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International Political Science Review 2011 32: 529
DOI: 10.1177/0192512111417912

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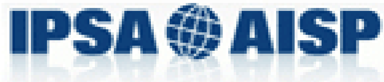

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Article

International Political Science Review
32(5) 529–545
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DOI: 10.1177/0192512111417912
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The Philippines: how much real democracy?

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Abstract

Democracy in the Philippines is a paradox. It was the first country in the region to topple authoritarian rule. Signs of a vibrant democracy are extensive: high voter turnout, civic engagement, institutional arrangements that theoretically promote accountability and safeguard rights and liberties. Yet the flaws in the democratic process are also extensive: elite dominance, institutional weakness, and widespread abuse of public office, which suggest true representation is largely illusory. Concerns about the quality of democracy have become central to political discourse in the Philippines, as seen in debates about constitutional reform and the hopes associated with the election of reform candidate Benigno Aquino III as president in 2010. This analysis examines how oligarchic structures and dysfunctional institutions threaten the emergence of true democracy in the Philippines.

Keywords

democracy, elections, elites, Philippines, quality, rule of law

Introduction

In the past two years Asia's oldest democracy, the Philippines, has seen several highly symbolic events. In August 2009, Corazon Aquino, beloved heroine of the 1986 'People Power' uprising against Ferdinand Marcos and first president elected in the post-authoritarian period, died unexpectedly. She was mourned by hundreds of thousands in the streets. A few weeks later, mourning was replaced with political buzz: her low-profile son Benigno Simeon 'Noynoy' Cojuangco Aquino III stepped forward as the presidential candidate of a broad coalition of reform forces. He ascended to the presidency after a convincing victory in May 2010.

The junior Aquino's surge to power exemplifies the paradoxes that beset Philippine democracy. On the one hand, he represents the hopes of a vibrant reform constituency dismayed by the widespread abuse of public office under the presidency of Gloria Macapagal-Arroyo (GMA) in 2001–2010; on the other, the Aquinos have long been one of the most influential political families

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in the country, and despite initial hopes for political and social reform, his mother's administration became associated with the post-Marcos restoration of 'elite' democracy.

The signs of a vibrant democracy in the Philippines are extensive: there was impressive voter turnout for general elections in 1992, 1998, 2004, and 2007 and even for mid-term elections. As the 2010 campaigns illustrated, civic engagement is also impressive; thousands of volunteers and a dense network of NGOs and independent media ensure that the electoral process is for the most part free and fair. And many of the institutional arrangements in the Philippines draw superlatives. The post-Marcos 1987 constitution sets out a catalogue of liberal, civil, and social rights almost unmatched in the region, and the Philippines was one of the first countries in the region to create rigorous agencies of accountability to monitor other branches of government. The independence and activism of its highest judges are well known, and many anticorruption, public procurement, and local governance laws are considered cutting edge by international standards. Perhaps most remarkable, Filipinos have been supporting democracy even though they have lagged the region in economic development for almost half a century.

Yet the democratic process in the Philippines is also fragile, and its flaws are deep, as seen in elite dominance, institutional weakness, and widespread abuse of the highest public offices. As observers point out regularly, many of the Philippine political structures that emerged out of US colonial rule are characterized by disenfranchisement of the masses, patronage-infested yet powerless political parties, and a spoils system that has eroded bureaucratic autonomy (Abinales and Amoroso, 2005; Bello, 2004; Wurfel, 1988). Because elites seem to take turns in power at both national and local levels, effective participation and true representation are largely illusory. That is no doubt why major change often emerges from outside formal political structures through extra-constitutional collective action. Indeed, combined with the challenges posed by authoritarian enclaves, military coups, and Asia's oldest insurgency, the Philippines not only illustrates how formal democratic institutions are dominated by informal power structures but also how the legitimacy of democracy can come increasingly in question.

Grappling with these contradictions and shortcomings, observers have described the situation as 'cacique democracy' (Anderson, 1988), 'low quality democracy' (Case, 2002), and 'democratic deficit' (Hutchcroft and Rocamora, 2003), or have characterized the Philippines as one of the world's 'delegative democracies' (O'Donnell, 1994). Although operating from a variety of cultural, institutional, and structural viewpoints, commentators today converge on the theory that today a dysfunctional Philippine democracy is in need of far-reaching reform. Within the country, reforming politics through constitutional change has now been debated for a decade (Arugay, 2004; Rüland, 2003). The hopes embodied in the new Aquino presidency illustrate this debate: many view the 2010 elections as a watershed event for the future of Philippines democracy.

Applying the assessment framework developed by Morlino (2009; see also Diamond and Morlino, 2005; Morlino, 2011), which evaluates democracy across the three dimensions of procedure, content, and results, and their subdimensions, we can identify serious deficiencies in the Philippines. Adherence to prescribed procedures has been minimal. There has also been a failure to ensure equitable outcomes and to be responsive to general citizen demands. Despite vigorous expressions of political participation and competition, and relatively high degrees of civil and individual freedom compared with regional neighbors, in Morlino's terms the Philippines can best be described as a minimalist democracy without sustained quality.

The reasons for the current situation are complex, but – without preempting the analysis that is to follow – might be best explained through the legacies of Spanish and especially US colonial rule. The latter, by introducing a US-style presidential system, has made the presidency an

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institution of uncontested authority, spreading both patronage and autocratic abuse. It also allowed traditional landed elites to manipulate local and provincial client networks so as to capture national representative institutions, thus setting the scene for oligarchic state capture, weak state autonomy, and a general broader disenfranchisement of the less privileged. The consequences for democratic practice have been far-reaching (Abinales and Amoroso, 2005; Hutchcroft, 2000a; Hutchcroft and Rocamora, 2003).

But room may yet have been left for change: The Philippines has through modernization and changes in social structure experienced repeated democratic and reformist impulses – from the top during the early Marcos period (1965–1976) and under presidents Aquino (1986–1992) and Ramos (1992–1998) and from the bottom through growing pressures from a vibrant civil society – but its ability to overcome the structural constraints on democratic governance has been limited. Yet the competing reformist and populist narratives that have come to dominate contemporary Philippine politics (Thompson, 2010a, 2010b) might also offer an opportunity to deepen the democratic process, particularly if it stimulates a national debate on what is 'good' democratic governance and perhaps much needed comprehensive institutional reform to ensure more inclusive and stable governance.

To further this line of reasoning, we now turn to an assessment of democratic quality in the Philippines by using qualitative and quantitative data to assess procedure, content, and results. We then draw some conclusions for studying the quality of democracy generally.

Assessing the quality of democracy

Procedures

Over the last decade, in the Philippines a number of procedural dimensions of democratic quality (i.e. rule of law, accountability, as well as participation and competition) have eroded, leaving the country behind others in the region despite recent signs of recovery.

Rule of law. The rule of law, the supremacy of the law, and its universal, predictable, and unambiguous enforcement, have traditionally not been strong in the Philippines, though lawyers dominate in positions of political power and there is a colonial US legacy (1899–1946) of judicial activism and public rights discourse. For instance, despite constitutional safeguards for judicial independence and the assertiveness of the Philippine Supreme Court, the judicial system generally is plagued by problems ranging from limited access to justice by the poor to chronic inefficiency and widespread perceptions of corruption and political interference. The American Bar Association reported in 2006 that the problems begin with politicians calling applicants for judgeships to 'ask what the judge would do for them if they supported the nomination'.[1] Meanwhile the budget share of the courts has been declining since 1998, court facilities are deteriorating, filing and processing systems are outdated, and vacancies in prosecutorial positions have created a considerable backlog of cases.

The poor have far less access to justice[2] than the well-connected, who work the system to their advantage; high-level corruption is rarely prosecuted. And while the Supreme Court has had some success with judicial reform,[3] its efforts are often thwarted by widespread killings of judges;[4] libel suits against critical media brought by GMA;[5] and the presidential pardon of Estrada in 2007, only weeks after he was found guilty of plunder and handed a 40-year sentence by the *Sandiganbayan* anti-graft court after painstaking investigations. Meanwhile, last-minute Supreme Court appointments and promotions by outgoing president Macapagal Arroyo in 2010 – likely to be

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motivated by the possibility of future corruption proceedings against her – has also raised questions about the independence and possible politicization of the highest court, despite the respect it has earned (Bernas, 2010).

Personal safety and civil order are another concern. While 85 percent of Filipinos consider life ‘safe’ or ‘very safe’,[6] certain groups have real safety concerns. For instance, although statistics show a 28 percent decline (2005–2008) in the crime rate in Manila,[7] which had been known in the late 1990s for high-profile kidnappings of businessmen, there has been an alarming rise in extrajudicial killings and disappearances of civil society activists, members of the left, and representatives of the church. While the numbers or murders are disputed (since 2001, national police count 156 and local human rights groups 836), international observers have noted a rising trend, primarily in the NPA-controlled Autonomous Region of Muslim Mindanao (ARMM).[8] As in the 2009 massacre of 57 people in Maguindanao in Mindanao, election-related lawlessness by local strong men exacerbates the problem.

Journalists have been particularly vulnerable. The Committee to Protect Journalists counts 34 killed since 1992 – with a 91 percent impunity rate – and Reporters Without Borders ranks the Philippines as one of the most dangerous countries for journalists after Iraq (see Table 1). Meanwhile, groups of the parliamentary left, such as Banya Muno, claim to have lost 125 members since GMA took office in 2001. There is evidence that in many instances security forces are to blame, particularly after the government declared an ‘all-out war’ against the Communist insurgency in 2006.[9] Efforts to curb these developments, lately with the Supreme Court promulgating the writ of *amparo* (protection), have yet to prove effective.

While the Philippines has a long history of civilian control over the military, there have been repeated coup attempts, the latest in 2007, and examples of unlawful activities by members of the security forces, such as corruption, human rights abuses, and outright criminal activities (65 soldiers and policemen have been implicated in the 2009 Maguindanao massacre). The Armed Forces of the Philippines (AFP) also seems to have growing influence; retired officers traditionally fill many political-bureaucratic positions in presidential administrations (in the case of Ramos, the presidency itself), and any administration must be concerned about retaining AFP leadership support (Hernandez, 2007). In fact, the withdrawal of military support proved critical to the ouster of President Estrada in 1998 and, given regular threats of military unrest, few presidents can ignore the concerns of the security forces with their strong *esprit de corps* (McCoy, 1999). The ties between the civilian and military spheres may have led to a culture of impunity for the AFP.

Finally, corruption and inadequate administrative capacity are also eroding the rule of law. Corruption indicators for the Philippines, poor to begin with, have been declining since 2003 (Table 1). High-profile corruption cases have plagued virtually every post-Marcos administration; the latest is the Philippine National Broadband Network controversy (‘the NBN/ZTE deal’) over allegations of corruption in the awarding of a US$329 million construction contract to ZTE for a government-managed national broadband network; it entangled members of the GMA administration, including the president’s husband, in 2008. There is no shortage of well-crafted anticorruption laws,[10] but enforcement is minimal, partly because administrative capacity is inadequate. The diffused political structures (e.g. separation of powers, extensive checks and balances) inherent in the US-modeled presidential system have also been a mixed blessing; it has been impossible to pass a Freedom of Information Act, and the Comprehensive Agrarian Reform Law lost its teeth in committee trade-offs. When laws like the Anti-Money Laundering Act actually make it through, political interference often blocks their enforcement. The rule of law in the Philippines is critically flawed.

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Table 1. Rule of Law, Accountability, and Political Participation

Rule of Law	
Extrajudicial killings, 2001–09*	156 officially; 819 by alternate estimates
TI Corruption Perception Index, 2009**	139 (out of 180 countries)
World Bank Governance Indicators, 2009***	
Control of corruption	–0.71
Rule of law	–0.53
Election-related deaths	
2004	189
2007	126
Accountability	
Institutional	Several oversight agencies; separation of powers high due to bicameral presidential system
Electoral	
Registered voters	
2007	45,029,443
2010	51,292,465
Voter turnout (% registered voters)	
2007	66
2010	75
Political participation	
Strike action, lost days****	
2001–07, average	26
2008	5
Contacted elected officials (%)*****	
Political representative, any level	9
Political party	12
Community leader	26
Member of any organization or formal group, (%) *****	25
Competition******	
Number of registered parties, 2009	18
Number of parties in both houses, 2010	10 (+ 15 party list groups)
Difference between largest and second largest party (% of seats)	22

* Numbers differ widely; see US Department of State, Human Rights Report 2009
** Ti-CPI, found at: http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table
*** World Bank Governance Indicators 1996–2010 (Scale: –2.5 to +2.5; higher values correspond to better governance)
**** ILO Laborstat
***** East Asia Barometer 2005, collapsed 'once' and 'more than once'
****** East Asia Barometer 2005
******** COMELEC

Electoral and institutional accountability. The picture is again at best mixed concerning the ability of citizens to hold officeholders accountable and sanction government, either through the electoral process and civil society action (electoral/vertical accountability) or as part of a design of institutional checks and balances (institutional/horizontal accountability).

The Philippines has a presidential system with a bicameral parliament. President and vice president are elected for a single (non-renewable) six-year term, as are the 24 members of the Senate, who are elected for staggered terms from a single nationwide district. Of the 250 members

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of the House of Representatives, 212 are elected by constituency for a maximum of three consecutive three-year terms; the other 38 are filled by party list. Hence, with additional local elections (provincial, city/municipality, and village/barangay), the Philippines, like the USA, is marked by almost continuous electoral campaigns.

But the elections have remained problematic. Although the 2010 elections – in which about 85,000 candidates competed for some 17,000 offices – were surprisingly peaceful and free of major flaws (despite, or perhaps because of, the much-contested first-time use of electronic voting machines), the archaic Philippine ballot previously proved highly conducive to electoral fraud (Hutchcroft, 2007). In fact, in 2004 well over 2 million voters appeared at polling places to find their names were not on the official electoral commission (COMELEC) list, yet in 2007 COMELEC cleared 1 million ghost voters from the lists.[11] In 2005 there surfaced audiotapes of an apparent conversation between the president and a COMELEC official, in which the latter was seeking to ensure a million-vote margin in a tight race; the scandal severely compromised both the commission and the electoral process itself (Hedman, 2007). Past instances of election violence also show that police failed to ensure the safety of candidates and the process (see Table 1).

Other problems range from the electoral system design, which encourages politics based on personalities and patronage rather than platforms and parties, to inequities in financing political parties and candidates. As a result, the national legislature is still firmly controlled by traditional Filipino elites, which often also rotate through local positions (Coronel et al., 2004; Gutierrez, 1993). Rather than relieving the situation, the introduction of sectoral representation and the party list component (20 percent of seats in the lower house) has often made it even harder for the marginalized to participate as it has stifled the formation of pro-poor parties. Finally, with legislative coalitions being exceptionally fluid and members of congress regularly changing affiliation in response to the presidential purse, executive accountability has been minimal (Montinola, 1999; Rocamora, 2002).

That may help explain why the Philippines has the densest network of civil society organizations in the region, many of which monitor elections and government (Silliman and Noble, 1998). They in fact came together in 1986 to topple the corrupt and authoritarian Marcos regime (EDSA 1). They also were crucial to the ouster of Estrada and to public discontent over the GMA administration (EDSA 2). In response to the growing role of civil society, the 1992 LGC mandated that NGOs be represented on local councils; and they are regulated only minimally. Traditionally, active and independent media[12] join the formal NGO sector; though the press has recently suffered from government harassment, the Supreme Court somewhat stemmed that erosion of democracy (Coronel, 2008).

In terms of institutional accountability – the formal system of checks and balances between government branches and agencies – the Philippines political system seems at least formally to be well endowed. It is modeled on the US system of governance in which power is deliberately diffused, and the 1987 constitution reestablished several constitutional watchdog agencies – the Commission on Audit (COA), the Civil Service Commission (CSC), and the Commission on Elections (COMELEC) – to monitor branches of government. In fact, combined with an activist Supreme Court, decentralized government structures, and a variety of other oversight agencies (e.g. National Human Rights Commission, Ombudsman Office, Presidential Anti-Graft Commission), there are numerous checks and balances built into the existing political structures. The current arrangements allow the executive to appoint members of the bureaucracy and independent agencies, dispense patronage to form congressional majorities, and issue executive orders, which the GMA administration used effectively to block corruption probes by preventing public officials from testifying. Also, despite occasional outstanding leadership, many oversight agencies have suffered from financial and administrative constraints or seen their work undermined by political interference and corruption accusations. For instance, the Office of the Ombudsman

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admits it has failed to catch any 'large fish' for 20 years and as of 2008 had a conviction rate of just 14.4 percent.[13] Parliamentary impeachment motions, though common, rarely succeed. Similarly, authoritarian enclaves and 'bossism' have blunted the impact of local government structures (Sidel, 1999). In short, mechanisms of horizontal accountability are often undermined by the informal workings of political institutions or by political obstruction and lack of administrative capacity.

Participation and competition. Political participation – the ability of individuals and groups to influence the recruitment of and decisions by political authorities and competition among political actors or within political organizations – has been similarly constrained by elite dominance, a weak party system, and structures of social and political exclusion.

At first glance political participation in the Philippines seems high. Drafted in response to the 'People Power' uprising, the 1987 constitution not only reestablished national and local electoral processes but also encouraged the participation of representative and marginalized societal groups through the quota party list system in the Lower House and constitutional mechanisms for public referenda. Consultation between government, civil society, and peak associations is common. Some, like the Makati Business Club and the Catholic Bishops Conference, have a powerful public voice. Trade unions claim a combined membership of 1.98 million (5.3 percent of the labor force, and 18 percent of public employees),[14] and strikes are common (see Table 1).

Meanwhile, 53 percent of Filipinos indicate interest in politics and 62 percent follow news about politics and government regularly, and only 34 percent believe that voting does not matter.[15] These characteristics are reinforced by legacies of nonconventional participation, such as large-scale popular mobilization against the government (EDSA 1–3), single-issue movements, or localized forms of resistance – developments facilitated today by modern technology, such as text messaging.[16] Government has tried to channel these processes, for example by mandating NGO participation (the 1991 LGC) or through public fora, such as the National Anti Poverty Summit in 1996. Also, in 2004 voting rights were extended to the estimated 8.7 million Filipinos living overseas (as of 2008) – although the impact has yet to be felt.[17]

But how much have these developments affected policy? Most of the legislative process is still hidden by committee structures and informal log rolling and horse trading (Coronel, 1998). Public referenda initiatives have failed because either they do not meet legal requirements or the Supreme Court has intervened, as it did recently in a constitutional change case, rejecting a 2006 people's initiative on grounds that the initiative failed to comply with basic constitutional requirements. Nor is it clear how effective public involvement has been in enhancing local public service or limiting corruption and bribery (Brillantes, 2011). The Philippines has no real parties in terms of philosophy or institutional longevity (Kasuya, 2001; Montinola, 1999); parties have often been simply a vehicle for individual candidates or specific elections. Perhaps this explains why recent surveys show only modest trust in political parties; nor do citizens rely on their political representative to solve their problems (see Table 3 later on).

Marginalized interests and traditionally disenfranchised constituencies have little formal political influence, despite (or perhaps because of) the party list representatives. And the four-decade exclusion of the communists from the formal political process has arguably made the political system less representative. Even public collective action, as illustrated in EDSA 1 and 2, has usually been generated by the urban middle class. Street action by lower classes has been quickly condemned as 'mob rule' and suppressed, as was done to Estrada supporters (also known as EDSA 3) in 2004 (Reid, 2001).

Despite the often hard-fought battles between parties in the legislature, party switching ('turncoatism') and lack of clear ideologies have also sharply limited meaningful political competition. Poor party financing laws and inequities in candidate wealth also mean that some

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interests are better represented than others: the costs of campaigning for the presidency are estimated at P2–3 billion (US$43–65 million), and for the Senate, P800 million (US$16 million) (Chua and Coronel, 2003). Not surprisingly, almost all 18 presidential and vice presidential candidates in the 2010 race are known to be millionaires. Moreover, the domination of parties by well-known individuals, from both family dynasties and show business, limits the degree of internal party competition and the extent to which contenders offer meaningful alternatives. As a result, although there may be formal alternation in power between individuals and parties, it does not necessarily translate into comprehensive changes of policy direction or power distribution. Political outsiders like Estrada do at times manage to capture the highest office with a populist agenda, due to the dynamics of the presidential contest (Fukuyama et al., 2005). Similarly, gleams of hope can be seen in the gradual professionalization of campaigning and the emergence of more programmatic parties like the Liberal Party (LP) in the 2010 campaign, which used modern techniques to successfully manage Aquino's presidential campaign. Yet its failure to capture a majority in the House or Senate or to prevent populist candidate Jejomar 'Jojo' Cabatauanan Binay from capturing the vice presidency against Aquino's candidate Manuel 'Mar' Araneta Roxas II, also warns against quick conclusions.

Content: freedom and equality

Freedom, in the form of civil, political, and socioeconomic rights, and equality, whether social, economic, or political, are among the content dimensions that shape the quality of democracy (Diamond and Morlino, 2005). Here again the Philippine track record is mixed (Tables 2 and 3).

Table 2. Rights and Freedom

Civil and political rights*	Partially Free
Political rights	
2000–2008, average	2.4
2009	4
Civil liberties	
2000–2008, average	3
2009	3
Freedom of the press*	
2000–2008, average	35.5
2009	45
Reporters Without Borders, 2009	38, 25 (122 out of 175)
Journalist deaths	
1986–2008	52
2009	34
Freedom of information	
Right of access to public information	Constitutionally guaranteed but no FOI law
Habeas data	By Supreme Court decision since 2007
Prisoner's Rights	
Imprisoned population per 100,000*** (1999)	94
Political prisoners, 2009****	255

* Freedom House (scale: 0–7, lower value indicates greater protection of rights and liberties)
** Freedom House Ranking Press Freedom (scale: 0–30 free; 31–60 partially free; 61–100 not free)
*** UNAFEI; Roy Wamsley, World Prison Population List (6th edition)
**** US Department of State, 2009 Human Rights Report: Philippines

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Table 3. Equality and Equity

Income inequality	
Gini index*	
1992–2007	0.44
2006	0.48
Ratio of the richest 10% to the poorest 10%, 1992–2007**	14.1
Percent living below the national poverty line ***	
2000	30
2006	32
Income below US$1.25 a day, percent****	
1985	34.9
2006	22.6
Human Poverty Index (HPI-1), 2009	12.4 (34th out of 135)
Educational opportunity and inequality***	
Primary completion rate (both sexes), 2007 (%)	94.2
Gender parity index (GPI), 2007	
Primary education	0.99
Secondary education	1.11
Tertiary education	1.24
Health care inequality***	
Infant mortality, per 1,000 live births	
1990–2005, average	35
2007	23
Life expectancy at birth (years), 2007	71.6
Child malnutrition (% of children under 5)	21
Political inequality by gender***	
Seats in parliament (% held by women), 2008	20 (Quota)
Legislators, senior officials, and managers (% female), 1999–2007	57
Share of women in wage employment in the non-agricultural sector, 2007 (%)****	42.3

* HDR, UNDP 2009
** World Development Indicators
*** World Development Indicators
**** HDR, UNDP 2009
***** UNSTATS, MDG Goals (Gender Parity Index measures ratio of girls to boys)
****** Labor Force Survey

Freedom. Perhaps as a legacy of US colonialism, perhaps as a result of efforts of the Marcos dictatorship, today the Philippines has a catalogue of rights similar to that of the United States, if not a broad rights discourse. The 1987 constitution enshrines rights related to personal dignity (right to life, prohibition of torture and slavery); civil rights (habeas corpus; freedoms of religion, expression, association; and personal liberty and security); and political rights (to vote and be elected).[18] Its social rights and social justice catalogue is similarly comprehensive. Embodying the principle that 'those who have less in life should have more in law' (Bernas, 2003: 971), the constitution set out a number of directive principles, from 'promotion of a just and dynamic social order that will . . . free the people from poverty through policies' (Art. II, Sec. 9), to giving priority to the needs of 'the underprivileged, sick, disabled, women and children' (Art. XIII, Sec. 11). And

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while the 'right to free education and high school education' (Art. XIV) was the only explicit entitlement, Supreme Court activism has extended social rights into other areas (Bernas, 2003; Pangalangan, 2003).

However, the government's record in guaranteeing and practicing freedoms and rights is inconsistent. It has done a relatively good job of supporting freedom of conscience and belief. For instance, while 85 percent of Filipinos are Roman Catholic and the Church is a powerful political force, government has not interfered with the activities of other churches, and other Christian sects have grown rapidly. President Ramos himself was a Protestant. The track record for Muslims on the national stage is more limited, perhaps partly because they are concentrated in Mindanao. The wide array of civil society organizations also illustrates freedom of association, as the vibrant media scene illustrates freedom of expression, although recent government harassment of journalists has led to a decline in the country's Freedom House (FH) 'Freedom of the Press' ranking (see Table 2). Abolition of the death penalty also reflects the rights commitment.

However, the rise in security force killings, torture, and prisoner abuse seems to demonstrate a severe disregard for civil and political liberties, often exacerbated by problems within the courts. Arguably, the government's fight against insurgency and terrorism has been eroding political rights; for instance, the 2007 Human Security Act (HSA) gave the government more discretion to wiretap journalists and detain suspects without warrant. High levels of election violence and allegations of vote rigging also help explain why as of 2008 Freedom House no longer ranks the Philippines as an electoral democracy but only as 'partially free' (see Table 2). Socioeconomic rights, meanwhile, are poorly enforced and many disenfranchised groups are not protected. For instance, the 1997 Indigenous Political Rights Act (IPRA) provides a legal venue for securing community-based property rights but when repeatedly challenged by mining interests, it has been only weakly supported by government agencies or the Supreme Court.

Equality. Aspects of equality of particular concern relate to narrowing income differences, alleviating poverty, and addressing widespread discrimination.

Income differences and poverty are higher in the Philippines than in East Asia generally (see Table 3), and there has been comparatively little change over time (Balisacan, 2003). For instance, while the number of Filipinos living below the national poverty line has in recent years been cut by a third, from almost 50 percent in the mid-1980s, Thailand, Vietnam, and Indonesia have done considerably better. Income inequality as measured in terms of the Gini coefficient has hardly changed since independence, making the Philippines one of the most unequal societies in Asia. The trend is generally blamed on slow economic growth (and related policies) and high population growth (Balisacan, 1999, 2002).

Moreover, poverty indicators and income differentials seem to have worsened between 2000 and 2006 (see Table 3), and there are major regional differences in poverty levels as well as both access to and the quality of public health and education services; rural and indigenous groups are particularly disadvantaged (World Bank, 2009). A 2006 World Bank education assessment notes: 'Levels of resourcing, quality of instruction, and student achievement vary greatly across different regions of the country, between rural and urban areas, among ethnic groups, and among different types of schools' (World Bank, 2006: 2). Differences by income quintiles are also pronounced (Manasan, 2007).

Political and gender equality raise additional concerns. Philippine economic as well as political institutions have long been controlled by the wealthy (Hutchcroft, 2000b; Putzel, 1999). Similarly, although women have achieved the presidency and the Philippines ranks relatively high in many gender-related indicators, many women at the bottom of the socioeconomic ladder suffer from

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harsh working conditions in factories and exploitation as sex workers, and trafficking in women and children is widespread.[19]

Interestingly, though, while Filipinos cite poverty as among their greatest worries (76 percent), few seem to be concerned about economic inequality (16 percent).[20] This may be a reflection of a political culture that, as in the USA, emphasizes equality of opportunity rather than wealth redistribution; the education system has long received the largest budget allocation. However, with international assistance, efforts have also been made to correct traditional regressive expenditure and taxation policies, for instance by emphasizing primary health care and education services rather than tertiary.[21] These policies have had modest success in terms of school enrollment ratios, literacy levels, and reduced child mortality (Table 3). A rudimentary social safety and welfare net dating back to the mid-1950s (Social Security, Government Service Insurance), has also helped address some issues of poverty and inequality, though their scope is severely limited (e.g., no universal health insurance) and their sustainability questionable given corruption, leakages, and declining state revenues (Manasan, 2009). As a result, remittances from overseas foreign workers (OFW), estimated at US$12.8 billion (10 percent of GDP) in 2006, have grown as a source of relief for the poor (Pernia, 2007).

Outcomes

There should by now be little doubt that procedural weaknesses and institutional and structural constraints have severely limited the responsiveness of the Philippine state to citizen demands, which in turn might also explain the recent gradual decline in public support for Philippine democracy.

On poverty, the single most important citizen concern, the state has shown at best minimal progress. For instance, although poverty percentages have declined since the mid-1980s, the absolute number of poor, based on an income of $1.25/day, actually increased, from 18.5 million in 1985 to 19.7 million in 2006 (World Bank, 2009). And self-rated hunger indicators have risen steadily since 1998 to an all-time high in early 2010 of 24 percent.[22] Government failure is also visible in the areas of crime and unemployment – the second and third highest-ranked concerns – which have not decreased for at least 20 years.[23]

Arguably some of these developments are due to structural constraints, such as high population growth and reduced spending because of high public debt or rising inflation, but often they also reflect distorted policy choices (de Dios and Hutchcroft, 2003). Despite a growing government focus on primary education, for instance, a considerable part of the discretionary education budget goes to pork barrel allocations by members of both houses, a process that not only directly undermines coherent administrative planning but has exacerbated corruption in school book procurement and contracts to construct schools (Chua, 1999). Meanwhile, education services are of poor quality,[24] again with profound differences by region and income group (Manasan, 2007). Initiatives to reform education often fall short of plans; in fact, real per capita spending on basic education is trending down, and there has been only modest progress in achieving more equitable deployment of the large teaching force because bureaucratic processes are not insulated from political interference and administrative capacity is inadequate (World Bank, 2009).

Governance is thus a major factor in poor subsector performance and growing inequality, reflecting procedural flaws related to routes of accountability, executive dominance, and widespread corruption. These flaws have reduced government responsiveness to citizen demands. Survey data also show that 63 percent of respondents believe that ‘representatives forget about us once elected’;

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Table 4. Legitimacy and Responsiveness

Democratic responsiveness/satisfaction			
Support for democracy, 2005 *(% agreeing)**			
Democracy is always preferable	54.7		
A democracy with minor problems	40.9		
A democracy with major problems	42.5		
Democracy is capable of solving the problems of our society.	60.4		
Trust in political institutions, 2007 (%)**			
Central government	73.2		
Parliament	71.2		
Political parties	67.6		
Army	70.7		
Net satisfaction with the president***	Start of Term	End of Term	Difference
Ramos	66	19	–47
Estrada	60	11	–49
Aquino	20	–40	–60

*East Asia Barometer 2005
**AsiaBarometer 2007, combining 'Trust a lot' and 'Trust to a degree'
***Social Weather Station, various years

59 percent, that 'the government is not listening'; and 54 percent, that 'ordinary people cannot influence a government policy'.[25]

The failure of the Philippine state to respond to citizen needs might well have catalyzed a crisis of legitimacy for Philippines democracy, as was suggested by declines in support for democracy between 2001 and 2005.[26] Yet support remains high and a large majority of Filipinos still have considerable trust in state institutions (see Table 4). Similarly, a large majority of Filipinos find a democratic regime desirable (88 percent), suitable for the Philippines (80 percent), and preferable to other forms of government (64 percent), though these numbers need to be viewed warily: More than 30 percent do favor nondemocratic alternatives – civilian authoritarian rule (31 percent), military regime (37 percent), or one-party rule (30 percent)[27] – suggesting that 'authoritarian sentiments are still lurking in the background, and democratic backsliding is not inconceivable' (Chu and Huang, 2010: 119). The approval rating for the most important institution in the country, the presidency, also reveals deep-seated problems. For each president, satisfaction ratings have plunged shortly after elections (Table 4).

Other proxies also suggest the low degree of satisfaction with Philippine democracy. A good measure is the tax extraction rate, which over two decades declined from 17 percent of GDP to only 12.2 percent of GDP in 2005 before recovering to 14.4 percent in 2009 (still well below that of its neighbors) primarily because of tax evasion and leakages estimated at P150bn a year (Manasan, 2008). It should also be kept in mind that the legitimacy of the Philippine state is challenged almost daily by violence, most visibly through the CPP-NPA led insurgency but also through separatist movements in the ARMM (e.g. the Moro Islamic Liberation Front, MILF) and other authoritarian enclaves. Finally, many Filipinos have effectively voted with their feet against government failures in areas like poverty reduction, job creation, and public service provision. Almost 10 percent of the population, an estimated 8–11 million, live outside the country, and up to 1 million, many of them highly qualified, leave each year as official Overseas Foreign Worker's. All these elements provide further evidence of the legitimacy crisis of Philippine democracy.

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Conclusion

This analysis illustrates why the Philippines has long been a puzzle for scholars of democracy. Perhaps nowhere else in the region have democratic ambitions as expressed in the constitution and in public discourse diverged so drastically from day-to-day realities. Despite free and competitive elections, universal suffrage, and a vivid civil society, democracy in the Philippines is marred by persistent procedural weaknesses in accountability and the rule of law, incomplete achievements in areas of equality and rights, and generally poor political outcomes exacerbated by patrimonial practices. The Philippines can reasonably be classified as a 'deficient' or 'reduced' democracy.

Yet, it also stands out because of the persistence of the popular democratic impulse. In fact, as Quimpo (2008) has argued, drawing upon Huber et al. (1997), while Philippine elites seem content with maintaining minimal democratic procedures, civil society continues to push for 'participatory democracy', and the left has been advocating increasingly for a 'social democracy' that would enhance social and economic outcomes. As the decade-long debate about constitutional change illustrates, there is heavy reformist pressure for change, the more so as different parts of society agree that the Philippines has become increasingly dysfunctional. Meanwhile, the populist counter-narrative, though less focused on institutional reform than on actual outcomes, also demonstrates that pressure is building from other constituencies for more equity and better provision of public goods. There is thus considerable momentum for change.

But how likely is it that the quality of the democratic process can be deepened? Is the glass half full or half empty? On the half-full side are an activist civil society, high levels of political participation, and a political culture that emphasizes rights and justice. On the half-empty side are the considerable obstacles to these positives: institutional in the form of weak state autonomy, a poorly developed party system, and a persistent patrimonial pattern, and structural in terms of elite dominance and concentration of political and economic power in the hands of a few.

If anything, the Philippines is a reminder that modernization in the region has often unfolded in unique ways. Huntington's classic statement that change is 'in large part the product of rapid social change and the rapid mobilization of new groups into politics coupled with the slow development of political institutions' (1968: 4) does not seem to fully apply here. Socioeconomic transformation has not only been slower than elsewhere in the region but traditional elites have also successfully adapted, leaving the Philippines with few counter-hegemonic social forces. Meanwhile, though the middle class has at times helped to further the democratic agenda, its role in respect to the deepening of the democratic process, particularly when challenged by populist movements, has been ambiguous. As elsewhere then, its support for democracy seems at best contingent (Bellin, 2000).

That may explain why much of the current debate in the Philippines has centered on constitutional reform. While the proposal to move from a presidential to a parliamentary system seems radical, it provides a safe avenue for traditional interests to organize change and channel new social demands from parts of the populace, because traditional politicians are likely to wield even greater influence under a parliamentary system (Abueva, 2007). However, the continuing political turmoil in Thailand, based on the impulse for constitutional change, offers a vivid reminder that democracy is deepened not by institutional reform alone but also by contentious social struggles over political power (Dressel, 2009, 2010).

The 2010 Philippine presidential elections encapsulate many of these concerns. With its new momentum, the Aquino presidency may open a window of opportunity for deepening democracy. But as this analysis of democratic qualities has shown, the task is daunting. Various qualities are closely interconnected and causality for democratic strengthening is often difficult to establish. Moreover, what constitutes 'good' democracy is often vividly contested within a country as well as

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across the region. Predictions about the direction of Philippine democracy can only be tentative. What is clear, though, is that questions about the quality and intensity of democracy are central to the future of the Philippines in the 21st century.

Notes

1. See ABA Asia Law Initiative, Judicial Reform Index for the Philippines, 2006, accessed at http://www.abanet.org/rol/publications/philippines_jri_2006.pdf (12 March 2010)
2. See World Bank (2003).
3. See in particular the Action Program for Judicial Reform (APJR), a donor-funded program initiated by former chief justice Hilario G. Davide in 2001 and continued under chief justices Panganiban and Punto that included salary increases, technology upgrades, and better filling of vacancies.
4. According to the 2009 Freedom House report, 12 judges have been killed since 1999, none of which has led to prosecutions.
5. Led by first-husband Jose Miguel Arroyo, 11 suits were filed against 46 journalists in 2007; these were later dropped in a 'gesture of peace' (see Freedom House 2009).
6. East Asia Barometer (2005).
7. See *Philippine Daily Inquirer* (2008).
8. See US Department of State (2010).
9. A UN special rapporteur found that many extrajudicial killings of leftist activists were the result of deliberate targeting by the military as part of the counterinsurgency operations against communist rebels; similarly, the special commission report concluded that some elements in the military were behind the killings of activists, with the military failing even to investigate.
10. See Anti-Money Laundering Act (2001); Government Procurement Reform Act (2003); a Whistleblower Protection Act (under consideration).
11. See Philippine Information Agency (PIA), Press Release (13 April 2007).
12. There were five national newspapers, 225 TV stations, 369 AM, 583 FM and five SW radio stations in the country; see Philippines Country Profile, Library of Congress Federal Research Division, 2005.
13. Simeon V. Marcelo, 'Ombudsman's Briefing Paper on its Anti-Corruption Program' (presentation at the Combating Corruption Conference, Makati, Philippines, 22 September 2004).
14. A particular feature of the Philippines is that the large number of trade unions (more than 2,000) makes collective action daunting.
15. Asian Barometer (2005), collapsing 'everyday' and 'several times a week.'
16. Large-scale public protests are often confined to major urban areas; this might explain why almost 93 percent of the 2005 East Asia Barometer sample 'never have attended a protest march.'
17. See Overseas Absentee Voting Law (2004); for the 2004 presidential elections only 357,782 voters registered and 64 percent of them actually voted; in the 2007 mid-term elections 503,894 overseas absentee voters registered but only 16 percent voted; 2010 absentee voter turnout in the 2010 elections is estimated at 12 percent.
18. See Constitution of the Philippines, Articles II and III.
19. See National Commission on the Role of Filipino Women (NCRFW, 2004).
20. Asia Barometer (2007).
21. A public incidence analysis found continuous regressive bias toward tertiary education, see Manasan (2008).
22. SWS Survey, January 2010.
23. With unemployment an estimated 10 percent of the total labor force, the Philippines is an outlier in the region; crime rates are also high by international standards, with the incidence per 100,000 population fluctuating between 98.8 (2001) and 115.6 (2007) according to the National Statistical Coordination Board – only a slight decline from the 1993 peak of 145.7.
24. Trends in International Mathematics and Science Study (TIMSS) in 2003 ranked the Philippines in the lowest 10 percent of participating countries in both subjects in Grades 4 and 8, well below Asian neighbors. Internal tests administered by the Department of Education reported that only 40 percent of 4th grade students had mastered 3rd grade competencies in English, mathematics, and science.

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25. Asia Barometer (2007).
26. See Asian Barometer Survey, Round 1 (2001) and Round 2 (2005).
27. Composite Index based on 2001–2003 Asian Barometer round; see Chull Shin and Wells (2005).

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