

## **From Protest to Participation? Accountability Reform and Civil Society in the Philippines<sup>1</sup>**

*Aries A. Arugay<sup>2</sup>*

### **Introduction**

One of the lingering problems that have plagued the Philippines is how to curb corruption and other forms of particularistic behavior through the institutionalization of more accountable governance. Its inability to create an accountability regime composed of empowered and capable mechanisms and institutions has resulted to a major democratic deficit that could have dire implications to its ongoing process of democratic consolidation. To a certain extent, any attempt to enforce accountability in the country's fledgling democratic order has met with stringent resistance mostly from its political elite. This was recently displayed when the impeachment of then president Joseph Estrada on charges of cronyism and corruption was aborted leading to the collective mobilization of public protest and the subsequent withdrawal of popular support in January 2001.

There are two conclusions that could be drawn in that very contentious political episode. On the one hand, it has put the issues of accountability<sup>3</sup> and corruption to the fore. Moreover, it again demonstrated the awesome potential of the country's civil society – a robust sphere of social movements, non-governmental organizations, civic associations, and people's organizations – in demanding accountability from the state (Arugay 2004).

In the literature, there is an increasing recognition of the role of civil society in fostering accountability especially in developing countries (Fox 2000; Pope 1996). For example, there has been an emerging interest in studying the roles of civil society in Latin American countries using the concept of "societal accountability". According to Smulovitz and Peruzzotti (2000), it rests on actions of a multiple array of citizen's associations and movements and also the media in monitoring the actions of public officials, exposing governmental wrongdoing, and the activation of state agencies. This paper asserts that there is evidence that the role of civil society in generating accountability is transcending the framework of protest politics and thereby embracing the more constructive task of contributing to the reform of accountability institutions. To a great extent, this shift towards a

---

<sup>1</sup> This was mainly drawn from a paper presented at the Fourth International Society for Third Sector Research (ISTR) Asia Pacific Regional Conference, Bangalore, India, 16-18 November 2005.

<sup>2</sup> Assistant Professor, Department of Political Science, University of the Philippines-Diliman; Technical Assistant, Office of the Presidential Adviser to Implement the Feliciano Commission Recommendations (OPAIFCR), Malacañang, Manila; and Fellow, Institute for Strategic and Development Studies, Inc. (ISDS), Quezon City.

<sup>3</sup> This paper adopts the definition of accountability as "the ability of institutions or mechanisms to ensure that officials are answerable for their behavior and are sanctioned for misbehavior" (Schedler 1999: 17). Thus, it involves two elements: *answerability* which is being responsible for past decisions and/or actions; and *enforcement* which is the availability and application of sanctions for illegal or inappropriate actions.

more participatory orientation is the only way that Philippine civil society could have a healthier contribution and lasting impact to the pursuit of more accountable governance.

The first section will discuss the treatment of existing scholarship on the role of civil society in promoting democratic accountability. The second section gives a concise background on the roles played by civil society as either an adversary or partner of the Philippines state and some of the manifestations of the “accountability deficit” in the Philippines. The third section examines the various civil society initiatives and engagements aimed at improving the country’s accountability institutions, particularly in (1) awareness-raising, (2) government procurement; (3) performance of public institutions; (4) diagnostics; and (5) policy advocacy. By way on conclusion, this paper generates lessons and best practices on the state-civil society relations in accountability reform.

### **Accountability and Civil Society: Insights from Theory and Research<sup>4</sup>**

As a much-cherished principle, the idea of accountability has always received significant attention from both scholars and practitioners of democracy. From its beginnings in normative political philosophy to the incorporation of positivist approaches through rational choice theory, there has been a relentless pursuit on how to ensure that the wielders of authority are made accountable for their actions and decisions. It was astutely observed that the “norm of accountability appears to be the most widely practiced of democratic principles. It is more prevalent in the world than freedom of association to compete for governmental office, or popular participation in authoritative decision-making, or the right to dissent from official policies without fear of retaliation” (Sklar 1987: 714).

The discipline of public administration has also contributed to the contemporary theorizing on accountability, particularly the discourses on new public management and governance (Behn 1998). Accountability is interpreted as the construction of a code of conduct and performance and a set of standards to be utilized to assess government performance. This corpus of literature emphasized that accountability being a political principle is the monopoly of the state and its various institutions. It also became an essential component of the “good governance” discourse, perpetuated by multilateral institutions such as the World Bank (1992; 1994) and the United Nations Development Programme (Newell and Bellour 2002). For March and Olsen, the primary means of generating accountability from this perspective is through various laws and regulations. Such a form of accountability is guided by “a logic of appropriateness: political actors are judged according to what is considered proper procedure” (1995: 154). Through the separation of powers, the recognition of fundamental rights and the system of check and balances, modern constitutionalism establishes the

---

<sup>4</sup> This section is heavily drawn from Arugay (2004).

institutions that enable the curbing of the arbitrariness of power. For mechanisms of legal accountability to function effectively, a legal system with the capability to enforce the law and to make the rulers obey the law must exist.

The extensive focus of the aforesaid scholarship on the role of formal political institutions in generating accountability greatly influenced the notion that the state alone has the monopoly over it. However, this has been more and more challenged with new theories provided by democratization discourses. For example, Schedler recognizes that the current evolution of the concept of accountability permits it with much flexibility. It should no longer be seen as a core of invariable basic characteristics but must be construed as a “radial concept” (1999: 17-18). Therefore, it could no longer be exercised in one way nor could it come from a single source (See also Borowiak 2004).

Among the salient themes on accountability discusses a nascent type that goes beyond elections and other formal institutions of the state. The concept of societal accountability aims at incorporating the insights from the literature on civil society and the public sphere into the analysis of accountability. It is contended that “the working of civic associations, nongovernmental organizations, social movements, and the like add not only new resources to the classic repertoire of electoral and constitutional institutions for controlling government but also can, on occasion, compensate for many of the built-in deficits of those mechanisms.” This is manifested through exposing cases of governmental wrongdoing, activating horizontal agencies of control and monitoring the operation of those agencies, mechanisms of societal accountability make a crucial contribution to the enforcement of the rule of law (Peruzzotti and Smulovitz 2005: 9-10).

The concept of societal accountability best captures the developments in democratizing countries and the increasing complexity with regard to engagements between the state and civil society. According to O’ Donnell (2005), the main orientation of this type of accountability is not the satisfaction of material interests. This entails that existing theories of collective action based on rational choice might be limited in explaining the politics of societal accountability. Societal actors are not interest groups that exert demands on the state based on expected utility. Like the discourses on new social movements, the demands of societal accountability are usually framed in the language of people’s legitimate rights or claims like human rights violations, environmental degradation, lack of access to justice, and corruption. Moreover, the dynamics of societal accountability must be understood in the context of the process of democratization in most countries that have made the transition from authoritarian rule. Given that they are fledgling democracies, institutions that should

perform accountability functions found themselves ineffective, ill equipped, severely limited, and captured by partisan interests.

The literature on civil society as an agent of accountability remains very sparse. Aside, from Peruzzotti and Smulovitz, only a few other works have articulated the same claims. O'Donnell believes in the capacity of civil society to be a form of accountability that would facilitate democracy as the demands of societal accountability are usually formulated in the language of rights and the rule of law. He believed that accountability beyond the framework of elections is important for the workings if not the survival of a democratic regime. Societal accountability in the form of “an alert and well organized society and media that does not shy away from reporting cases of encroachment and corruption provide crucial information, support, and political incentives for the often uphill battles that agencies of horizontal accountability may wage against powerful transgressors” (O'Donnell 2004: 20).

However, the proponents of the concept of societal accountability admitted that initiatives aimed by civil society could have an enduring and meaningful impact towards democratic deepening and consolidation if they are able to translate them into the actual reform of institutions legally mandated to enforce accountability. This was concurred by Fox when he argued that “civil society demands for state accountability matter most when they empower the state's own mechanisms for checks and balances” (2001: 1). It is in this regard that this paper hopes to contribute to the literature by attempting providing a snapshot of how the Philippine civil society transcends its “protest” or adversarial orientation towards exacting political accountability from the state and the adoption of a more participatory and cooperative stance.

### **Protest Versus Participation: Civil Society in the Philippines**

The Philippines has often considered as possessing one of the most vibrant, robust, dynamic, and participatory civil society in the world (Clarke 2000, Racelis 2000). Several cases has proven its efficacy in providing policy inputs (Magadia 2003), delivering social services, pursuing socioeconomic development, and generating accountability. There is added significance if this will be juxtaposed in the prevailing belief that the country possesses a “weak state” (Hutchcroft 1991). But beyond this, the context of an active civil society in the Philippines is contingent upon the idea that the process of democratization is an inclusive process that definitely necessitates its participation and active engagement.

In fact, as much as there is a burden on the part of the state to institute the necessary reforms and address the existing deficits in its democratic governance, civil society organizations are responsible for a substantial portion of this task. As the primary actor responsible for the transition from authoritarian rule, they cannot sit back, relax, and leave

the task to the government as there remains a plethora of problems, inadequacies, and limitations of the current democratic polity.

At present, there are two interrelated modes of civil society engagement as far as the agenda for democratization is concerned (Eaton 2003). On the one hand, there is the *protest* mode which is what most civil society actors are familiar. The tactics of “expose and oppose” run deep within the nature of Philippine civil society as manifested not only in the anti-dictatorship struggle but significant instances in post-Marcos politics. It comprises of the so-called “parliament of the streets”, coalition-building, collective mobilization, mass actions, media campaigns, and community organizing. This mode of (dis)engagement often is a weapon of last resort, particularly if normal or available venues have been exhausted. Moreover, this contentious approach is often utilized when civil society perceives that the democratic gains that it vehemently fought for are being jeopardized.

This precedent had tremendous repercussions for the nature of civil society that developed in post-Marcos Philippine politics. It would not be the last time that societal groups were able to successfully demand accountability from the state. The anti-Estrada campaign that culminated in the so-called People Power II Revolt (or EDSA 2) is a genuine testament of the efficacy and strength of collective mobilization in the Philippines. In this highly contentious episode, societal actors came to challenge the legitimate rule of a very popular leader on charges of cronyism and corruption. The range and intensity of contention spearheaded by the country’s civil society was not witnessed since the struggle against the Marcos regime in the 1980s. Collective action generally aimed at exacting accountability from President Estrada was successfully mounted using the framework of resignation, impeachment, and ouster (RIO). In conjunction with other strategies of societal accountability in different periods of the campaign, civil society groups were able to expose the President’s political scandals, maintain these issues in the public agenda, acquire media attention and national visibility, activate and exercise oversight over political institutions and legal processes, and invite public support and participation (See Arugay 2004).

On the other hand, there is the *participation* mode, a more novel component in civil society’s repertoire of engagement. This has reference to its contribution to the struggle to “restore” democracy in the country. As a stakeholder in the post-authoritarian political dispensation, the organizations that comprised civil society would want to institutionalize their access to power and democratic space in the country’s policy processes. This enables them to forge strategic partnerships to “collaborate and cooperate” with the state as well as other sectors in society in the creation of new structures, mechanisms, institutions, and policies that could improve the health of Philippine democracy. This requires civil society actors to devote their

technical competence, experiences, insights, and skills in order to come up with viable alternatives and lasting solutions to lingering problems of the country. This mode may involve policy advocacy campaigns, the establishment of state-civil society partnerships, and direct consultations with political institutions.

### **Accountability Deficit in the Philippines<sup>5</sup>**

Given the conditions that surround “third wave democracies”, existing institutions of accountability have fallen short of the expectations accorded to them thereby creating an “accountability deficit”. It refers to the various problems and inadequacies of institutions of accountability and the apparent divergence between the ideals and practice in real-world democracies (Luckham *et al.* 2003).

An accountability deficit exists on two cases.<sup>6</sup> On the one hand, it could simply be the mere absence of laws, regulations, and formal institutions providing for accountability in governance. In this case, mechanisms for exacting accountability are nonexistent, palpably inviting blatant encroachment and the abuse of authority. For example, the executive possesses tremendous power “delegated” to him by the electorate such that the controls afforded by the political system are simply overwhelmed resulting to the unaccountable exercise of power (O’Donnell 1996: 98-101).

The more common manifestation of this deficit lies in actual application or practice of accountability. While there is no dearth of laws and institutions, they are mere formalities and exhibit a “cosmetizing” function since they lack sufficient independence and/or resources to effectively perform their responsibilities. Regulations that impose accountability exist but a culture of impunity denies their effective implementation. Governmental checks are distorted and safeguards are neglected by officials who have mastered the art of “surviving accountability”. Independence is also lacking in the real sense, as most of the institutions are not insulated from internal and external pressures. Lastly, inadequate resources hinder the successful performance of their duties (Diamond 2002).

As far as the Philippines is concerned, this paper argues that there exists an accountability deficit especially with regard to its second manifestation. As far as legal provisions and formal institutions are concerned, the country possesses one of the most comprehensive, complex, and sophisticated “national integrity system” (Pope 1996) in the world.<sup>7</sup> The accountability of public officials is well enshrined in Article XI of the 1987 Constitution, which

---

<sup>5</sup> This section draws heavily from Arugay (2005).

<sup>6</sup> The notion of the two fronts of the accountability deficit was drawn from Luckham *et al.* (2003: 22-23).

<sup>7</sup> Batalla, *et al.* (2002) argue that because of this, corruption in the Philippines has become “systemic and sophisticated” as well. As the saying goes, the more perfect the rules are, the more perfect the evasions will be.

describes in detail their obligations and the available mechanisms that will check the exercise of their authority.<sup>8</sup> In particular, it provides in detail an impeachment procedure and the creation of an independent ombudsman and a special anti-graft court called the *Sandiganbayan*. This is notwithstanding the offices especially created by the government such as the Presidential Anti-Graft Commission (PAGC) for presidential appointees and the Office of Ethical Standards and Public Accountability (OESPA) for the military.

Among these institutions, it is the Office of the Ombudsman (OMB) that was intended to be the lead agency for enforcing accountability.<sup>9</sup> The OMB was a post-EDSA political innovation, guided by the idea of an independent institution empowered by the constitution to serve as a watchdog against the abuse of public office. To infuse it with a degree of autonomy, the Philippine Ombudsman is not subject to confirmation by the legislature. While the OMB enjoys broad powers<sup>10</sup> supposedly to create strides in the crusade of the country against corruption, assessments concluded that its performance is far from general expectations. For example, Melgar (2001) based her poor evaluation of the OMB on two factors: its mediocre record in its dispensation of cases and credibility problems that haunted those that were appointed in this institution. The dismal performance could mainly be attributed to the unsatisfactory disposal rate that inevitably produced a huge backlog of cases annually. Cariño (2000) attributed this lackluster record on the inadequate human, technical and financial resources that beleaguered the agency (See box below).

A low disposal and sanction rate ultimately impinges upon the ability of the government to “police” its own ranks. From the point of view of deterrence, misdeeds in public office tend to proliferate to a great extent since it is unlikely that their perpetrators would be successfully prosecuted and punished by the responsible institutions. From another viewpoint, Gordolan (2001) argued that the OMB is “under-performing” since it has failed to fulfill its “housekeeping” function. This entailed generating recommendations for preventive ways for government agencies to eschew corruption and other particularistic behavior. It is also noteworthy that assessments on improving the accountability potential of the OMB comprise the inclusion of more stringent qualifications for top officials of the OMB such as

---

<sup>8</sup> This is substantiated by the following legislative acts and codes: the Administrative Code of 1987 which details the sanctions for administrative misdemeanors, Republic Act No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees), Republic Act No. 6770 (The Ombudsman Act of 1989), Republic Act No. 7080 (An Act Defining and Penalizing the Crime of Plunder), and Republic Act No. 8249 (The Act Further Defining the Jurisdiction of the *Sandiganbayan*).

<sup>9</sup> The present-day OMB traces its roots to the *Tanodbayan*, a body set up by then President Ferdinand Marcos in 1978 with a mandate to investigate wrongdoings in government. But like most political institutions at that time, the *Tanodbayan* would “eventually be used by Marcos to deodorize his regime, especially before the foreign media, and to intimidate his critics within the bureaucracy and government” (Balgos 1998: 249).

<sup>10</sup> According to RA 6770, the OMB is mandated to give priority to complaints against officials in high ranking or supervisory positions, as well as those involving “grave offenses” or “large sums of money and/or properties”. Also, the OMB need not wait for a citizen to file a complaint against an erring official; it can on its own, launch an investigation if it sees good reason to do so (Melgar 2001). This makes the OMB one of the most powerful ombudsmen in the world.

“professionalism, respect among peers, moral integrity, and the absence of a criminal record” (Gordolan 2001: 22). Moreover, Romero (2002) stressed the importance of democratizing the selection of the ombudsman from being solely a presidential prerogative to a consultative process that includes other relevant stakeholders such as civil society and the legal community.

**The Philippine Ombudsman and Hong Kong’s Independent Commission Against Corruption: A Comparison**

Despite being labeled as one of the strongest ombudsman that exists in the world today, the country’s official watchdog against corruption are afflicted with serious resource limitations that hinders the effective dispensation of its powers. Best practices on anti-corruption efforts across the world, particularly the model provided by Hong Kong’s ICAC simply validated the fact that in order to function properly, the ombudsman requires sufficient resources – human, financial, and technical – at its disposal. To following figures illustrate the discrepancies between the two anti-corruption institutions:

	<b>Philippines (OMB)</b>	<b>Hong Kong (ICAC)</b>
Population	82 million	6 million
No. of Government Officials	1.5 million	174,175
No. of Personnel	1,141	1,326
No. of Field Investigators (FI)	88	837
Ratio of FI to Government Officials	1:17,405	1:208
Allocated Budget (2004) [US\$]	9 million	90 million

Source: Marcelo (2005) and [www.ombudsman.gov.ph](http://www.ombudsman.gov.ph)

Complicating the problems of the OMB is the public perception that it is not to be trusted as an institution to curb corruption. This stems from the apparent lack of credibility of officials being appointed to leadership positions in this agency of constraint. For example, previous ombudsmen were accused of being unfit of being a public defender given their previous association with the martial law regime. The OMB has also been accused of being against the public interest by protecting highly controversial cases of people associated with the Marcos regime and other powerful interests. Lastly, an ombudsman almost faced impeachment when a complaint was filed that accused him of bribery and the mishandling of the plunder case against former president Estrada. Thus, it does not help that the institution that is supposed to exact accountability from government is in itself accused several times of the very acts that it was supposed to help eradicate.

Aside from the OMB, there are other anti-graft bodies created by the executive branch. Although most of them have been criticized for their overlapping functions and mandates with existing horizontal accountability agencies, many of them may offer nuances that serve to tighten the slack that the OMB, for instance, has left unattended. An example is the PAGC which is mandated by Executive Order (EO) No. 12 “to assist the President in the campaign against graft and corruption by investigating administrative cases or complaints involving presidential appointees”. As can be seen, the agency can help clear up the Ombudsman’s backlog by focusing on a specific set of public officials.

Analysts have also identified the PAGC as a problematic accountability agency by its very nature as being more of a token anti-corruption institution than an actual prosecuting and

sanctioning body. Its ephemeral nature was seen in the number of times it was replaced every time there is a new president. It does not serve the interests of institutionalization of accountability if successor administrations would not continue the efforts and build on the any gains in the fight against corruption achieved by their predecessors. Like an agency in its infancy, the PAGC is also haunted by a lot of problems. They are understaffed and in dire need of personnel asides from major budgetary constraints. The agency also lacks “teeth” or a sanctions mechanism that is an important component of accountability since its output is strictly recommendatory. And while the public has access to the complaints that are filed, they have no access to its recommendations to the President, which are held in the strictest confidence (Gordolan 2001).

The accountability deficit in the Philippines had tremendous repercussions for governance. The inability of the government to exact accountability among its own personnel has fed into public opinion and created a widespread perception that corruption. Indicators coming from both domestic and foreign surveys on the ability of the government to impose accountability have not been that desirable.

Gonzales and Mendoza culled all existing studies and concluded that the country has had poor rankings on its ability to impose the rule of law and control corruption. From another perspective, the impact of weakened institutions of accountability had dire consequences on perceptions over the presence of corruption in the Philippine over time. For example, while the general trend of its scores with regard to the Transparency International’s Corruption Perceptions Index (CPI), has been improving, they have “remained well below the average grade of 5” (2003: 93).<sup>11</sup> The more alarming fact is that the CPI score of the country has been declining for the past three years (2002-2004) placing it the third most corrupt democracy in Asia (after Bangladesh and Indonesia). It is also noteworthy that the same international anti-corruption NGO has placed former presidents Marcos (2<sup>nd</sup>) and Estrada (10<sup>th</sup>) as among the Top 10 Global Corrupt Leaders of all time, the most any country could have. Both former presidents are alleged to have embezzled a combined amount of up to US\$10.8 worth of government funds (TI 2004).

This international instrument is very much validated by domestic surveys. The Social Weather Stations (SWS) have been charting the public pulse on whether the government is doing enough to curb corruption since 1986. The main finding has been that regardless of socioeconomic status, Filipinos have a great degree of discontent with the crusades launched by every post-martial law administration. A noteworthy detail is that a 1998 survey by the poll body revealed that only 9% of the respondents to this survey on corruption

---

<sup>11</sup> TI’s CPI has a scale of 1 to 10, with 10 being the best possible score.

believed that: “there is no corruption in the government at present” with almost a majority (49%) supposing otherwise.

Public opinion also revealed that the inability of the government to ran after corrupt officials are creating a culture of impunity. In the SWS 1998 and 1999 surveys revealed that as much as 21% of the respondents have been asked for bribes in government transactions. However, only 4% bothered this wrongdoing. A majority (51%) believed that it was futile to complain while as much as a quarter (25%) either did not know where to report or feared there could retaliation. One could astutely deduce that all of these reasons are grounded in the weak accountability regime of the Philippines.

This public perception is also evident in the viewpoint of the country’s business community. Since 2000, SWS has embarked on an annual poll called the *Survey of Enterprises on Corruption* that seeks to have a sense on the opinions and perceptions of the profit sector. Its fifth survey in 2005 depicted that 66% of the respondents perceive a very high and non-diminishing degree of corruption in the public sector, an almost similar approximate in the previous surveys. This prevailing belief is not unsubstantiated with almost 54% of the enterprise managers asserting that they have knowledge of corrupt transactions of companies within their line of business with government. A more startling statistic is that 7 out of 10 of the respondents had a direct experience with corruption (SWS 2005).<sup>12</sup>

There is also a corresponding similarity with the how the general public and the business sector treat corruption. In the 2005 survey, only 8% bothered to report governmental wrongdoing to the relevant accountability institutions as the remaining. The main reason for this apathy and desensitization on corruption is the belief that guilty officials would not be held accountable. When asked if how would they rate the sincerity of government agencies in eradicating corruption, the OMB and PAGC got moderate and mediocre marks respectively. But it is worthy to note that it is the OMB to which most enterprise managers trust to address complaints of corruption (SWS 2005).

There is a consensus that the presence of an accountability deficit and the corresponding prevalence of corruption have disastrous effects to the country’s development goals among others. There is an estimate that up to US\$48 billion has been lost to corruption over the last two decades, a figure that is nearly equal to the country’s foreign debt. The Commission on Audit (COA), the country’s financial oversight body, has calculated that the annual cost of corruption is around PhP2 billion (US\$44.5 million) or up to 20% of the yearly national

---

<sup>12</sup> These figures do not shy away from the 2004 survey with 59% having knowledge of corrupt transactions and 73% having direct experience (SWS 2005: 2)

budget. One could just imagine the how many Filipinos would have benefited from government's infrastructure projects or social services if that amount of money did not see its way into the pockets of public servants.<sup>13</sup>

### **Civil Society's Participation in Accountability Reform: Some Cases**

Just like the 1986 People Power Revolt, civil society came to the fore and undeniably was one of the major forces that led to the ouster of an unaccountable and corrupt leader. As a stakeholder, civil society was to a great extent responsible for determining the composition of the new political dispensation. Considerably, some leaders of civil society were appointed to significant positions in the new administration. Some formations within the anti-Estrada movement even transformed themselves into parties that successfully won congressional elections. However, much of the mainstream members of Philippine civil society chose to maintain their distance, remain outside of the formal ambit of the state, and went back to their normal work and respective advocacies.

If there was one crucial lesson that civil society learned from the experience, it is the undeniable fact that the country's accountability regime could be easily subjected to manipulation and abuse. Thus, its reform became one of the most important components of the post-Estrada governance agenda. This imperative also found its way in the reform package promised by the successor government of President Gloria Macapagal-Arroyo.<sup>14</sup> The consensus formed by both the state and civil society became a strong impetus for mutual collaboration as both realized that a partnership is needed if the goal of eradicating corruption and increasing transparency and accountability in governance is to be achieved.<sup>15</sup>

It must be noted that the Philippines had a strong tradition of civil society involvement as far as policy or governance issues are concerned (Magadia 2003; Patiño 2005). Given the context that political spaces for civil society engagements both at the national and local level are ostensibly provided in policy frameworks and legal instruments, embarking on an accountability advocacy would relatively not be that cumbersome.

This discussion of civil society initiatives will be done by identifying the main civil society actors and their involvement in accountability reform through the following main advocacy themes: (1) awareness-raising, (2) government procurement; (3) performance of public

<sup>13</sup> This paper limits its discussion on political and bureaucratic corruption. It does not concern itself with corporate corruption that involves the private sector.

<sup>14</sup> The following excerpt from her inaugural speech in 2001 indicates this resolve: "We must improve moral standards in government and society, in order to provide a strong foundation for good governance... Finally, I believe in leadership by example. We should promote solid traits such as work ethic and a dignified lifestyle, matching action to rhetoric performing, rather than grandstanding." In <http://www.opnet.ops.gov.ph/speech-2001jan20.htm>.

<sup>15</sup> For a different perspective, see Velasco (2005).

institutions; (4) diagnostics; and (5) policy advocacy.<sup>16</sup> This thematic discussion does not preclude the possibility that certain civil society organizations would fulfill more than one of them. However, the objective is to highlight which societal group/s best capture the essence of a particular advocacy.

### *Awareness Raising: Overcoming Public Apathy and Disaffection*

The immortal words of political philosopher Edmund Burke – “All that is necessary for the triumph of evil is that good men do nothing” – seem to capture the rationale for the launching of an awareness campaign by civil society. Cognizant that substantial and valid information is the first step in the crusade against corruption, societal initiatives were concentrated in providing citizens with education and knowledge regarding accountable governance. Doing what they do best – organizing basic communities – civil society actors were able to equip people with the necessary tools and handles to confront the problem of corruption. It is the hope of civil society actors that the campaign for awareness raising will create “small constituencies for accountability” in their respective localities

The Concerned Citizens of Abra<sup>17</sup> for Good Government (CCAGG) is an exemplar case of an organized grassroots effort empowered to help combat corruption at the local level.<sup>18</sup> Composed of a myriad unusual of vigilant citizens – students, professionals, housewives, priests, church workers and government employees – who did not have a common denominator except a sense of outrage and discontent on how basic infrastructure projects in their province were fraudulently implemented. Indeed, CCAGG became a serious force to reckon with as far as becoming a “societal watchdog” in their province is concerned. CCAGG members used the local media (the diocesan radio,<sup>19</sup> newspapers) and organized community meetings to inform residents about public infrastructure projects. The milestones of this whistleblower included the suspension of government officials who were found guilty of dishonesty and misconduct. Furthermore, their assessment reports were taken seriously so much so that the release of government funds for public projects in Abra is subject to their clearance. CCAGG’s efforts were not only known and imitated locally but it has received national<sup>20</sup> and international acclaim as well (Marcelo 2005). It was one the

---

<sup>16</sup> These themes were mainly taken from TI (2002).

<sup>17</sup> Abra is a province in the northern part of the country.

<sup>18</sup> CCAGG was founded in 1986 as an offshoot of the provincial chapter of the National Movement for Free Elections (NAMFREL) which monitored the 1986 presidential elections. Instead of disbanding, the members of NAMFREL decided to use their experience for further action. Despite considerable funds being channeled into the poor province, very few concrete results can be seen. In investigating the province's infrastructure projects, CCAGG has discovered grave cases of inefficiency, graft and corruption.

<sup>19</sup> Another accomplishment of this organization is its deterrence effect as far making government officials aware of their existence. Among governance parlance, the term “CCAGGed” has emerged. It is a new slang term which denotes having one’s anomalies being exposed by the media (Arroyo 2005).

<sup>20</sup> In 1988, then president Corazon Aquino gave the CCAGG a citation for “Outstanding Community Service” (CCAGG 2004). For an in-depth account of the evolution and organizational structure of the CCAGG, see Lopez-Wui 2003: 89-98).

recipients of the first Integrity Awards given by Transparency International. An excerpt of the citation reads:

The pioneering efforts of this organization in fighting corruption at the local level are commendable and clearly demonstrate the capacity of citizens acting collectively to be a powerful force in making governments accountable (TI 2000).

Having technical knowledge and broad experience on this matter, CCAGG embarked on a *participatory audit* of the local government of Abra in 2002. With support from the United Nations Development Programme (UNDP) and the Philippine Commission on Audit (COA), it aimed to assess “the impact of the audited government program/project to determine whether the program/project achieved its desired results”. This experimental exercise was declared a success by the government and the lessons “were later incorporated into a manual on the Conduct of Participatory Audit published by COA” (Ramkumar and Krafchik 2005: 17).

More than the above-mentioned achievements, the CCAGG model demonstrated the awesome potential of community organization and local popular empowerment for accountability. In particular, people that participated in this organization believed that effective collective action could promote transparency and uncover the “impenetrable secrecy” about government projects (Sumangil 2004).

Another initiative that is related to the objective of overcoming public apathy towards corruption and eschewing impunity for officials who have mastered escaping or “surviving accountability” is the *Ehem!* Program<sup>21</sup> launched by the Philippine Province of the Society of Jesus (more known as the Jesuit religious order). This church-led effort seeks to “sensitize” the public for them to be vigilant and mindful of one’s moral responsibility in order to combat corruption. A manual was intentionally produced for dissemination through public information seminars and workshops nationwide. It “offers a series of exercises to make people more intensely experience, analyze, and reflect on the gravity of corruption in Philippine society, leading to a deep commitment in combating corruption at the individual, group, and institutional levels” (Alejo *et al.* 2003).

This particular endeavor is an example of civil society’s advocacy to educate citizens regarding their civic duties, and how they could be a vital component of the solution to the problem of corruption. It seeks to enlighten the grassroots – schools, government offices, parishes, religious organizations, professional associations, business chambers, social

---

<sup>21</sup> The concept ‘Ehem’ “is a gentle but powerful hum to caution and to make one’s presence known, which brings forth some sense of embarrassment among those who will commit corruption.” In *Ehem! A Manual for Deepening Involvement in Combatting Corruption*.

development agencies, cause-oriented and political groups, nongovernmental organizations, cooperatives, people's organizations, and sectoral and community-based movements – regarding the severity of corruption in government, the implications if they are not reported and if perpetrators are not sanctioned.<sup>22</sup> Also, the program aims to link the prevalence of corruption to the degradation of morality and a transgression against the poor. The framework of this venture has deep roots in the country's political culture in the sense that there is a culture of impunity with regard to corruption since Filipinos to a great extent have a high threshold for pain and suffering. Added to this is the perception that most of the citizenry has a short memory thereby increasing their tolerance to governmental wrongdoing. The *Ehem!* Program seeks to painstakingly cause a cultural shift towards graft intolerance and a more vigilant, conscious, and insistent attitude towards corruption and the abuse of authority (Alejo *et al.* 2003).

The program has recently caught the attention by the government as the OMB and the Jesuits forged a partnership to implement countrywide *Ehem!* workshops and training seminars last 2003. Being the pilot-tested institution, the OMB has organized several workshops and trainers' trainings in both its central and regional offices. In the future, the program aspires to conduct similar activities in other parts of the Philippine bureaucracy. In the future, the proponents would embark on the second phase of this initiative, known as the *Aha!* program that builds on the gains from the sensitization process as it attempts to encourage ordinary citizens and collectivities to actively report governmental wrongdoing.

#### *Procurement: Curbing the Culture of Wheeling and Dealing*

One of the main sources of corruption in the Philippines comprises anomalies dealing with the procurement of the various things needed for government projects and contracts. Huge sums of money were allegedly embezzled by government officials from the topmost tiers of the government bureaucracy until its lower levels. Scholars have analyzed this practice using the framework of "rent-seeking" (Mendoza 2003, Hutchcroft 1991, de Dios and Ferrer 2001). The problem was indeed grave such that the Macapagal-Arroyo administration prioritized the passage of Republic Act No. 9184, otherwise known as the *Government Procurement Reform Act* in the hope of instilling more transparency in the acquisition of government supplies and materials and in the employment of services. This law featured one major innovation: the requirement that two representatives from the private sector to sit as observers in the bids and awards committees of the government. Correspondingly, this

---

<sup>22</sup> Browsing through the manual, one could find a diverse mix of elements: offers prayers and passages from the Holy Bible and the Holy Quran. It even has songs, poems, and caricatures that deal with combating corruption on a cultural level. The manual contains a comprehensive dictionary of terms and concepts of corruption, a list of anticorruption laws and policies in the country, and a directory of government offices, groups, and organizations combating corruption. It has answers to frequently asked questions and recommendations for reducing corruption (Araya 2003).

was construed by civil society organizations as an opportunity to play the role of watchdogs in government procurement.

One of the main advocates of that law is the main stalwart of the battle for a more open and public procurement process is Procurement Watch, Inc. (PWI).<sup>23</sup> As stated in its goals and objectives:

PWI's primary objective is to promote transparency and accountability, as well as to assist in the streamlining of procedures in government procurement of goods, supplies, materials, services and infrastructure projects. Through in-depth research, vigilant monitoring and uncompromising advocacy against graft and corruption, PWI sees its role as a prime mover in the battle for greater transparency and accountability in government procurement. Active procurement monitoring, public fora, roundtable discussions, workshops, technical assistance to government, research papers, publications and media releases are part of PWI's main arsenal in the war against graft and corruption. PWI believes that in exposing inefficiencies in policies and procedures in public procurement, and by presenting alternatives based on a well-grounded research, it would be able to push reforms that will reduce corruption in government procurement ([www.procurementwatch.org](http://www.procurementwatch.org)).

The PWI was able to strategically link with government given that it was invited in the procurement reform process since its nascent stage. Indeed, PWI was an indispensable actor in both in the formulation as well as implementation and monitoring of procurement reforms. It heavily campaigned and advocated for the adoption of RA 9184 and lent its technical expertise in the crafting of the implementing rules and regulations (IRR) of the law. Moreover, it sought the help of other anti-corruption civil society organizations in order to build a coalition for the reform of the government procurement process. This includes tapping into powerful actors such as the Catholic Church and media to help build national awareness regarding the issue.<sup>24</sup>

But PWI realizes that an NGO's work is never done as that the adoption of the law is merely the starting phase of the procurement reform process. Taking full advantage of its technical competence and knowledge learned throughout the years, it has shifted its focus in training other NGOs, civic associations, people's organizations, and other members of the voluntary sector regarding the procurement process. Its main objective is more to transfer the skills and learning to other societal actors across the country in order to ensure transparency in government procurement. Likewise, it has a very tight working relationship with the OMB from the conduction of training sessions on the Government Procurement Reform Act for its officials to the institution of the "Feedback and Complaint-handling Mechanism" to process

---

<sup>23</sup> PWI is a non-profit, non-partisan, civil society organization created in 2001 by a group of concerned and seasoned individuals from government, academe, the legal profession, and the private sector, brought together by the challenge of reducing, if not eliminating, graft and corruption in government through procurement reform. In [www.procurementwatch.org.ph](http://www.procurementwatch.org.ph).

<sup>24</sup> According to Ramkumar and Krafchik (2005), this is landmark for the Philippine civil society as it was the first time in the history of the country that a civil society organization successfully contributed to the passage of a law on a subject that required a high degree of technical expertise conventionally not associated with its existing engagements with the state.

and respond to reports and other information provided by procurement observers. This independent and private whistle blowing mechanism ensures that complaints will be heard and filtered by the PWI and then referred to the OMB for appropriate action. As an intermediate link between citizens and the government, PWI could ensure the faithful handling of grievances and complaints regarding possible anomalies. Another joint venture between the PWI and the OMB is to tap college students to be volunteer observers and monitors of with contract bid and award activities of government as part of their community service requirement. Not only would this initiative assure the steady inflow of informed citizens regarding the public procurement process, it is also optimistic that this experience would instill a sense of volunteerism and graft intolerance to the Filipino youth (Marcelo 2005)

In addition, PWI maintains to embody the “societal watchdog” role as it continues to monitor and assess how various government institutions – from the health and agriculture department to the national defense, public works, and education agencies – have faithfully complied with the improved procurement process. It remains observant on how these agencies conduct their biddings ready to sound off “alarms” if the need arises. It also stockpiles best practices among publish them as technical reports ready for public dissemination. Lastly, its attention is also directed at the implementation of new procurement reforms using the power of the Internet. As government incrementally adopts e-procurement procedures, PWI will continue seeking to be at the forefront of the proper development and implementation of e-procurement in the Philippines through clear and well-defined policies and guidelines.

PWI shares the limelight as far as government procurement is concerned with the *GWatch* (Government Watch) Program. Formed by the Ateneo School of Government (ASG) this is an independent monitoring project that undertakes research and advocacy on themes related to governance and public management, specifically the contract implementation side of government procurement. Among its initial endeavors is the so-called “Textbook Count” in 2003 that intended to keep an eye on the proper deliveries of textbooks purchased by the Department of Education (DepEd). The context for this action are the persistent reports that alleged irregularities have occurred such as the over-pricing, unqualified bidders, ghost-deliveries or long delays in the deliveries, and substandard quality of the textbooks (Luz 2004; Chua 1999).<sup>25</sup> Faced with these problems, the DepEd also had the acknowledgment that it needed civil society intervention in the three main phases of the count: as monitors in the bidding process, quality control inspection, and actual deliveries (Leung 2005).

---

<sup>25</sup> It is also considered as a very significant issue as it involves around 37 million of textbooks and teacher’s manuals that cost PhP 1.3 billion or approximately US\$24 million annually.

Given that it is a nationwide project, GWatch faced a difficulty of acquiring the necessary resources (human, financial, and technical) to actually implement the count in about 5,500 delivery points across the country. This was addressed in the aggressive coalition-building efforts of the GWatch inviting other civil society organizations while maintaining to be its national coordinator. Among its eventual partners was the National Citizens Movement for Free Elections (Namfrel)<sup>26</sup> that suited the needs of the count given its vast experience in electoral monitoring and extensive spread of volunteers nationwide. It assisted in the actual deliveries of the textbooks at the district level (Luz 2004; Leung 2005: 3-4).

At the start of 2004, the second year of the project, GWatch sought the inclusion of more organizations. It cannot solicit the support of Namfrel anymore given that its attention was on the preparations for the upcoming elections. However, it was able to discover a gold mine by tapping into the Boy Scouts of the Philippines (BSP) and the Girl Scouts of the Philippines (GSP) to take the lead in the volunteer mobilization of the actual deliveries for the count for a myriad of reasons (Marcelo 2005). One, there is virtually a BSP and GSP chapter in every school in the country thereby solving the manpower deficit of the program. Second, both possessed an impressive organizational and territorial structure<sup>27</sup> that enabled the project to coordinate all activities and report successful deliveries or possible anomalies with relative ease. Third, there is a unique symbolic impact of having young children tasked to monitor the execution of government project whether it creates a deterrent effect or inculcates a sense of civic consciousness, and social responsibility among the children. Together with other civil society actors, each monitoring team must accomplish an Inspection and Acceptance Receipt that not only is proof of the delivery of textbooks in the proper time and in good condition, this mandatory document also related the various observations regarding the exercise.

In the end, the project was able to produce moderate but encouraging results. According to official DepEd reports, the average cost of a textbook was reduced as much as 39% because of more transparent procurement procedures. Besides this, the time spent for the entire process was significantly trimmed down by half from the original 24 month cycle. Aside from these specific advances, Leung perceptively observed that there were changes as far as the mindset of the actors is concerned as they were able to “clarify their roles, renew their commitments and respect their relationships with one another” (2005: 9). This is not to mention the general change of the public perception about the inspiring volunteerism

---

<sup>26</sup> Namfrel has been considered as a model of civil society involvement in the pursuit of clean, honest, and fair elections. It also was invited several times to observe momentous ballot exercises in countries undergoing democratic transitions like East Timor, Indonesia, and Afghanistan.

<sup>27</sup> The BSP and GSP combined have 200 councils located in different provinces of the country (Marcelo 2005).

of organized citizens, the accommodation of the government to the constructive involvement of civil society, and reform-orientation of the DepEd.<sup>28</sup>

### *Performance of Public Institutions: Providing Oversight and Voice*

Various civil society initiatives could be located in attempting to make an impact as far as the performance of public institutions are concerned. At the initial level, global best practices on curbing corruption suggest that a fundamental aspect of accountability reform is the appointment of the appropriate personnel that have a reputation for probity, independence, honesty and integrity (Diamond 2002). Given that civil society organizations are well aware of this fact, they have always been at the forefront in campaigning for the increased transparency and inclusion of any process of appointment to accountability institutions, even if existing regulations fell silent on this matter.

Such has been the initiative of the Transparency and Accountability Network (TAN).<sup>29</sup> Being well aware of both the importance of the OMB as the lead institution in the country's accountability regime and the corresponding problems it confronts, TAN launched a transparency campaign in the selection process of the Philippine ombudsman in 2002. While both the country's Constitution and the enabling law that created the OMB did not have any provision for a transparent nomination process,<sup>30</sup> the coalition sought to propose an amendment to the rules that govern the JBC to make all of its deliberations open to the public. TAN found a likely ally among the members of the JBC to sponsor their proposal such that it was able to successfully find its way into its amended rules stating that all of its interviews for prospective nominees to all positions within its jurisdiction shall be announced in the media and the public is invited to listen.

More than trying to create an impact to the public institution concerned, TAN's crusade for transparency also strived for greater public awareness about the OMB and its crucial role in promoting accountable governance through a series of public forums and media campaigns. While the coalition intentionally did not opt to endorse a specific candidate, it actively "lobbied to make sure that only persons of integrity, incorruptibility, irreproachable conduct

---

<sup>28</sup> In a 2004 SWS Survey, the DepEd is considered as one of the top 5 government agencies determined to combat corruption.

<sup>29</sup> TAN is a civil society coalition formed in 2000 primarily for the purpose of exchanging information on developments and initiatives in transparency and accountability. It has a membership base of 25 organizations composed of the academe, private sector, professional and civil society groups with strong interest in anti-corruption and good governance. In [www.tan.org.ph](http://www.tan.org.ph).

<sup>30</sup> According to the 1987 Constitution, the ombudsman is appointed by the President from a list of three nominees by the Judicial and Bar Council (JBC), a special body composed of officials from the executive, legislative, and judicial branches of government as well as eminent persons from the law profession and the private sector. The JBC is also tasked to screen and recommend nominees for officials to be appointed to the judiciary.

and fidelity to sound moral and ethical standards will be recommended for appointment (TAN 2002).

Whether it was only coincidental or a product of the TAN's campaign for the transparent selection of the OMB, the appointed ombudsman had both a sense of the institutional problems and inadequacies they were facing, as well as the sincere and humble appreciation of the importance of collaborating and cooperating with civil society. This was manifested in a speech of Simeon Marcelo, the country's ombudsman:

The truth is, the fight against corruption begins with the humility to recognize that it is a daunting task and to admit that, alone, the government cannot successfully wage war against it. Government needs desperately the help of the private sector considering the extent at which graft and corruption occurs in society. More than this, however, is the fact that while graft and corruption is mostly committed by those in government, its eradication is a responsibility that must be borne by all members of the body politic (2005: 3).

This was validated by TAN member organizations as they openly admit that a partnership with Simeon Marcelo has been so far meaningful, fruitful, and genuine as he sought to embark on the reform of the OMB that indispensably necessitated the participation of civil society organizations.<sup>31</sup> Given that TAN is considered as the "anti-corruption hub", an umbrella coalition of various organizations from all social sectors to coordinate all initiatives and activities geared towards accountability, it was able to develop a strategic partnership with the OMB in various reform thrusts. One of them is the conduct of several workshops in 31 national government offices in 2002-2003 whose objective is to help these agencies in crafting their own "anti-corruption plans by identifying corruption vulnerabilities and formulating strategic measures to address these vulnerabilities" (Marcelo 2005). An initiative that also included PAGC, these workshops culminated in the generation of Corruption Prevention Reform Program (CPRP) for 10 critical agencies.<sup>32</sup> Following the model of an "integrity pact", it is an exercise in self-reflexivity as the agencies themselves assess their transparency and accountability conditions and problems and the corresponding solutions to help fight graft and corruption. It overcomes the usual approach of government in "policing itself" by allowing the agencies concerned to design the reform program themselves given that they in a more effective position to have an informed assessment. However, TAN regularly monitors the status of the CPRP and scrutinizes whether the concerned agencies of government are fulfilling their promises to themselves.

---

<sup>31</sup> Interview with Flora Mae Cerna, TAN Program Director, 4 September 2005.

<sup>32</sup> Bureau of Internal Revenue, Bureau of Customs, Department of Agrarian Reform, Department of Environment and Natural Resources, Department of Education, Department of Health, Department of Interior and Local Government, National Labor Relations Commission and Department of Justice.

One of the innovative government-led programs to address graft and corruption is the so-called *Lifestyle Check* program launched in 2002. It is based on the belief that “one’s quality of life, level of affluence and lifestyle, reveals greatly one’s financial capacity or standing (Marcelo 2005). Following that a government official is not relatively given high financial compensation (vis-à-vis those working in the profit sector), the indication of any incongruity in terms of the corresponding lifestyle of that particular public servant and/or his/her family deserves government scrutiny and attention from accountability institutions. This may require the particular official to be made answerable either to explain or justify his/her manner of living.

Specifically, the lifestyle check is conducted by probing into the assets declarations of government officials and explores indications of extravagant living that might be inconsistent with their financial net worth or remuneration as government officials. Besides from scrutinizing their asset value or net worth, other probe areas take into account behavioral aspects such as leisure habits, kin checks – looking at relatives who could have gained employment through the official’s influence, and conflicts of interest (Quimson 2004: 238). President Macapagal-Arroyo mandated the PAGC to be the lead implementer of this program with the OMB as the enforcer of findings and recommendations.

Cognizant of the vital function of civil society in any anti-corruption program, PAGC sought its inclusion in the Lifestyle Check Coalition, an aggrupation of state agencies<sup>33</sup> and societal organizations such as TAN and the Catholic Bishops Conference of the Philippines (CBCP). A memorandum of understanding (MoU) was signed on March 2003 that formally launched the partnership. The coalition has organized various capability-building seminars and workshops for both government personnel and the civil society actors. Several task forces were formed to divide the labor with civil society organizations mainly performing the role of providing information on possible candidates for a lifestyle check.

The conduct of lifestyle check was done with reactive ease given the existing requirements for all government officials to declare their annual net worth in a public document known as the Statement of Assets and Liabilities (SAL). This requisite of full disclosure has implications for any undeclared wealth or astounding increases in one’s assets. Any public servant that violates this mandatory duty is liable to existing laws such as the Anti-Graft and Corrupt Practices Act.<sup>34</sup>

---

<sup>33</sup> This was composed of the 6 member agencies of the Inter-Agency Anti-Graft Coordinating Council: PAGC, OMB, Department of Justice, National Bureau of Investigation, COA, and the Civil Service Commission.

<sup>34</sup> It is noteworthy that among the greatest (in terms of magnitude and impact) lifestyle checks ever conducted was when the PCIJ, an independent media organization devoted to watchdog journalism, unearthed inconsistencies in the declared SAL of former president Estrada and his direct involvement (with other relatives) in dubious corporations (see Arugay 2004).

Government was very eager to declare the success of the program despite being barely 4 years old. No less than the Chief Executive proclaimed that the lifestyle check is a “lethal weapon” in her 2004 State of the Nation Address. To date, a total of 159 lifestyle checks have been conducted (de Guzman 2004). These resulted in the filing of over a 100 cases ready by PAGC and the OMB. For example, the OMB concentrated its attention towards the three most corrupt agencies based on public perception – Internal Revenue Bureau, of Customs Bureau, and the Public Works and Highways Department. This “strategic agency targeting” had a modicum of success, as it was able to effectively and frequently uncover illegally acquired wealth of several officials. This led to their immediate prosecution and dismissal from office. It has already been noticed by the World Bank (WB) when it stated “[w]hen carefully researched and documented, such independent asset checks can help enhance integrity” (Marcelo 2004; 2005: 13).

But some would rather reserve their accolades to this program as soon as government is able to made accountable some of the “big fishes”. As Quimson astutely observed:

To date, mainly low profile, middle ranking officials have been exposed. The reform initiative has so far proved largely ineffective against high-level officials. In part this is because it is easier to detect the ill-gotten gains of lower-ranking officials due to the local spending behavior of this group... A number of question marks have also arisen over the methods used and the possible impact. Firstly, there is a risk that lifestyle checks may develop into witch-hunts by department heads against their personnel, possibly as foils to throw investigators off their own scents, or by lower-ranking personnel as weapons against their superiors. Rivalries may become motives for accusations, with the risk of harassment. Secondly, lifestyle checks sometimes conflict with confidentiality and privacy concerns, and civil rights problems may arise over the ‘entrapment procedures’ recently proposed by the ombudsman’s Special Prosecutor’s Office. Thirdly, though lifestyle checks are certainly useful against small-time offenders, they may intensify capital flight and money laundering abroad, making the exposure of high-ranking officials more difficult (2004: 238-239).

It is in this context that civil society might enter to possibly ameliorate the existing limitations of the lifestyle check. According to TAN, they are gearing towards a more proactive role in this program and not simply becoming information providers. This implies being involved in the prosecution stages such as case build-up efforts.<sup>35</sup> While they are in close coordination with the agencies authorized to conduct these checks, they would remain their critical distance and maintain to be the “guardians of the guardians”.

#### *Diagnostics: Measuring Corruption and Tracking Reform Initiatives*

Business groups, and civil society groups through the assistance provided by international funding agencies have long ventured into coming up with diagnostic assessments on accountability-related issues such as the public perception on graft and corruption, the

---

<sup>35</sup> Interview with Flora Mae Cerna, TAN Program Director, 4 September 2005.

sincerity and capacity of government agencies to curb wrongdoing, and the other opinion-related concerns. This paper has already made use of the results of the SWS Survey of Enterprises from 2001-2005 which would not have been possible without the help of the Makati Business Club (MBC) and the Asia Foundation.<sup>36</sup> But there are other initiatives as well.

One such example has been the input provided by academic institutions like the Development Academy of the Philippines (DAP). It is currently the proponent of the Integrity Development Review (IDR) program, a diagnostic tool to assess graft and corruption as well as to evaluate reform efforts. It is considered a unique exercise, as it is “an in-depth and comprehensive management systems audit that aims to provide diagnostic tools that will assist government agencies in assessing their systems integrity and in mapping out their corruption vulnerabilities”. This objective diagnostic tool has been pilot-tested to the OMB itself at the early part of this year as the outcomes have been very encouraging. According to Marcelo, the IDR program in the OMB generated a list of reforms that included its own specialized and stricter Code of Conduct; stricter internal policies, prohibitions, procedures and requirements of disclosures as to receipt of gifts and benefits by its officials and employees; and policies, rules and procedures on whistle-blowing, internal reporting and investigation (2005: 11). It is the hope of OMB that this list would be successfully implemented effectively in the future that in turn will generate more IDRs that would be conducted in other government agencies.

### *Policy Advocacy*

In an arena where Philippine civil society has shown tremendous influence, policy advocacy for more accountability in governance have yet to be fully embraced by most civil society groups in general. Besides from the vital role of PWI in the enactment of law on procurement reform, most of the legislative measures that societal actors have remained dormant in the country’s legislative mill. For example, TAN has formulated various bills that would seek to comprehensively restructure and overhaul the country’s internal revenue collection agency for they believe that it is futile to continue to reform an institution whose corruption has “metastasized”. In addition, they have also been at the forefront to lobby for a law that specifically provides for freedom of access to information in order to encourage greater transparency and eliminate possible obstacles to the disclosure of government actions and decisions.<sup>37</sup>

---

<sup>36</sup> This is affiliated with the United States Agency for International Development (USAID).

<sup>37</sup> Interview with Flora Mae Cerna, TAN Program Director, 4 September 2005.

However, Quimson (2004) discerned that the country presently has a crucial gap in its accountability regime. There are no laws that protect whistleblowers which have far reaching repercussions for societal watchdogs. If there is no protection afforded by the state to brave individuals or groups that are willing to divulge and expose official misconduct, it would compromise an mechanism of accountability given the absence or lack of reliable and genuine information backed by concrete evidence.

### **Lessons Learned, Best Practices, and Challenges for State-Civil Society Relations**

This paper has demonstrated that the context of a popularly elected leader made accountable by the efforts of the country's civil society has provided a very compelling impetus to embark on the reform of the government's accountability institutions. But what is considered a watershed for Philippine politics is the realization coming from both the state and civil society that such reform necessitates their mutual cooperation and assistance. This country's experience stressed that any success in addressing its accountability deficit would entail a strategic partnership between government and societal actors.

The various cases of civil society participation have imparted a set of lessons and best practices. First, the presence of reform-minded leaders in anti-graft government institutions is imperative for accountability reform to be plausible. While the appointment of these progressive individuals is mostly a prerogative of the executive, this paper has shown that civil society was able to influence the process of selection by campaigning for greater inclusion and transparency. The political leadership must be made aware that the chosen guardians must have the necessary qualifications – competence, integrity, and independence – in order to infuse that there is sincerity on the part of the government to impose restraint upon itself. If government is able to provide willing and able officials, it would not be difficult for civil society to actively involve itself and forge partnerships.

Second, while most of these cases have been anecdotal, there is the challenge of “scaling-up” meaning both the vertical and horizontal diffusion of these efforts across the country. The remarkable achievements of CCAGG, the Textbook Count, and the *Ehem!* Program, albeit inspiring, must be replicated across the country in order to genuinely reap the benefits of greater accountability. These examples have only shown the range of possibilities with regard to curbing corruption that hopefully could be utilized by other civil society actors in cooperation with their relevant government agencies may it be their local governments, regional offices of state departments, etc. While this paper has limited itself to one face of corruption, it is likewise urgent to turn attention to its other manifestations. The present allegations of fraud against the incumbent administration only showed that the country's

electoral process is in dire need of reform. Any positive changes in the enforcement horizontal accountability will be futile unless a country's electoral exercises are not considered free, fair, clean, and honest given that it remains as the quintessential source of democratic accountability. Moreover, civil society also would need to look at corporate corruption. Again, the country's dismal fiscal situation only points to the inability of the state to properly generate revenues. There is a consensus that the one of the main causes of the low tax effort of the Philippines is the rampant and endemic corruption that exists between government officials and the business sector.

Third, any civil society initiative would not be successful without sufficient and sustainable pool of resources – whether human, financial, and technical. This paper has revealed that most, if not all, of the programs have received tremendous assistance from international and multilateral funding agencies. Civil society leaders believe that such funding would not be forever present. Thus, it becomes a survival issue for civil society initiatives to diversify the origin of their resources. It was a positive sign that most business entrepreneurs are willing to personally participate and even to give a small percentage of their profit to help anti-corruption efforts (SWS 2005). Another related point is the lack of organizations willing to involve themselves in accountability reform. But this may not be easy given that other NGOs or civil society groups would have to balance this with their other advocacies or issues.

Fourth, the media could immensely contribute to accountability reform by helping disseminate the successful initiatives of the civil society and help expose official misconduct and government wrongdoing. However, it is not just media per se that is needed but a critical type more known as “watchdog” journalism – one that scrutinizes the activities and behavior of public officials guided by the protection and promotion of the public interest and the pursuit of transparency and accountability in governance.

Last, any attempt to forge state-civil society relationships should be treated with sensitivity and caution. There should be mutual respect on the independence of the two spheres and an agreement on the roles that civil society would play in such partnerships. Furthermore, the government must have the sensitivity to determine whom among civil society actors to engage with regard to governance and policy processes. It must ensure that such entities have sufficient credibility.

## **References**

- Alejo, Albert, *et al.* 2003. *Ehem! A Manual for Deepening Involvement in Combating Corruption*. Quezon City: Philippine Province of the Society of Jesus.
- Araya, Alfred 2003. “Jesuits Take on Corruption.” [www.cyberdyaro.com](http://www.cyberdyaro.com). 24 July.

- Arroyo, Dennis 2004. "Summary Paper on the Stocktaking of Social Accountability Initiatives in Asia and the Pacific." Paper written for the World Bank Institute Community Empowerment and Social Inclusion Learning Program.
- Arugay, Aries A. 2004. "The Politics of Societal Accountability in the Philippines: A Study of the Issues, Actors, and Strategies in the Resignation, Impeachment, and Ouster (RIO) Campaign against Former President Joseph Ejercito Estrada." Unpublished MA Thesis, University of the Philippines.
- Arugay, Aries A. 2005a. "The Accountability Deficit in the Philippines: Implications and Prospects for Democratic Consolidation." *Philippine Political Science Journal* 26(49).
- Batalla, Eric, Fernando Aldaba, Men Sta. Ana, & Nepo Malaluan. 2001. "Governance and Corruption in the Philippines." Unpublished paper.
- Behn, Robert. 1998. "The New Public Management Paradigm and the Search for Democratic Accountability." *International Public Management Journal* 1(2): 131-165.
- Borowiak, Craig. 2004. "Critical Accountability: Markets, Citizenship, Global Governance." Unpublished Ph.D. dissertation, Duke University.
- Cariño, Ledivina. 1983. "Administrative Accountability: A Review of the Evolution, Meaning and Operationalization of a Key Concept in Public Administration." *Philippine Journal of Public Administration* 27(2): ??.
- Chua, Yvonne. 1999. *Robbed: An Investigation of Corruption in Philippine Education*. Quezon City: Philippine Center for Investigative Journalism.
- Clarke, Gerard. 2000. *The Politics of NGOs in Southeast Asia: Participation and Protest in the Philippines*. London: Routledge.
- Constantino-David, Karina. 1998. "From the Present Looking Back: A History of Philippine NGOs." in G. Sidney Silliman and Lela Garner Noble, Eds. *Organizing for Democracy: NGOs, Civil Society, and the Philippine State*. Quezon City: Ateneo de Manila University Press.
- De Dios, Emmanuel and Ricardo Ferrer. 2001. "Corruption in the Philippines: Framework and Context." *Public Policy* 5(1): 1-42.
- De Guzman, Constanca. 2004. "Renewed Campaign Against Corruption." Presentation made at the Combating Corruption Conference of the Coalition against Corruption, Manila, 21 September.
- Diamond, Larry. 2002. "Horizontal Accountability and Corruption Control." Paper presented at the conference "Economic Reform and Good Governance: Fighting Corruption in Transition Economies." Beijing, April 2002.
- Eaton, Kent. 2003. "Restoration or Transformation? *Trapos* vs. NGOs in the Democratization of the Philippines." *Journal of Asian Studies* 62(2): 469-496.
- Fackler, Tim and Tse-mim Lin. 1995. "Political Corruption and Presidential Elections, 1929-1992." *Journal of Politics* 57(4): 971-993.
- Fox, Jonathan. 2000. "Civil Society and Political Accountability: Propositions for Discussion." Paper presented at the conference titled "Institutions, Accountability, and Democratic Governance in Latin America," Indiana.
- Gonzalez, Eduardo and Magdalena Mendoza. 2004. "Anticorruption Initiatives in the Philippines: Breakthroughs, Limits, and Challenges." In Vinay Bhargava and Emil Bolongaita, Eds. *Challenging Corruption in Asia: Case Studies and Framework for Action*. Washington, DC: World Bank.
- Hutchcroft, Paul. 1991. "Oligarchs and Cronies in the Philippine State: The Politics of Patrimonial Plunder." *World Politics* 43: 414-450.
- Leung, Grace. 2005. "Textbook Count and Civil Society Participation" Effective System Reforms in the Department of Education." Unpublished manuscript submitted to GWatch, Ateneo School of Government.
- Luckham, Robin, Anne Marie Goetz, and Mary Kaldor. 2003. "Democratic Institutions and Democratic Politics." In Sunil Bastian and Robin Luckham, Eds. *Can Democracy Be Designed? The Politics of Institutional Choice in Conflict-torn Societies*. London: Zed Books.
- Luz, Juan Miguel. 2004. "National Textbook Delivery Program (Textbook Count)." Presentation made at the Combating Corruption Conference of the Coalition against Corruption, Manila, 21 September.
- Magadia, Jose. 2003. *State-Society Dynamics: Policy Making in a Restored Democracy*. Quezon City: Ateneo de Manila University Press.
- Marcelo, Simeon. 2005. "OMB Anti-Corruption Reforms and Strategies." Paper Presented before the Harvard Law School Alumni Association of the Philippines, Makati City, Philippines. [www.ombudsman.gov.ph](http://www.ombudsman.gov.ph).
- Marcelo, Simeon. 2004. "OMB's Briefing Paper on its Anti-Corruption Program." Presentation made at the Combating Corruption Conference of the Coalition against Corruption, Manila, 21 September.
- March, James G. and Johan P. Olsen, *Democratic Governance* (New York: The Free Press, 1995).

- Mendoza, Amado Jr. 2001. "The Industrial Anatomy of Corruption: Government Procurement, Bidding and Awards of Contract." *Public Policy* 5(1): 43-67.
- Newell, Peter and Shaula Bellour. 2002. "Mapping Accountability: Origins, Contexts, and Implications for Development." *Working Paper No. 168*. Sussex: Institute of Development Studies.
- O'Donnell, Guillermo. 2005. "About Various 'Accountabilities' and Their Relationships." In Enrique Peruzzotti and Catalina Smulovitz, Eds. *Enforcing the Rule of Law: The Politics of Societal Accountability in Latin America*. Pittsburgh: University of Pittsburgh Press.
- O'Donnell, Guillermo. 2004. "Horizontal Accountability: The Legal Institutionalization of Mistrust." In Scott Mainwaring and Christopher Welna, Eds. *Accountability, Democratic Governance, and Political Institutions in Latin America*. Oxford: Oxford University Press.
- O'Donnell, Guillermo. 1999. "Horizontal Accountability in New Democracies." In Andreas Schedler, Larry Diamond, and Marc F. Plattner (eds.). *The Self-Restraining State: Power and Accountability in New Democracies*. Baltimore: Johns Hopkins University Press.
- Patiño, Patrick, Et. Al. 2005. *Policy Advocacy: Experiences and Lessons from the Philippines*. Quezon City: Institute for Popular Democracy.
- Peruzzotti, Enrique and Catalina Smulovitz. 2005. "Societal Accountability: The Other Side of Control." In Enrique Peruzzotti and Catalina Smulovitz (eds.). *Enforcing the Rule of Law: The Politics of Societal Accountability in Latin America*. Pittsburgh: University of Pittsburgh Press.
- Pope, Jeremy (ed.). 1996. *National Integrity Systems: The TI Source Book*. Berlin: Transparency International.
- Quimson, Gabriella. 2004. "Philippines." In *Global Corruption Report 2004*. Berlin: Transparency International.
- Racelis, Mary. 2000. "New Visions and Strong Actions: Civil Society in the Philippines." In Thomas Carothers and Marina Ottaway, Eds. *Funding Virtue: Civil Society Aid and Democracy Promotion*. Washington: Carnegie Endowment for International Peace.
- Ramkumar, Vivek and Warren Krafchik. 2005. "The Role of Civil Society Organizations in Auditing and Public Finance Management." *The International Budget Project*. [www.internationalbudget.org/SAls.pdf](http://www.internationalbudget.org/SAls.pdf).
- Schedler, Andreas. 1999. "Conceptualizing Accountability." In Andreas Schedler, Larry Diamond, and Marc F. Plattner, Eds. *The Self-Restraining State: Power and Accountability in New Democracies*. Baltimore: Johns Hopkins University Press.
- Sklar, Richard. 1987. "Developmental Democracy." *Comparative Studies in Society and History* 29(4): 686-714.
- Smulovitz, Catalina and Enrique Peruzzotti. 2000. "Societal Accountability in Latin America." *Journal of Democracy* 11(4): 147-158.
- Social Weather Stations (SWS) 2005. *The 2005 SWS Survey of Enterprises on Corruption*. Quezon City: SWS.
- Sumangil, Pura. 2004. "Citizens' Action: Monitoring Public Works Projects." Presentation made at the Combating Corruption Conference of the Coalition against Corruption, Manila, 21 September. [www.i-site.ph/Focus/CCAGG.ppt](http://www.i-site.ph/Focus/CCAGG.ppt).
- Transparency and Accountability Network. 2002. "Walking Through the Office of the Ombudsman: Defining the Job and the OMB Selection Process 2002." Makati City: TAN.
- Transparency International (TI). 2002. *Corruption Fighter's Tool Kit: Civil Society Experiences and Emerging Strategies*. Berlin: TI.
- Transparency International (TI). 2004. *Global Corruption Report*. Berlin: TI.
- Transparency International (TI). 2000. "Transparency International Integrity Award Winners." [www.transparency.org/pressreleases\\_archive/2000/2000.09.28.i\\_award\\_portraits.html](http://www.transparency.org/pressreleases_archive/2000/2000.09.28.i_award_portraits.html)
- World Bank. 1994. *Governance: The World Bank's Experience*. Washington, DC: World Bank.
- World Bank. 1992. *Governance and Development*. Washington, DC: World Bank.
- Velasco, Djinora R. 2003. "When the 'Civil' Becomes 'Political': The Case of Kompil II," Paper presented at the 3rd National Philippine Studies Conference, 5-6 December 2003, Quezon City.