELCO, it is about not letting child pornography and child sex videos be downloaded. Some people will say freedom of speech or freedom to download anything, even if it is about child sex or the sadistic killing of a puppy, and if you believe that is so, we will have a serious disagreement. The video of a rape of a child is not entertainment. It is not a video for sharing or downloading. It should be filtered and made inaccessible because it really creates public harm. Another aspect of this is people putting these videos in their cellphones, and worse, sharing them.

The other sites which should also be filtered are those which invite our Muslim brothers to become jihadists to fight in Iran and Iraq. Because of freedom of speech, they found a way to spread their propaganda over the internet. They are using freedom of speech to invite militants to fight their holy war in Iraq, especially if the audience is vulnerable or gullible and does not understand the complete

context. All they know is that it looks glamorous, and that they would be given guns, money, and even an instant wife.

**Q:** I am Atty. Tintin Sevilla. I just have 2 questions. I noticed a while ago that there are different grounds on building a new prison facility in Nueva Ecija – can we get more updates on this? I understand that it also includes management of the prison system. Are we veering towards privatization of our prison system and what impact will that have on criminalization? My second question is considering that we are talking about having a rights-based criminal justice system, are we also looking into strengthening victim compensation?

**Asec. Geronimo Sy (DOJ):** On the first point, have any of you gone to Bilibid prison – the minimum, medium and maximum security areas? When Bilibid was started about 78 years ago, Muntinlupa was still a part of the City of Manila. So that was quite old. Now, from Manila, you have to go through Parañaque before you can get to Muntinlupa. Bilibid is known as an “open prison” system, which was really the original idea. Once inside, the inmates are free to roam around.

About 80 years ago, the prison inmates were there due to simple cases like theft, or stealing of telegrams, etc. But for the past 78 years, we now have the drug syndicates and other syndicates and more violent cases. Having said that, Bilibid has been suffering 80 years of neglect – from the design to the actual facilities.

By design, the community is embedded into the Bilibid prison complex, which is composed of several thousands of people, and is really like a small city. We now have high-level security issues because you also have people running stores, putting up schools, etc. It then becomes difficult to identify the problem because it is embedded into the community living inside. It also needs more space now. So, one of the decision was to move it to Laur, Nueva Ecija so that it will have more space, and it will help unlock the full potential of Muntinlupa. It’s like a small island that causes a lot of congestion and problems, so the area of Muntinlupa cannot be developed properly. So in terms of physical location, that was the right move.

Second, we also realized in government that for the justice system, our business is making and executing justice. It is not the expertise of the DOJ or the government to build buildings with clean and well-maintained rooms and toilets. So, on that part, we will contract out the critical management. But in terms of overall policies and procedures, don’t worry about that, it’s still going to be government – only the part of cleaning and maintenance will be contracted out. Provision of food, maintenance of the light bulbs, maintenance of elevators, and upkeep of the buildings – these are all contracted out.

On the question of victim’s compensation, in the Philippines, we talk about People of the Philippines versus A, B, C or D. It’s always the people that are the real victims, not the individual. That is the classical formulation of a case. But in the 21<sup>st</sup> century, we also realized that historical justice requires not only a philosophical discussion that the people of the Philippines are the victims, but that there are actually individuals that are directly affected. So we have a Compensation Board for the Board of Claims. What is important now is that you have to advocate for a higher pay scale. Right now, I think it’s a maximum of P50,000 to P100,000, which is rather small. It should really be commensurate to the damage done to the person or the victims. So this is also an area for us to get together. To come

up with a system of measurement on how we can compensate the victims of violent death properly, especially if there's no regret or remorse coming from the private offenders.

**Q:** I am Chit Asis, and I am with the NAPC NGO council. I was just wondering, with all these mechanisms that you presented, wherein issues of justice had been discussed, whether something has ever come out with regards to the problem of citizen's understanding of their basic rights - because we cannot promote justice if the citizens themselves do not know, understand, appreciate, or have a working knowledge on what is the right to life, to liberty, freedom of speech, and so on, and so forth? Maybe this is clear to us here, but in my experience as an NGO worker, when we go out to the communities, even simple things like barangay justice needs to be elaborated on the ground. So I was wondering whether inclusive growth in the PDP may wish to consider reaching out more so that the people will understand all these beautiful things that we are discussing.

**Asec. Geronimo Sy (DOJ):** Just quickly, you mentioned inclusive growth in the PDP. In 2010, when we started the PDP under the present administration, we fought against the term "inclusive growth" only - what we really wanted was "inclusive justice." We believed that if justice is inclusive, then growth will follow, because inclusive growth is an effect of a just and peaceful society, and it goes with being inclusive.



If you start with inclusive growth, how do you make growth inclusive? That is a very difficult question to answer. For us in the justice sector, inclusive growth is inclusive justice. But for now, our socio-economic planners were really thinking more about growth. I think that the term "inclusive" was more of an afterthought because it was a very fashionable buzz word at that time. But inclusive justice – that is really our role.

What makes justice inclusive? That is when you enjoy your basic human rights, like the right to life. You are living well, your family is eating well and are healthy, you are able to have some savings, you have some time to relax, and things like that. Those are inclusive justice rights that should be prioritized. And from that foundation, you build things forward. But you begin with those simple things. However, the simpler it is, the harder it is to achieve. For example, we have a poverty index. That is very difficult to measure. Who is poor and who is not? We know it when we see it, but to measure it for more than 100 million people, it becomes very tricky. But the Philippines is very unique. Our poverty index is the only one of its kind in the world. We have a well developed poverty index. But for as long as we have poverty in our midst, that is a grave injustice to basic human rights for all and inclusive justice.

**Q:** I am from the Ecowaste Coalition. Can we get some updates on environmental justice? On our part, we see very little or no updates on cases, especially on environmental issues, and will there be any program to strengthen or to increase support for environmental cases? Will there be support for communities and groups that are fighting for environmental issues? Also, would there be compensation for affected communities? For example, we hear of environmental leaders and

activists that are being killed or intimidated. We also hear of many communities that continue to experience, up to this day, many ill effects due to continuous exposure to pollutants from manufacturing and industries and even dumpsites.

Because the communities have little or no capacity to fight for their rights, they continue to suffer in silence. Also, when a case is filed in court, the communities lose in favor of the government or private corporations. Sometimes, the corporations just pay the penalty, and they then proceed to operate as if nothing happened. A lot of these things are ongoing. Sometimes, there is already a Writ of Kalikasan, but for landfills, for example, they just continue to operate. For the communities, even if they are able to access justice after 5 or more years or through a long legal battle, they still have to suffer from the pollution and environmental degradation that was caused by the companies.

**Asec. Geronimo Sy (DOJ):** That's why we are saying that environmental justice should not be limited to a criminal justice approach. A criminal justice approach works when, for example, A kills B, or when C rapes D. Properly, those are clearly criminal justice issues. But for some things like child protection, you should not use a criminal justice approach. For example, you have the last carabao on the planet. The species is already extinct, but you have one last specimen. So you have a law that it is against killing a carabao, and then the last carabao was butchered. You can say that there should be proper penalties there. But criminal justice on the killing of that last carabao is only a very small part of it. Their species has already gone extinct, but still you kill the last animal? When mining corporations destroy several mountains and thousands of hectares, will it be only then that you will file charges after all the destruction? Afterwards, these companies will just pay US\$ 1 million, but the penalty is not really commensurate to the damage they created.

For the DOJ, we have created a special task force for the protection of wildlife, but the question remains: how much can you cut or prevent these issues using the courts? So you don't just limit your options to courts and filing of charges. We should strengthen government and CSO capacity, and strengthen linkages and coordination towards what we see as our directions and thrusts for environmental protection.

If you don't want landfills, if you don't want incinerators, what should we be doing? Are there any modifications in these technologies which would make them more acceptable? However, the sad fact is that we do not even do simple segregation of our household wastes. Before we take on big issues like mining or river pollution, we should at least already be doing waste segregation. How can we teach people to segregate waste? How can we stop communities and industries from polluting Pasig River? What's wrong with us? How come we don't see simple things like that?

So, as I said, it should not only be criminal justice program because if you use that as a framework, then all of these things will come. So these are some of the societal issues that we really need to think about – like respect for one another, consciousness for the environment, and even simple things like segregation of waste.

**Q:** I am Edwin from the NAPC labor sector. Of course, my concern is related to the labor sector. The Department of Labor and Employment (DOLE), the Department of the Interior and Local Government (DILG), Department of Justice (DOJ), together with different labor organizations entered into a joint agreement with respect to labor disputes, wherein the Philippine National Police (PNP) and Armed Forces of the Philippines (AFP), and any of the 3 mentioned agencies except DOLE

would not intervene when there is already a strike or labor disputes in the areas of work. Unfortunately, the challenge for this joint agreement is how can this be implemented and understood by the agencies involved. For example, in Region 8, we had 2 union leaders from the labor group “NAGKAISA” (and who are also part of NAPC labor sector) who were arrested by the police and charged with carnapping. In this labor dispute case, the police, the prosecutor, and even the Public Attorney’s Office (PAO) lawyer all apparently connived to pursue a carnapping case to detain our leaders.

Second, before the filing of any criminal case, the joint agreement states that the dispute should first be brought to the DOLE. Coordination of these agencies is very important for the full implementation of the joint agreement.

Third, and I would like to underscore this: what is the response of the DOJ in the EJK (extra-judicial killing) cases? For the labor sector, we have had many labor leaders who were killed, and some just disappeared. We believe that this was brought about by their trade union activities. But with due credit to Sec. Delima of the DOJ, she has sent clear orders to the regional directors, but it stops there. The investigations take a long time. At the end of the day, the family members of the murdered trade union leaders become afraid to pursue any further action for fear of retaliation or they become tired when nothing happens. We also hear allegations of money being paid “under the table.”

**Asec. Geronimo Sy (DOJ):** Actually, the problem of EJK affects not only labor unionists, environmentalists, or CSO advocates and activists. In fact, as election nears, we hear of candidates that are already being killed by their opposition, especially in far flung areas and where there are political dynasties. It’s really a problem of impunity because people will do these things if they perceive that the state is not strong and not enforcing what needs to be enforced. That’s why the institutional response, not only from the DOJ but for all justice actors like the courts and legislators, is that justice should come first. Whenever crime happens, the response should be swift; the appropriate charges are filed immediately. If the state is weak and slow, all these things will happen.

I am personally more worried for cases that are not EJK. For example, you were just killed. Perhaps you got into a fight or a brawl, and then you were killed. You do not have a trade union group, environmental group or CSO group to support your family. These cases usually last for more than a decade, and this is where impunity is most evident. The cases of the “faceless and nameless” are more worrying for me as they do not have any institutional support.

#### *Presentation 4: Measuring Progress Towards Sustainable Development Goals and Justice*

The next speaker was DR. MANGAR MANGAHAS, an economist who has done extensive research on rice economics, land reform, poverty, hunger, income and equality, quality of life, governance and public opinion. He co-founded SWS (Social Weather Stations) and has been its President.

The SWS was established in August 1985 as a private, non-stock, non-profit social research institution. SWS is the leading institute for quality of life monitoring, opinion calling, and social survey archiving.

His presentation was entitled “MEASURING PROGRESS TOWARDS SUSTAINABLE DEVELOPMENT GOALS AND JUSTICE” – it is about the quantitative monitoring of justice, and is found as Appendix \_\_\_\_ .



There were no questions asked.

### *Presentation 5: Inclusive Growth in the Next PDP, Justice in Post-2015 SDGs*

**T**he next speaker was ATTY. RENELIE MAYUGA of the JSCC (Justice Sector Coordinating Council). The JSCC is the highest policy-making body of the justice sector. It is composed of senior representatives from the judiciary, DOJ and DILG (Department of the Interior and Local Government). It is the joint forum for dialogue on issues of common interest and mechanisms for effective coordination and sharing of information. She is currently Court Attorney VI and Deputy Chief Justice Staff Head I of the Secretariat of the JSCC.

Her presentation was entitled “INCLUSIVE GROWTH IN THE NEXT PHILIPPINE DEVELOPMENT PLAN, JUSTICE IN THE POST 2015 SUSTAINABLE DEVELOPMENT GOALS” - it is about the programs and plans of the JSCC and is found as Appendix \_\_\_\_ .

#### **Open Forum:**

**Q:** I was with the CORE Foundation before, and we were into mediation. The problem that we saw then, and up to now, is the education of the mediator. My concern is that there are different institutions giving trainings on mediation. How do you assure that these mediators, who are not lawyers but are handling cases, are getting the right training to properly execute the mediation procedure? When we do our agreement, it is usually filed in court. But there are many things which are not being followed in the settlement agreements just because it was not handled properly by the mediator. I am now with the cooperative sector, but before, I was handling the judicial reform program for the government, including trainings for the DOJ and Ombudsman.



We had some agencies with a 95% success rate during that time because the trainees were the Secretaries of the agencies themselves or were lawyers from the government agencies, which I will not mention here, of course. It was highly successful because the mediators were the Secretaries or lawyers of the agencies themselves, and they were the ones acting as prosecutors. But right now,

the mediation cases are not moving, despite the 95% success rate, and I feel it is such a big loss. What can DOJ do to monitor these cases? We have an Executive Order for all the executive branch of government to have an ADR office. What is the perspective of the JSCC on this?

**Atty. Renelie Mayuga (JSCC):** The DOJ has an ADR office, but we have the Philippine Mediator's Center, which is under the judiciary. Unfortunately, I cannot speak for the DOJ because they are not under us. Maybe that question should have been directed to Asec. Sy, but if your question is how the JSCC will look at it, we look at the joint trainings precisely because we also want to have some level of standards. Although we are discussing ADR, and part of our capacity-building discussions is around training, then we might be able to include that.

**Q:** The court is different. They are not allowed to bring in lawyers during the mediation process, but in private practice, we are allowing lawyers to come in during the mediation process. So how can you now marry the education needed for the 2 different practices?

**Moderator/Atty. Tonet (ALG):** To save time, may we get all the questions first before the responses?

**Q:** What are your interventions for those convicted who have psycho-social disabilities like bi-polar or manic-depressive? They were never diagnosed as having those disabilities because they are poor and have never undergone proper diagnosis. What are your interventions for them? Second is on accessibility of prisons. We have one case where a wheelchair-bound/disabled man shot another man because the latter was having an affair with his wife. The case is still under litigation, but during hearings of the case, it is very difficult for him because the prison cell has limited accessibility. His suffering inside prison is doubled, even if he is not yet convicted. Another is how do you address the problem of women who are abused but are deaf or mute, and therefore find it difficult to file a complaint? They need sign language interpreters, for example. So those are my questions. If there are no interventions right now, I hope that you can come up with programs and services that can truly help our sector. Thank you.

**Q:** We know for a fact that one of the problems we have is the lengthy and expensive dispensation of justice. If you are poor, it becomes doubly difficult to access justice. I have two cases pending in the courts: one is related to our house in Quezon City, and the opposing party is Atty. Pedro Ferrer, who is the legal counsel of ex-President Gloria Macapagal-Arroyo. He took our house, which is supposed to be for our corporation. The case has been dragging on for 15 years. Our counsel who was representing us for free has already died, and even Justice Baclig, who is hearing the case, has also retired.

My other case is with regards to correcting my name and age and is filed in Midsayap, North Cotabato, where I was born. When we arrive there, all of a sudden we will be notified that the judge is not available. But it costs me P10,000 to get a roundtrip airfare ticket just to get to the hearing. We are not notified of the postponement of the hearing until you get there. They will say that the judge in Midsayap is also the judge in Maguindanao, and he has to go there.

Is the Supreme Court not looking at the bulk of the judges handling the cases? Are you not monitoring the performance of the judges in terms of how long they are taking to resolve a case? How is it that a case will drag on for 15 to 20 to 30 years? Don't you find that ludicrous? Second,

immediately after 9/11, there were more than 200 Muslim women were incarcerated in Camp Caringal. Why? Because they are Muslim doesn't mean they are terrorists. Can you not address this? Can you not involve barangay mediation so that we no longer have to wait for 15 years in order for the courts to make a decision?

**Q:** What is the current program of the JSCC regarding the issue of environmental courts? We know for a fact that by law, there should be environmental courts. But when you go down to the regions, you cannot find them. Even the judges are not knowledgeable on environmental issues. So my question is do you have a program on this?

**Q:** My first question is on the family courts. I can see that the processes in the family courts take a longer time for children in need of special protection due to a lot of postponements. 15 years ago, we were invited to a training by the Supreme Court, wherein we can present ourselves as guardians or an aid to protect the rights of the child. However, nothing came out of it. My question is do you still have this training program? Because this is one way to enjoin the CSOs to become protectors if a child is in danger from his own family. Second, can you train CSOs to become recipients, or launch a probation program so that instead of detaining a child offender with simple cases, we can be accredited to accept him on probation for community service?

**Q:** Is the database that you were mentioning in your presentation connected at all to the proposed National ID System?

**Q:** My concern is for my fellow senior citizens. A while ago, you mentioned prison cells getting congested. I think that one of the reasons for that is many people are going in, but no one is going out. Of course this does not pertain to heinous crimes or those in prison for life. But what is your program for convicts who have been languishing in prison for 40 or more years?

**Q:** I am Atty. Tintin Sevilla. I do engage in a private practice, and most of them are at the RTC level. My question is with respect to the judicial affidavit law. Judicial affidavits are now accepted as direct testimony, and there are good defense lawyers who no longer conduct cross examination, and this is a good strategy, especially if you know that the witness is telling the truth. How do we reconcile this with our legal principle that Trial Courts are supposed to observe the demeanor of witnesses, as opposed to Appeal Courts where you just have to read the transcript of records?

**Q:** Stacey Cram of NAMATI. Given the focus of this morning, which was looking at the role of justice and the development plans, what do you see as the role of the JSCC in the new development plans and how can the JSCC work together with the different agencies and the justice sector?

**Atty. Renelie Mayuga (JSCC):** On Stacey's question, right now, we actually welcome the development to include justice in the PDP and in the MDG, if in the past they were not included. We feel that the justice sector has a lot to contribute, so we welcome that.

We hope that the JSCC will bring cohesion into the sector, because for the first time, everyone, including all the attached agencies like the PNP (Philippine National Police), BJMP (Bureau of Jails Management and Penology) and BUCOR (Bureau of Corrections) and the CSOs who have been working with us from the very beginning are excited about the prospect of finally having a well coordinated sector. And we will not stop at the Justice Zones because we will eventually lobby also for the national government to invest in the sector. We welcome development partners like the EU

who are willing to provide support, but we would really rather that the national government invest in the sector. The national government should see the importance and the contributions that the sector can provide the country.

So in that respect, we are planning to present a sector-wide budget. I don't know if this was ever done before, but we are now putting together a sector budget so that the government can see how much investment it needs to put in to make the justice system work for everyone. The case pointed out where she lost her house, that's all access to justice, and that has a correlation with poverty and other issues. So the government should start looking at the justice sector seriously, and that's what we want to happen through the JSCC, and we want the Council to be the moving force so that will happen. Although we want to continue getting support from our development partners, we would rather get support from the national government. That's our long-term vision.

For the question on the family courts, there was a Family Courts Act of 1997 requiring the creation of family courts, specifically to hear these cases. But from that time, we were only able to designate certain courts to act as family courts. But this coming fiscal year, the court has finally decided to ask the government to provide funding for the real creation of family courts, and we are starting with about 300+ family courts. The creation will be in tranches, prioritizing the most congested areas. Trainings are ongoing right now. We have a committee in the Supreme Court which is headed by Justice Teresita De Castro, and the function of that committee is to focus on family and juvenile concerns, which includes family courts and all juvenile-related issues, including capacity building for the court workers, social workers, psychologists, etc, and also includes improving both soft and hard infrastructure, which includes the building facilities. Under the law, we are required to have a separate room where a child witness can be placed so that he or she doesn't have to confront face-to-face the abuser, if it's case of abuse.

So we are trying to put into place all of these things. Perhaps we just don't feel their effects just yet, but again, our approach to reform has always been incremental increase – we want small wins, but quick and critical wins, so that in the long-term, we will be able to reach our ideal targets.

Let me assure you that for the judiciary, it's not just "business as usual." To answer the question of whether or not we are monitoring the performance of the courts – yes we are. In fact, we are very soon instituting metrics, which have never been done before. This time, we will be looking at numbers. Right now, we already have a system where we are looking at disposition rates and clearance rates, but we feel that it's not enough because a judge is not just an adjudicator. He is also an administrator. So you need to be able to monitor his performance based on his dual roles.

It's difficult to impose sanctions in the absence of very clear metrics and standards. So we are putting those metrics and standards in place, and when it's perfected, that's the only time when we will be able to impose sanctions if the judges are not able to meet those standards. So, please just wait for some more time. We are already in the stage of putting them all together. I know that this has never been done before, but our Chief Justice is very serious about performance metrics.

Also, in the designation of acting judges such that the judges are not in their station because they have to be somewhere else, we are also closely monitoring that. We have received several complaints already about judges who are not present in their original station, to the detriment of that station, so we are already investigating these cases that were reported to us. Rest assured that

we are monitoring this very closely, and we will be instituting certain control measures in the near future so that this doesn't happen again.

But there's also a flip side to that because it's a reality that we don't have enough judges, especially in certain areas in the South. The JBC (Judicial and Bar Council) is hard at work trying to fill up all the vacant positions. When the Chief Justice assumed office, the vacancy rate was at 26%. We are now down to 16%. However, you also have to realize that we have limited resources. Although we want to fill in all the vacant positions, the government is just not giving us sufficient funding, so we have to prioritize. We prioritize the highly congested areas and conflict areas. We will soon be organizing the Shariah Court of Appeals – there's a law already requiring us to create that. We are already talking with the DBM (Department of Budget and Management) to ensure that there will be funding for its creation. So, there are so many things that are happening right now.

The other question was on the environmental courts. Right now, the Philippines is actually the most advanced in Asia in terms of environmental justice. We are also the first country, or one of the first countries, to come up with a Writ of Kalikasan. So our justices have been going out of the country – we have been invited outside several times to talk about the Writ of Kalikasan and the special rules or procedure on environmental cases. Also, trainings on this have been ongoing. We have been working with the UNDP for capacity building – we are not just training the judges and court personnel, we are also training community leaders and CSOs so they will be aware on how to address environmental issues. So we do have certain initiatives along this line.

On the database of the NJIS (National Justice Information System) – it really has nothing to do with the national ID system. This just pertains to the criminal justice system database. It provides information on the cases, but does not divulge personal details of people. We are not interested in the personal information.

On the judicial affidavits, we have commissioned a study to give us feedback – whether positive or negative – on the topic, because we know that when it was implemented, it wasn't perfect. But the court will not know if there is something wrong with it, unless people tell us. So we have asked the IBP (Integrated Bar of the Philippines), the PAO (Public Attorney's Office) and the prosecutors to provide us with feedback on the issues and difficulties that were encountered with the judicial affidavits. We are looking into that right now, but if you have any additional feedback, you can get in touch with your IBP local chapter, or you can write to us at the JSCC and we will consider that. In the absence of any feedback, we could only assume that things are going well.

We thank you for the ideas and feedback. The JSCC does not expect to know everything and all issues that are happening, so we welcome feedback from CSOs and communities to make us aware if there are issues that have not been addressed, so that we can start discussions on those, and then include them in our programming in the next coming years. We cannot hope to cover all issues at the same time, but we have come up with a list of issues that we will start discussions on, after which we will discuss the interventions and its implementation. I hope that I have answered your questions. Thank you.

## *Presentation 6: Inclusive Growth and the 2011-2016 PDP through the Basic Sector Lens*

The last speaker was MR. PAUL PARAGUYA, the Program Manager of CODE NGO, the largest coalition of development CSOs in the Philippines that influences public policies, shapes development, and creates tangible impacts for local communities. He is also the newly-elected NAPC NGO Council sectoral representative.

His presentation is entitled “INCLUSIVE GROWTH AND THE 2011-2016 PHILIPPINE DEVELOPMENT PLAN THROUGH THE BASIC SECTOR LENS” which is about the NAPC basic sector’s perspective on inclusive growth and recommendations for enhanced basic sector engagement in crafting the next PDP. It is found as Appendix \_\_\_ .



There were no questions asked.

## *NEXT STEPS*

**Atty. Marlon (ALG):** What we will do is to combine our discussions with the preparatory steps for the next PDP, and our continuing engagements with the SDGs. What came out when we had a meeting of the NAPC NGO Council yesterday was that what we did was already OK. Let us no longer go back to review the substance of the current PDP, since it is about to end anyway. Instead, let us look forward and plan for the next steps so that we can have a better next PDP.

Taking advantage of the opportunity presented by the new SDGs, like what Stacey (Cram) mentioned earlier, this is a rare opportunity because for the next 15 years we will be tied to the SDGs. So it’s a very good opportunity now that is presented by the shift from the MDGs to the SDGs. At the country level, the question for us is how do we take advantage of that shift? How do we then make our PDP more strategic or more responsive?

We invited the justice agencies – specifically the DOJ and the Justice Sector Coordinating Council – because we also wanted to see how, in working with them, we can include more in-depth discussions about social justice issues in the next PDP, and it is something that is not very prominent in the current PDP.

So we are now opening the floor for concrete suggestions on ways of moving forward. As Mon (Falcon) said, we will still have to wait for the next administration for the PDP, but the preparatory steps should already be happening from today until June of next year. We cannot wait for the next President before we prepare and discuss our inputs. So what we can do in the remaining time is to come up with our concrete recommendations on how we can proceed from here. What we did today was to start the discussions. We started engaging the National Economic Development Agency

(NEDA), which has been there from the start, and they are also the partner agency of the NAPC NGO Council, the JSCC, the DOJ-led Rule of Law Working Group, the PSA (Philippine Statistics Authority), which is in charge of the indicators framework, and whatever partnership initiatives we can come up with.

Becky of PRRM (Philippine Rural Reconstruction Movement) was here earlier – she is acting as the secretariat of UN-CSAC. She was saying that UN-CSAC is very much willing to be engaged in the formulation of the next PDP. So, would anybody care to start the ball rolling?

**Adil:** Based on the information and learnings that we received today, perhaps the sectors can start the review of the PDP, identify issues, and come up with recommendations that are aligned with the SDGs. We have some scheduled Council meetings, so perhaps we can use them as an opportunity to discuss this agenda.

**Atty. Marlon (ALG):** OK. One concrete suggestion is that in the coming sectoral Council meetings of the 14 basic sectors of NAPC, one priority agenda should be the discussion of the PDP in relation to the SDGs, and the discussions are per sector – what gaps and issues should be addressed in the next PDP in relation to the SDGs?

**Deon:** For the 14 basic sectors, perhaps we can constitute a mechanism – a Technical Working Group (TWG) – on the 14 basic sector’s agenda, and as far as IP agenda is concerned, you have the national IP cross-sectoral agenda, which I am sure will be useful inputs for our discussions on the PDP. As far as coordination is concerned, we are open to any meetings to discuss the PDP and SDGs.

**Atty. Marlon (ALG):** So far, Deon is now suggesting that the 14 sectors should have a consolidated agenda for the next PDP. We should be preparing a multi-sector, cross-sectoral agenda for the next PDP in line with the shift from the MDGs to the SDGs.

**Q:** Earlier, the speaker from the DOJ said that there is really a justice deficit. So I wonder how this can be included as one of the topics that we really have to discuss. We know for a fact that impunity is very much prevalent in our society today. If we are trying to develop our society, we really have to look into this.

**Atty. Marlon (ALG):** So you are saying that justice should be a major issue in the PDP.

**Q:** Yes, as was said, there is a justice deficit. I am now with transitional justice, and I wish I could tell you how the ordinary people are saying that “our land was taken from us” or “we have no access to law” or “there is nobody there to help us” – so, they will join the NPA or the MILF or the BIFF. These kinds of angst on the ground should really be addressed.

**Atty. Marlon (ALG):** That should be articulated into a justice agenda – from complaints, we have to move on to recommended governmental action.

**Paul:** The way I understand it, the SDGs will be approved around September or October during the UN Assembly. Basically, justice is one of the major goals – I think it’s goal 16? But it will also have to be clarified and refined in the Philippine context. So maybe we can include that in our process of discussions of the PDP. My second point is that the SRCs are already OK, but we also have to lobby that in the regions, our basic sectors should be part of the RDC (Regional Development Council). We

have plans at the national level, but NEDA also has their plans. When we go down to the regions and we are not part of the RDC, then the plans may not consider us. So I think that the 14 basic sectors should also be part of the RDC.

**Atty. Marlon (ALG):** There doesn't seem to be any inconsistencies with the previous suggestions. Paul is just saying that in addition to the national-level engagement of the basic sectors in the PDP process, we should be aligning with the efforts of NEDA in particular (because the NEDA regional offices are the acting Secretariat of the RDCs). Since NEDA plays a crucial role in the RDC, Paul is saying that the structures should reach the RDCs because that is where the planning details are being discussed.



**Q:** I would like to add on that. I used to be the cluster head of the NYC (National Youth Commission) and I used to attend the RDC. In some areas, NAPC attends, and sometimes they are even taking a lead role. But there are 2 areas or sectors that we should include mandatorily: one is the Muslims, or NCMF (National Commission on Muslim Filipinos) I think, and then the NCIP (National Commission on Indigenous Peoples) because in many areas or regions, they are not being represented.

**Q:** Following the recommendation that NEDA a while ago, that more talks should be devoted to migrant workers, and considering that we already have a lot of recommendations on access to justice, especially for the victims of trafficking, I think that we should now go to the next level by preparing for what we can do to migrants when they come home. So they don't have to go through the cycle of migration once again, where nothing happens – they still remain poor. The Philippines has always been in the forefront on the debates on migration and development, and I think that we should seriously collect all the recommendations already, and discuss finally what we will do with them.

**Atty. Marlon (ALG):** OK. Migration as a major development issue. We always say that 10% of Filipinos are working abroad. So 10% of our 100 million population are in different countries.

**Salve:** Just a rejoinder on the suggestion of the two gentlemen to discuss these things during the SRC (Sectoral Representative Council) meetings. We should probably also include the discussions of the PDP in the scheduled quarterly meetings of the sectoral council. You see, if it is just us, then we are not involving the people on the ground.

**Atty. Marlon (ALG):** I will add to that suggestion. The NGO Council, when we had our first meeting, is also proposing that we once again convene the regional assemblies, which are composed of the sectoral council members per region – so that we can tackle this on a multi-sector, cross-sectoral level. The sectoral discussions will be the foundation, but we need to do the cross-cutting discussions at the regional level, so that we can also be more active at the RDC.

**Yolly:** On the type of activities which we will be doing. It seems that the track we are pursuing is the mainstreaming of the justice framework into the PDP. That means that we need to have a common understanding of what the justice framework is for us. That is one. It is necessary that we level-off on this before we go into the activities. Second, on the framework of justice, we need to have a clear perspective of it from the people on the ground – what justice means to them in the context of Philippine development. Third, our platform is NAPC. But there are some NGOs here that are also NAPC members. I was just wondering how can we integrate and maximize them in our discussions.

**Atty. Marlon (ALG):** Just to quickly summarize your response. First, it is important for us to level off on our understanding of the justice framework. If you say that we want to mainstream justice in the PDP, what do we mean by justice? I remember that Stacey mentioned this morning that the term “legal empowerment” as one of the terms used in the current formulation is a way to evade the more controversial term of “Human Rights” – which will most certainly be immediately blocked by some countries like China. It is important for us to have a common understanding of what we mean when we say “justice.” Even the term “rule of law” as a term has different connotations. In other countries, “rule of law” will have a negative connotation, especially in authoritarian states – it means using the law to control the people. So that’s important.

Second, Yolly also mentioned that we need to get grassroots perspectives on justice – and we are not starting from zero. We have had a number of discussions in the past, and in fact, the Supreme Court even convened, during the time of Chief Justice Puno, multi-sectoral consultations on the justice issues of the poor and marginalized groups, and the consultations were simultaneously conducted in Luzon, Visayas and Mindanao.

The third point was a question: are we limiting this to NAPC? Definitely not. In fact, UN-CSAC is a major grouping of NGOs engaging in UN processes, and they are committing to be a part of this process. We are just using NAPC because this is the institutional base of partnership with government, but we will definitely not limit the discussions exclusively to the NAPC council and assembly members. We want this to be more inclusive, and this is what we did in the past.

**Mayet:** A while ago, we saw that the direction of Philippine development is imbalanced. Something is amiss because in Asia, we are experiencing the highest growth rate, and yet, poverty incidence remains very high. So that’s wrong. My suggestion is that for each region, the basic sectors should get together to identify a specific engine of growth. If all regions would say “manufacturing,” what then becomes of the many farmers and fisherfolk? They are left behind.

We have a development framework, which is just the general framework, and the people should then put in the substance, depending on available local resources and priorities. So all the sectors should contribute and help to develop their region. What we did in one municipality was to conduct a resource inventory. What are your local resources here? They said they had many people. But what are their skills? They have none. But what are their interests? What would they like to do? If they cannot answer that, you go back to what asking them what their natural resources are. For example, they have a lot of bamboo – you then ask what can be done with them.

So it has to be more or less an in-depth research. You don’t just impose the development framework. You have to “localize” it and come up with the area priorities. I think we have to be more serious in doing this. This is the only opportunity for all of the sectors to work together to

make a resource inventory, and make a study of the factors that could contribute to the development of the region. Let us “awaken” our “sleeping” resources in the areas to develop the regions.

**Atty. Marlon (ALG):** So Mayet is suggesting more region-specific analysis of development issues and development factors. I think that it’s consistent with the new formulation in the updated PDP or the spatial or geographic approach – meaning there is no common development framework that is “one-size-fits-all” for the entire 17 regions of the Philippines. There will be more specific interventions, especially catering to the needs of particular regions. But Mayet is also saying that we should be more active in pushing for that. What are the strengths and competitive advantage of each of the regions? What can they offer? The basic sector groups, in partnership with the government, and through the RDC, can help in identifying that.

**Paul:** I’m sure that the PDP, as a process, will have its own budget. But over and above the budget which NEDA will allocate, the individual agencies like the NCIP for the IPs, the DA (Department of Agriculture) for farmers and fisherfolk, and so forth and so on, but we also have to lobby for resources that the agencies will have to allocate for planning. They have to invest in the process. The planning process itself should be a major important focus, and the agencies should make sure to allocate sufficient resources for that.

**Stacey:** What laws or policies are currently passed or are being proposed so that the agencies can go into augmentation much faster? You have the National Land Use Act, the Freedom of Information bill, etc – and how can we collectively lobby around those?

**Atty. Marlon (ALG):** There are remaining priority legislative agenda. We are all focused on the BBL (Bangsamoro Basic Law) right now, but there are a number of important pieces of legislation. In fact, the whole afternoon, I was receiving text messages from the group working on the agrarian reform legislation - we are pushing for the completion of the agrarian reform program. So there are a number of key legislation that if passed before June 2016 can be a good foundation for the implementation of the next PDP. Land use, for example - we filed the first Land Use bill in the 9<sup>th</sup> Congress. We are already in the 16<sup>th</sup> Congress, meaning it has been going on for 24 years already. It has been more than 2 decades of lobbying for its passage, but finally, we are now THIS close to getting it passed. Once it is passed, it will become a good framework for many of the components of the development plan in terms of resolving conflicts involving land use.

**Emer:** For development to be sustainable and inclusive, the PDP must not forget again the vulnerable and marginalized groups like the PWDs and IPs. They are the ones who need help more, but they have not been given enough attention in the past.

**Atty. Marlon (ALG):** That’s why the multi-dimensional poverty concept introduced by NEDA and Undersecretary Balisacan is a good opening for looking at variations among the poor and marginalized. Dr. Mangar Mangahas was saying earlier that if you are into statistics, the statistics will vary depending on the different groups. And that will be one of the advantages if the different sectoral groups will be part of the process. That’s the only way we can push the government and NEDA to reflect and articulate the variances in terms of the people we refer to as being “poor.” So far, a majority of the people are tagged as “poor,” but we know that there are differences in terms of the poverty situation.

**Luz:** I believe that the process is very important. In the last few years, we have been trying to maximize all available avenues for people's participation, but at the start of the next administration and with our new set of sectoral representatives, it is better to start the participatory process early. I think that this session is groundbreaking because we are able to contextualize the issue of justice, especially because we know that all of these are rights-based and justice-based issues. We can begin with our own advocacies - for example, tomorrow will be the launch of the Housing Summit. We can give our statement that housing is a justice issue, and it is not separate from poverty alleviation. When we go back to our sectors, let us initiate the grassroots-level discussions on justice.

**Atty. Marlon (ALG):** The benefit that we saw in our engagement with the midterm updating or review process of the PDP should be surpassed by our initial engagement in the next PDP. If we have achieved some gains in our engagement with the development planning process in the midterm updating, we are now looking forward to more significant gains and achievements as we prepare for the next PDP. We should always be thinking of how we can link our past achievements to the next development planning process.

**Q:** I am from the SEPO (Senate Economic Planning Office). I would like to support the suggestion of having a legislative agenda to be included in the next steps, such as identification of key legislations or to propose policies or measures to be enacted.

**Atty. Marlon (ALG):** OK, In short, our discussions on mainstreaming justice in the PDP should also include specific proposed legislation that will be filed in the next Congress. We know that we are now in the tail-end of the Congressional term. Any new proposal now will not have any time to be processed and enacted. But it will be good to use the development process as a way of presenting our legislative agenda – social justice legislations, etc. This is in addition to pushing for whatever else we may be able to still get in the remaining period – we are all aware that there are several bills that are in the last stages of passage such as the NLUA (National Land Use Act), FOI (Freedom of Information) Bill, etc. We are already one step away from the finish line, and since this is the last leg of the marathon, we should be doing everything we can to pressure Congress to pass these critical pieces of legislation. And then, we should also be preparing for the next Congress by preparing our legislative agenda – environmental, etc. We should already be discussing our legislative agenda for the 17<sup>th</sup> Congress. The key legislative proposals for the next Congress are identified in the PDP.

**Ka Uper:** Personally, if the involvement and participation of the basic sectors in the development planning process were truly valued, the basic and marginalized sectors should not be considered as beneficiaries, but as genuine partners in the implementation and establishment of the program. As partners, these basic sectors should have equal rights, equal powers, and equal authority.

**Atty. Marlon (ALG):** That's right. In fact, what Ka Uper mentioned was already articulated in our inputs in the updating of the PDP – that the basic sectors should be seen as movers of growth and development, and not as passive beneficiaries or programs and projects. We should be able to harness the strength of the communities and basic sector groups as key actors in pushing for growth and development.

**Lina:** In my notes, I put here that Stacey, Mon, and Asec. Sy were all saying the same thing. Stacy was saying that the issue of justice was missing. I think that's a very powerful statement by itself. Why is it missing? Do people care about justice at all? Why don't they care? They will say that they are

victims. But you cannot be a victim if you don't allow yourself to be one. There is a prevailing attitude that when you are poor, it is because that is your fate. We had a chance to interview mothers whose sons became members of the NPA (New People's Army). Most had lost their sons, and I asked, "Are you not concerned?" They will say "that is what the lines in our hand portray. It is our destiny." I think we have a massive problem with attitude.

Asec Sy humbly accepted that we need to invest in people, not programs. We need to invest in good people who will assume leadership roles in the future, who will be the ones to run the programs in the future. You see, these programs that are being run by good people will eventually turn out to be good programs. But even the best program, but if they are run by crooked people, will eventually turn into bad programs. Sir Ramon mentioned that we have an "inadequate level of human development." So, NEDA is now looking into the issues of poverty with a more holistic lens, and not just an economic lens. I think we also need to put in the spiritual because this forms the basis of our philosophy. As humans, we need a spiritual belief system.

So I would like to suggest that when we go down to the regional level and talk to the basic sectors, the basic sectors should be allowed to freely talk their mind. When we go home and have the opportunity to talk with our basic sectors, we discuss things in-depth. We break down what the gaps and issues at the ground level are. And that is what we bring in discussion sessions like this one.

At the moment, the NAPC basic sector representatives have no authority yet because they are not recognized down the line. Is it possible for us to make a resolution that that the President issue an Executive Order, giving it to our partner agency NEDA, who will eventually bring it down to the level of the local chief executives for them to recognize the NAPC basic sector representatives? All of you are aware that there are so many problems down there. That can be an agenda that we can carry. It was being suggested to make the basic sectors a part of the RDC, so we should empower ourselves to sit in the RDC.

**Atty. Marlon (ALG):** Just to add to that, in the NGO Council meeting yesterday, we said that our next meeting will be at NEDA so we can sit down with Secretary Balisacan. We will hold the meeting at NEDA so we can be sure to sit down with the good NEDA Secretary. And the plan is to present a proposed policy issuance, either by NEDA or by the President through an EO, institutionalizing the planned partnership between the government and the basic sectors in the formulation of the next PDP.

**Deon:** This is just an administrative check, which is emerging only because of an existing problem. I would like to suggest for the SRCs to make a resolution urging for another budget. The dilemma is the SRCs do not have their appointment papers yet, so they cannot officially use the term SRCs, so that has an administrative connotation in terms of budget. My question is who will act as command post while the new set of SRs now have not yet taken their oath and officially confirmed? We need a communication center or contact line to continue our discussions?

**Atty. Marlon (ALG):** This morning, I was explaining that technically, we cannot use the SRCs because the new set of SRs have not yet been appointed. But the NGO council has already agreed that we will continue with this engagement in the interim. So the NGO Council can take the lead role in the meantime, and we have created a PDP Committee within the NGO Council for this, but we will definitely involve the SRs of the 14 basic sectors as well.

Let us now give the floor to Mon. We have thrown a number of recommendations and suggestions aimed at government and aimed at primarily the planning process, and that would be the role of NEDA, So, let's give him some time to respond before we end.

**Ramon Falcon (NEDA):** Thank you very much. I am very optimistic about the way that things are moving, and I would like to commend the NAPC NGO council, together with the other sectoral councils for initiating this move to really engage the government as meaningfully as possible this time around.

Perhaps in the past, we were not so successful then, but now is a very opportune time and a very good opportunity as we are in the threshold of many development processes which are unfolding. The formulation of the next PDP – yes, we want to be on board. The international global SDGs – we are now trying to appreciate this and we are trying to mainstream our agenda in this forum, which is justice in the development agenda, and I very much welcome this effort.



I see a lot of possibilities and opportunities that are being presented to us by the government and basic sectors engagement with the NAPC – perhaps at the policy level, or at the program level, at the research level, or even at the institutional mechanisms level. At the policy level, we are already identifying our major development policy document – the PDP, and also the SDGs. At the program level, you mentioned about social protection, and other anti-poverty interventions and programs. At the institutional mechanisms level, we are envisioning a lot of reforms that would mainstream NAPC in the full range of the development process, starting with the PDP, down to the sectoral development plans. Take note that we do have sectoral development plans.

Another sectoral plan which is going to be updated is the National Urban Development and Housing Framework Plan, 2009-2016. This is close to the heart of the urban poor sector. Tomorrow, we will launch the Congress, together with the Senate, and we will launch the National Urban Development and Housing Summit. It will be launched tomorrow, but the Summit will culminate in February 2016. So between now and then, there will be a series of consultations, and I believe we should also engage in this effort because we will be discussing issues on the urban poor and informal settlers, land, governance and urban development during these upcoming consultations.

On the legislative agenda, the National Land Use Policy agenda was mentioned. But I can see a major landmark progressive legislation in sight, because nearing the final stages of approval is the magna carta of the poor. I think this should be close to the heart of NAPC because the magna carta of the poor, while it was already up for signature 2 years ago, it was vetoed by the President because the magna carta seeks to guarantee 5 basic rights of the poor: education, food, employment and livelihood, health, and shelter. At that time, it was not yet at a very ready stage because it lacked the principle of progressive realization. And you know that when legislation lacks the resource and budgetary support, it would not be approved. So the magna carta of the poor was remanded to the Human Development and Poverty Reduction Cabinet Cluster, which is chaired by the DSWD (Department of Social Welfare and Development), and co-chaired by the NAPC and NEDA.

It had to be revised and reformulated and needs to be resubmitted to the Office of the President again to be certified as urgent. I am optimistic that this should be a part of the priority legislative agenda because the magna carta of the poor is a critical, progressive landmark legislation and would guarantee the rights of the poor and to address social justice. But the approach should be practical in terms of the necessary budgetary requirements and support to implement the basic rights of the poor.

I understand that the NAPC NGO Council will be finalizing its framework so that when we engage the planning process, we will be equipped with the paradigm and framework that we would like to pursue, and to inform the PDP as well as our interventions, whether these are plans, programs or projects. I appreciate a framework that is evolving. You are saying that you want to focus on human rights, social justice, gender and equality, value chain analytical work – all of these, I think, should be crucial in what will emerge as the next PDP.

We fully support total human development and the promotion of social justice, gender equality, total human development, sustainable development and the issues which are so often relegated in the backburner, because as you know, the plan is usually formulated by economists, so they would always have a preference for the socio-economic concepts to play a dominant role, and other issues like the environment, social justice, etc will be often left out. But the plan in the development agenda puts poverty in its multi-dimensions as the main goal. And I think that this will continue in the next development plan.

Perhaps inclusive growth may not be the main concept that we will pursue in the next PDP, but I cannot imagine a plan that will not highlight economic growth, employment creation, and poverty reduction. So maybe in different terms or concepts that we will promote, I have seen that no two plans will have the same focus or development agenda, it will be up to us – and when I say us, I would refer to the NAPC as the key player in the planning process, because NAPC was created to engage government, we have the government and NAPC basic sectors sitting together, advising and discussing with the President our development processes, whether they be agenda, policies, and programs, monitoring methodologies, systems, etc. I think poverty reduction will continue to be our key development agenda in the next plan.

So I remain optimistic, and I would encourage NAPC to continue on with this engagement. Do conclude your framework as I suggest that this would become a regular agenda item in the succeeding NAPC quarterly council and SRC meetings. From our end, we definitely see the importance of NAPC, and in future engagements and consultations, we will definitely put NAPC in our radar screens and we will make it a point to invite and engage you so that we can formulate a good plan the way we want development to take place for Filipinos in the future. Thank you very much and good evening.

**Atty. Marlon (ALG):** *Salamat*, Mon. As a final message, while we are focusing on our PDP, we should also not forget the SDGs. This is not yet a final document, so let us continue with our discussions on the SDGs every time we have an opportunity. Those who are attending regional or international conferences, please continue our advocacy for a more comprehensive and more in-depth sustainable development goals, especially the inclusion of goal 16, or justice, as one of the SDGs, and I'm sure that the Philippines will become one of the models for the discussion of justice, as we have

been one of the models for a more participatory development planning process. I know that we are not yet happy with what we have achieved so far, but if we compare what we have done here in the Philippines with other countries, even in the Southeast Asia region, I think that we will be considered as one of the countries with a higher level of participation of civil society organizations and basic sector organizations in the entire development planning process, and we should take advantage of that opportunity as we continue with the next PDP.

*Marami pong salamat!* As I said, this is just the start, and we will continue to engage you in further discussions. Many thanks to all of the participants from the different agencies like SEPO, to all of the speakers, to NEDA, NAMATI, to NAPC and everyone who made this event possible. Thank you very much and good evening!



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