

Joint Needs Assessment for Reconstruction and Development of Conflict-Affected Areas in Mindanao

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LOCAL GOVERNANCE AND INSTITUTIONS REPORT

VOLUME 5

The report was produced jointly by the Government of the Philippines,
International Funding Agencies, and Mindanao Stakeholders

DECEMBER 2005





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Acronyms and Abbreviations

AFP	Armed Forces of the Philippines	JICA	Japan International Cooperation Agency
APJR	Action Program for Judicial Reform	JNA	Joint Needs Assessment
ARMM	Autonomous Region in Muslim Mindanao	LGC	Local Government Code
BDA	Bangsamoro Development Agency	LGSP	Local Government Support Program
BJS	Barangay Justice System	LGU	Local Government Unit
BP	Batas Pambansa	LMT	Local Monitoring Team
CA	Consultative Assembly	LSB	Local Special Bodies
CAA	Conflict-Affected Area	MCTC	Municipal Circuit Trial Courts
CIDA	Canadian International Development Agency	MEDCo	Mindanao Economic Development Council
CHR	Commission on Human Rights	MILF	Moro Islamic Liberation Front
CMPL	Code of Muslim Personal Laws	MNLF	Moro National Liberation Front
CSO	Civil Society Organization	MTC	Municipal Trial Courts
DBM	Department of Budget and Management	MTPDP	Medium Term Philippine Development Plan
DepEd	Department of Education	MTF	Mindanao Trust Fund
DILG	Department of Interior and Local Government	NAPC	National Anti-Poverty Commission
DOJ	Department of Justice	NAPOL-COM	National Police Commission
EC	European Commission	NEDA	National Economic Development Authority
EO	Executive Order	NGO	Non-Governmental Organization
EU	European Union	ODA	Official Development Assistance
GRP	Government of the Republic of the Philippines	PD	Presidential Decree
GOP	Government of the Philippines	PDC	Peace and Development Communities
IDP	Internally Displaced Persons	PCAGC	Presidential Commission Against Graft and Corruption
IEC	Information and Education Campaign	PHILJA	Philippine Judicial Academy
IGACOS	Island Garden City of Samal	PhP	Philippine Peso
ILO	International Labour Organization	PLRC	Pilipina Legal Resource Center, Inc.
IP	Indigenous People	PMO	Project Management Office
IPRA	Indigenous People's Rights Act	PO	People's Organizations
IRA	Internal Revenue Allotment	RA	Republic Act
IRR	Implementing Rules and Regulations	RDC	Regional Development Councils

REZA	Regional Economic Zone
REPDB	Regional Planning and Development Board
RLA	Regional Legislative Assembly
RPDO	Regional Planning and Development Office
RTC	Regional Trial Court
RPDB	Regional Planning and Development Board
SONA	State of the Nation Address
SP	Sangguniang Panlalawigan
SPCPD	Southern Philippines Council for Peace and Development
SZOPAD	Special Zone for Peace and Development
TAG	Transparent and Accountable Governance
TAN	Transparency and Accountability Network
TMS	Technical Management Services
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UNV	United Nations Volunteers
USAID	United States Agency for International Development
USD	United States Dollar
USM	University of Southern Mindanao
WFP	World Food Programme

Executive Summary

This report is the product of the Local Governance and Institutions Team, which constitutes a component of the Joint Needs Assessment (JNA) for the proposed Mindanao Trust Fund-Reconstruction and Development Program (MTF-RDP). The report contains an assessment of the capacity building and reform requirements for effective governance in the conflict-affected areas (CAAs) of Mindanao ahead of the anticipated peace agreement between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF).

More specifically, the Local Governance and Institutions Team assessed the following:

- The legislative and executive branches of local governments and the Autonomous Region in Muslim Mindanao (ARMM) with a view to broadening participation and raising efficiency and effectiveness of existing institutions, and assessing the potential for fulfilment of the promise of devolution contained in existing legislation;
- The courts, judiciary, and legal systems with the aim of improving access to justice and legal services for all segments of the population; and,
- Civil society and community-based organizations in order to raise the breadth and depth of participation in governance, improve transparency, improve the delivery of services, and ensure adherence to international norms, including the area of human rights.

The MTF-RDP will provide transitional assistance to the CAAs of Mindanao, which covers some 150 municipalities. Of this total, the JNA as a whole identified 19 municipalities as sample sites to visit. The total potential beneficiary population in the sample sites is in excess of 600,000 and while predominantly Muslim, includes Christians and indigenous groups.

The principal limitations during the field visits all stemmed from security considerations. Meetings

had to be held according to a very strict and tight schedule, often preventing sufficient in-depth discussions. The presence of a very large team, including security and other support personnel, inevitably also served as an inhibitor in some of the discussions.

PRINCIPLES UNDERLYING THE REPORT

The report has avoided proposing modifications to governance structures or official levels of autonomy so as not to unduly influence the ongoing peace negotiations between the GRP and the MILF. It will also be useful to preserve such flexibility in case new needs arise or structural changes proposed following the expected peace agreement.

Recommendations contained in the report will, nevertheless, collectively result in the deepening of effective autonomy in the region, making fuller use of opportunities within existing legislation. It is hoped that the proposals will finally address the root and structural causes of the conflict in Mindanao.

Adherence to international norms and standards of human rights constitutes an important thread running through the work of the Team, irrespective of the nature of the institutions to be strengthened, be they secular, Islamic or indigenous. It is intended that they be reinforced in a manner that ensures adherence to international conventions and standards of human rights.

The MTF-RDP aims to contribute to peace building and to the foundation for long term sustainable development. The Team has therefore focused on governance solutions that can mitigate the underlying causes of conflict in Mindanao.

GOVERNANCE STRUCTURE AND CAPACITY

Mindanao comprises five administrative regions—Regions IX, X, XI, XII, and XIII—and one autonomous region, the Autonomous Region in Muslim Mindanao (ARMM). The regions are divided into provinces, municipalities, and barangays and each unit is headed by a duly elected governor or duly elected city mayor or barangay captain, respectively. The ARMM consists of five provinces and one city.

However, several parallel forms of governance currently operate in the CAAs – both inside and outside the ARMM. In addition to the ARMM itself, there are LGUs that report directly back to the central government in Manila, the “MILF administration,” the traditional Islamic institutions, and the traditional institutions of the IPs or Lumads.

These systems of governance are functioning side-by-side and often overlap. Chief executives of LGUs within and outside the ARMM are frequently traditional or indigenous leaders in their own right and in practice operate using either hat depending on the case at hand.

TRANSPARENCY AND ACCOUNTABILITY

Corruption and the absence of any real accountability for the achievement of results, compounded by feudalism, have led to a palpable loss of confidence in existing institutions of government by communities in the CAAs in Mindanao. It was alleged to the Team that corruption is a feature of most institutions including the ARMM, the LGUs, the Judiciary, and the traditional institutions of governance.

Stakeholders informed the Team that corruption is rampant in the CAAs and practiced with impunity. Instances of ghost infrastructure projects are pervasive. So-called “municipal halls

on wheels” also exist. Municipal halls on wheels are created when the local chief executive claims the municipal hall as his own private property. Thus, in the event that such local chief executive loses an election, the successor has to build his own municipal hall in his place of preference, since the former local chief executive has appropriated the previous municipal hall.

It was alleged that there are times when only relatives of public officials benefit from government projects. Indeed, in the CAAs as elsewhere in Mindanao, kinship and group rivalry play a crucial role in the local political culture. Core values of *pakikisama* (smooth interpersonal relationships), *utang na loob* (debt of gratitude), and personalization result in a patron-client relationship between politicians and voters.

It was further indicated to the Team that that some politicians tend to treat government resources as their own private reserves. What they can do for their constituents is a paramount motive, characteristic of patron-client relationships. Invariably, nepotism gives way to demands of looking after one’s family, the core of most politicians’ political organizations.

The most common ways of addressing corruption are to:

- Strengthen legislation, rules, and regulations;
- Raise the level of transparency by opening key processes and documents up to public scrutiny;
- Reduce opportunities for rent-seeking by eliminating non-essential controls and licensing;
- Strengthen financial and other management systems;
- Strengthen internal and independent audit functions;
- Create better checks and balances by reinforcing the separation between branches of government (especially the legislative and executive);
- Strengthen the role of CSOs in a public watchdog function with sufficient access to legal protection; and
- Strengthen the capacity, efficiency, and independence of the judiciary and the courts.

ACCESS TO JUSTICE

The Philippine judiciary operates within a much larger context that includes the Shari’ah Courts and the Barangay Justice System. The judiciary is hierarchical and consists of four levels: (i) the Municipal Trial Court (MTC) and Municipal Circuit Trial Court (MCTC); (ii) Regional Trial Court (RTC); (iii) the Court of Appeals; and (iv) at the apex, the Supreme Court.

A large number of MTCs and MCTCs in the conflict areas are without a permanent judge (known as being “vacant.”) The Twelfth Judicial Region, which is composed of the provinces of Lanao del Norte, Lanao del Sur, Maguindanao, North Cotabato, and Sultan Kudarat have almost 75% vacancies at the MTC/MCTC level. Some courts have more than one presiding judge in charge for a number of courts, which often results in delays.

The infrastructure for most courts is pretty dismal, lacking basic amenities such as chairs and law books and only the RTCs have computers. Recently the docket fees for filing cases, for the issue of summons and for notary services have been raised over three times by the Supreme Court, making it almost impossible for a common person to access courts. Achieving a balance between access, caseload distribution, judge’s expertise, and the number of qualified judges are the keys in providing a suitable alternative to the residents of CAAs who, bereft of a functioning legal system, are constrained to take the law in their own hands.

Shari’ah Courts

The Code of Muslim Personal Laws (CMPL) of the Philippines provides for the creation of the Shari’ah Courts. Shari’ah Courts are special courts with limited jurisdiction over disputes among Muslims relating to personal, family matters, and communal properties. The Shari’ah District Courts have jurisdiction over matters of inheritance, custody, and guardianship. Shari’ah Circuit Courts have jurisdiction over marriage or divorce. RA 9054 or the Organic Act for the ARMM provides for the creation of a Shari’ah Appellate Court, a collegiate court composed of one presiding justice and two associate justices.

To date, the Shari’ah Appellate has not been organized, filled, or operationalized.

The Shari’ah courts were found to have inadequate geographical coverage, a problem compounded by a large number of vacancies.

The gender disparity among the judges is overwhelming. While most litigants are women, there is only one woman-judge in the entire Shari’ah system.

The institutional capacity of the Shari’ah Courts is weak. There is a severe lack of physical infrastructure. Deficient court technology, equipment and inadequate budget outlays plague the Shari’ah courts.

Informal Shari’ah

To an average citizen in the CAAs, the face of the Shari’ah justice system is not Shari’ah courts as established by law, but a parallel system of justice established by the MILF that follows the strict interpretation of Islamic law in accordance with the Qu’ran and the Sunna. These courts, unlike the formal Shari’ah, have jurisdiction over all disputes including criminal and commercial cases. Discussions with the Team revealed that these courts adjudicate almost 70% of disputes in areas under the control of the MILF.

Barangay Justice System

In a society overburdened with litigation, where justice is not speedily available due to lack of geographic access or vacancies in courts, the barangay justice system (BJS) is perhaps the cheapest and most accessible option available to most citizens. The Katarungang Pambarangay Law provides for resolution of minor disputes at the village or barangay level through conciliation mediation and arbitration.

It mandates the creation of a Lupon Tagapamayapa (hereinafter referred to as the Lupon) or a panel composed of 10-20 persons of known integrity, competence, and fairness with the barangay captain as its chairperson. A distinct character of this system is its informality and lawyers are banned from this process.

However, the full potential of the BJS has yet to be attained. There has been limited dissemination of information regarding the function and benefits of the system. The LGUs need to recognize more individual members of the informal councils of elders, tribal leaders or the datu who are acknowledged to possess authority in settling disputes and nominate them as members of the Lupon. Members of the Lupon need increased participation of women in the composition of the Lupon, further capacity building, training in customary and traditional laws, gender sensitization, and a basic primer on the general laws and legal processes.

Traditional Justice System

There are various other out-of-court mechanisms for conflict resolution that have been practiced by communities in Mindanao for a very long time. These practices reflect the traditional methods of resolving a dispute and the various areas of conflict in which mediation and amicable settlement can be used.

Mediation, amicable settlement and universal good for the community have been the traditional method of resolving conflicts among the Lumads or the IPs. It is based on unwritten customary law and is organized on the principles of participative and consensual values.

On the other hand, the Moro traditional system of conflict resolution is based on the customary *adat* laws which began even before the coming of Islam to the Bangsamoro homeland. The word *adat* as understood by the Bangsamoro carries various connotations. It refers to customary and traditional law governing Moro society. It defines communal inter-relations and sets, among others, the rules concerning courtship and betrothal, marriage and divorce, settlement of disputes, and religious and customary observances related to childbirth, marriage, illness and death. *Adat* also connotes the connection that a person has to royalty or the ruling sultanate.

The tapping of traditional and religious leaders, among others, has proven to be most effective in the local government efforts to conciliate and

mediate between warring residents. Recognizing these systems and making them part of the LGU structure would make them more accountable and provide them opportunities to be more efficient. At the same time, it would be a positive development towards implementing their right to self-determination.

CIVIL SOCIETY ORGANIZATIONS

The CSOs in Mindanao constitute a wide array of networks and coalitions that vary according to the purpose and scope of their activities. Like their counterparts elsewhere in the country, civil society groups tend to function independent of government. Since the groups in conflict areas are actively involved in peace building, reconstruction and development, advocacy has become an essential component of their mandate.

While CSOs are present in almost all provinces of Mindanao, Christian-led organizations are better established than the Bangsamoro civil society groups. A consortium of Bangsamoro NGOs and People's Organizations (POs) has been established to advance the political, social, economic and cultural agenda of the Bangsamoro people.

Dialogue led by CSOs has also resulted in the formation of organizations that have effectively served as a bridge between and among the Christians, Moros, and Lumads, such as, the Bishop-Ulama Forum, Silsilah, and Kadtuntaya Foundation.

Aside from peace advocacy, CSOs also supplement the service delivery function of the government. Through their adeptness at utilizing innovative approaches to development work, they are able to facilitate the development and establishment of empowered and self-reliant communities. In all their initiatives, community organization remains a common thread, if not an entry point, for their development work. They have also begun to build collaborative partnerships with government line agencies. Some are starting to find ways to work and be involved with LGUs either as service providers or advocates for reform.

The main constraint faced by CSOs working in service delivery is the lack of resources and tools.

Another constraint is the ineffective coordination among implementers. CSOs that have different services and programs hardly cooperate and coordinate with each other in the delivery of basic services and in the implementation of their programs and projects in one area. Some groups even view others as competitors and declare that they have a sort of “control” over an area after being the first to implement projects.

MODALITIES OF IMPLEMENTATION

There are many development interventions in Mindanao by local and international donors. The external assistance peaked with the signing of the peace agreement in 1996. However, most programs failed to take into account the heterogeneous nature of Mindanao. Projects and their activities are usually determined by the dominant group in the Philippines as a whole, in effect perpetuating the exclusion of others. Major stakeholders have not been provided opportunities to participate in the planning, decision-making activities, and involvement in the implementation and monitoring phases of such development interventions.

To be more culturally sensitive and responsive, development interventions should:

- Build on existing structures and forge partnerships between civil society and government with priorities being identified by the various stakeholders at the community level.
- Ensure full participation of communities and civil society groups in project design, implementation, and monitoring even as a prerequisite for donor contributions.
- Capacitate independent NGOs and POs, increasing opportunities for communities and diverse cultural groups to interact politically with the government at all levels.
- Donor and funding institutions should be sensitized to possess a better understanding of the local cultures in which they work.
- An analysis of the conflict and relational-dynamics between and among the different groups and institutions should be conducted prior to the design of an intervention.

Failure to sufficiently capacitate an expanded ARMM, LGUs, and development agencies such as the BDA, private organizations, and CSOs to effectively manage and deliver services will result in a vacuum and disaffection with the peace process. Given high expectations on the part of the population, such disaffection can rapidly lead to further alienation and radicalization.

It is essential that delivery systems, including those in the government, civil society and the private sector, be provided the legislative basis for receiving sufficient resources without undue central interference in the details of prioritization. Systems of transparency and accountability should be instituted to ensure efficiency and community ownership.

At the same time, local governmental and civil society institutions in Mindanao have experienced an extended period of isolation and would benefit from programs that provide them national and international comparative experience and management technologies. These should be provided in a culturally sensitive manner that is advisory and supportive. Actual responsibility for prioritization, planning, and implementation should rest with the local institutions themselves.

There is a need to establish an appropriate institutional governance framework, taking into account the full diversity of the region and the principles of good governance, which include decentralization of power, participation, and consensus building among the different stakeholders. Inclusion and participation can often be impeded by lack of civic awareness in the venues for participation, low literacy levels, social intimidation, rural isolation and the absence of physical infrastructure.

Decentralization and other measures that make economic opportunities, resources, training, expertise, and technology available to those who have least access must be systematically implemented, building on the legislative foundations already in place. Participation of women, minority groups and other disadvantaged sectors in policy-making must be made more than mere tokenism. Services and assistance should be extended in a manner that does not reinforce the dependency of vulnerable groups and should result in their empowerment.



General Issues of Governance

1

General Issues of Governance

The conflict between the Government and the Bangsamoro people of Mindanao has roots that are four centuries old and steeped in cultural and social misunderstandings as well as prejudices that have led to the alienation and exclusion of the Moro people and the Muslims in particular from the mainstream of Philippine political, economic, and social life.

In its most benign form, this discrimination led to efforts to assimilate the Bangsamoro into the mainstream and suppression of their own traditions, customs and institutions. In other instances, it involved the active exclusion of the Bangsamoro from power and access to resources despite legal provisions to the contrary.

The “Moro Problem” is therefore a manifestation of the aspiration of the Bangsamoro people to retain their cultural, religious, and ethnic identity and to gain greater control over their own lives. It is the problem of imposing upon the Bangsamoro people alien laws in lieu of those they have defended against foreign invasion for centuries.¹

In 1973, almost four decades after the Dansalan Declaration in which Muslim Mindanaos demanded greater rights of self-administration from the American colonial administration, Senator Mamintal A. Tamano reiterated similar concerns on the part of Muslims – this time in the context of an independent Philippines: of being alienated from their religion; of being displaced from their ancestral homes; of having no future in the Philippines because they do not participate in its government nor share fully in its economy; and of losing their values, customs and traditions.²

All of this is contributed to and exacerbated by:

- Philippine history texts that do not acknowledge the historic contributions of the Bangsamoro;

- Biases and prejudice in media accounts and reports;
- Apparent discrimination against Muslims in job placement;
- Lack of provisions for the customary and traditional practices of Muslims in official and public settings; and,
- Loss of Bangsamoro ancestral properties because of discriminatory land registration policies.

In summary, the conflict with the Moro National Liberation Front (MNLF) and now the MILF in Mindanao stems from the perceived exclusion of Muslims and Indigenous People (IPs) from decision-making forums and institutions of political and economic power over many years as well as from opportunities for economic and social advancement. It also results from the suppression of traditional institutions, beliefs, and practices as well as the lack of resources and capacity devoted to the delivery of services particularly in the rural areas of Muslim Mindanao.

The conflict has thus taken on dimensions entailing the reinforcement of cultural and social manifestations of a distinct identity. This in turn, coupled with pervasive corruption on the part of the executive, judiciary, police and the army, has spurred increasingly strident calls for self-determination, the full extent and dimensions of which have yet to be defined. It has also given rise to increasingly strident calls for Islamization that have become difficult to circumvent.

¹ In the words of Archbishop Orlando Beltran Quevedo, O.M.I., of Cotabato, Muslims have been subjected to three injustices: injustice as to their sovereignty, injustice as to their identity, and injustice as to their integral development.

² Mamintal A. Tamano. “How to Solve the Muslim Problem without Bullets,” *Solidarity*, VIII 6 (December 1973), pages 17-26.

This report therefore focuses on the strengthening of institutions in a manner amenable to the cultural aspirations of the Bangsamoro people in accordance with international norms of human rights, their empowerment in the institutions of power and resource allocation, improving their access to resources, justice, opportunities and services, while reinforcing the autonomy of the CAAs within the broad parameters of existing legislation. It also attempts to ensure that groups that are minorities within the CAAs do not become the targets of reverse discrimination.

Perhaps the greatest challenge faced following a peace agreement is one of transforming guerrilla organizations into political parties geared to democratic governance; commanders into peacetime politicians; and transforming military command and control structures into administrative management institutions of government.

In this process, the creation of new structures appears to already be a given. However, it is suggested that such structures be viewed as transitional in nature and be created with a “sunset arrangement” whereby they are phased out once development of the region is given a significant boost and government institutions are rendered sufficiently participatory and accountable.

The multiplicity of institutions involved and their lines of reporting and authority also complicate governance in the CAAs of Mindanao. While the ARMM was created to address some of the aspirations of the Bangsamoro people, its coverage is limited to only a portion of the provinces and municipalities.

The others continue to have Local Government Units (LGUs) that follow the normal reporting relationships with the central government in Manila. Ownership of assets and the level of devolution of authority and powers also vary significantly resulting in complication and confusion not only among end-users but officials as well. This was clearly manifested during the consultations held.

The Bangsamoro people continue to experience a sense of exclusion – even betrayal – despite the

conclusion of the peace agreement between the MNLF and the GRP in 1996. Confidence in existing institutions in their current form (i.e., the ARMM) is likewise extremely low.

This was openly communicated to the Team. Indeed, the plebiscite conducted following passage of the Organic Act resulted only in very limited expansion of the ARMM, already reflecting this lack of confidence. Procedures followed by the ARMM and its own reluctance to further decentralize its operations have reinforced a sense of lack of value added.

The governor of the ARMM is generally viewed as having his principal loyalty to Manila rather than the local population. Corruption is endemic and transgressors operate with impunity despite the existence of mechanisms, which on paper should ensure that they are held accountable. Perceptions of this vacuum have further fuelled radicalization and demands for autonomy and separate institutions in the areas that are still conflict-affected.

In spite of these drawbacks, the ARMM constitutes an important precedent that, with adjustments to more fully take into account the local empowerment and decentralization objectives of the principals involved, should be expanded to cover all of the CAAs.

This should be undertaken once changes and reforms are instituted to render the ARMM more efficient and effective and more capable of fulfilling the expectations of the people it serves. Such reforms should include the introduction of full representation of leaders and officials drawn from the MILF and MNLF areas. It is further noted that the Organic Act that created the ARMM is sufficiently expansive to accommodate the necessary reforms with only relatively minor adjustments to the legislation.

A move towards a broader adoption of Islamic institutions is viewed by the MILF as an essential element in the reassertion of the identity of the Muslims of Mindanao. Indeed, current legislation allows for the further expansion of Shari’ah into areas beyond personal law.

However, it should be noted that the model of Shari'ah adopted and the interpretation of it is crucial to the implications of such a move. Models of Shari'ah such as the one adopted in Malaysia are relatively pragmatic and amenable to international norms and standards of human rights while the very stringent, draconian interpretation in some states is less so. Furthermore, it is likely that application of the latter model is likely to increase the isolation of the Bangsamoro people rather than reduce it.

It is strongly recommended that in order to enable the Bangsamoro people to thrive in an increasingly global society and to provide a tolerant environment for a multicultural population, the local leadership should carefully develop systems that are, in keeping with local culture and custom, relatively tolerant, compliant with internationally accepted conventions of human rights and amenable to modernization and rapid development.

The form that this should take should be the subject of extensive study by religious and secular leaders in the CAAs and external assistance should be provided them with comparative exposure to as many different models of governance in countries with predominantly Muslim populations as possible to enable a consensus to be reached in an informed manner. It is essential that women and civil society leaders are included fully in this process and that it be conducted in a manner to allow for open discussion and the inclusion of as many views as possible.



2

Government Structure
and Capacity

2 Government Structure and Capacity

Mindanao comprises five administrative regions – Regions IX, X, XI, XII, and XIII – and one autonomous region, the ARMM. The regions are divided into provinces, municipalities, and barangays and each unit is headed by a duly elected governor, a duly elected city mayor and a duly elected barangay captain, respectively. The ARMM consists of five provinces and one city.

	“Regular” government and LGUs	ARMM	MILF	Traditional Islamic	Indigenous
Levels	Central	Regional	Central Committee	Sultanate	
	Provincial	Provincial	Provincial Committee		Tribe-wide
	Municipal	Municipal	Municipal Committee	Cluster of villages (datus)	Cluster of villages
	Barangay	Barangay	Barrio Committee	Villages (datus)	Villages

Several parallel forms of governance currently operate in the CAAs – both inside and outside the ARMM. In addition to the ARMM itself, there are LGUs that report directly back to the central government in Manila, the “MILF administration,” the traditional Islamic institutions, and the traditional institutions of the IPs or Lumads.

The structure of the “regular” government and the LGUs are well-documented and do not need further repetition here. The governance of IPs and Lumads is based on councils of elders and people respected by their communities at each of the three levels indicated in the table above. Being heavily dependent on respect and the standing of the leaders in the community, it is only in part hereditary. The traditional Islamic system, meanwhile, derives from the tradition of sultanates and chieftains (datus) and is largely hereditary.

The MILF, which operates largely under a military command system, has established committees at different levels to administer the areas under their control. The committees are apparently composed of respected individuals including the Ulama and have a strongly Islamic basis for their operation.

The MILF has divided areas under its control into over 40 “provinces”. As such, its political structure differs considerably from that of the government. These systems of governance are functioning side-by-side and often overlap. Chief executives of LGUs within and outside the ARMM are frequently traditional or indigenous leaders in their own right and in practice operate using either hat depending on the case at hand.

Traditional and indigenous government institutions and laws have long remained un-codified despite the fact that in many of the more remote areas they have become the dominant force in the management of communities. Some indigenous institutions have begun codification with external assistance. This is a welcome first step towards the rationalization of various institutions of governance that have multiplied over time.

THE AUTONOMOUS REGION IN MUSLIM MINDANAO

For its part, the ARMM was established by virtue of Article X, Section 15 to 19 of the 1987 Philippine Constitution as part of the effort to provide the Bangsamoro People with additional authority in running their affairs.

Legislation critical to its functioning includes the following:

- **Republic Act No. 6734:** An Organic Act subsequently amended by Republic Act (RA) 9054 that provided for the creation of an Autonomous Region in Muslim Mindanao passed into law on June 8, 1989. Section 10, Article XII of RA 9054 created a Regional Planning and Development Board (RPDB) chaired by the regional governor and composed of all the provincial governors, city mayors, the speaker of the Regional Legislative Assembly (RLA), one member of the RLA designated by the speaker, one by the opposition, and five other members nominated by the RLA and elected by the private sector. The Board serves as the planning, monitoring and coordinating agency for the Autonomous Region. It is to evaluate and recommend the annual work programs and comprehensive development plans of the Autonomous Region to the Regional Assembly, and “formulate a master plan for the systematic, progressive, and total development of the region.”³
- **Regional Act No. 4:** An Act Strengthening the Operation of the RPDB and creating the Regional Planning and Development Office (RPDO) to serve as the Technical Secretariat of the Board.
- **Executive Order 463:** A set of guidelines establishing the relationship between the REPDB of the ARMM and the NEDA Board.
- **Budget Circular No. 2003-1, the Implementing Rules and Regulations (IRR) of Executive Order 125 as amended by Executive Order 125-A, Section 2.2:** The RPDO is tasked with managing and administering all communications that pertain to Official Development Assistance (ODA) and locally-funded programs and projects of the ARMM.

The executive power in ARMM is vested in the regional governor who is elected by the qualified voters of the autonomous region.⁴ The regional governor, the vice-governor, three deputy regional governors – “each representing the Christians, indigenous cultural communities, and the Muslims in the Region”⁵ – the cabinet secretaries and local chief executives of the provinces, city, and

municipalities covered by ARMM represent the executive (see diagram).⁶

The regional governor is tasked with pursuing programs and projects for all constituents within the five provinces and one city that make up the ARMM. This office also provides for the supervision, implementation, and execution of the regional development plans, policies, and programs. Both the offices of the regional governor and vice-governor were established with locally created units.

In addition to the support services, there are three councils, boards, and committees within the regional governor’s office. These are the Regional Economic Development and Planning Board (REDPB), the Regional Reconciliation and Unification Council, and the Regional Project Monitoring and Evaluation Committee.

A Manila Extension Office plays an active liaison function with the national government, Congress, and donors.

As of 2003, the total number of positions in the Office of the Regional Governor and selected, locally created offices was 556, including both regular and non-itemized positions. Of this total, 58.6% or 324 were regular positions, while the remaining 41.7% or 232 were non-itemized positions. The largest number of these positions is located in the Office of the Regional Governor, reflecting the fact that many are political appointments.

No increase in positions was registered for the years 2000-2001. An increase of 1% was registered from 2001 to 2002, and 2.5% from 2002 to 2003.⁷ In addition to the above, all of which were funded under the General Appropriations Act (GAA), an unknown number of positions have been created and funded with local funds and resources.

There are 20 devolved agencies in the ARMM. The number of assistant regional secretaries varies from one to three positions in each agency. All devolved agencies have their own operations and administrative services. Departments and bureaus within these agencies vary depending on

³ RA 9054, Article XII, Section 10

⁴ Article VII, Section I

⁵ RA 9054, Article VII, Section 6

⁶ Source: Civil Service Commission.

⁷ JICA, “Comprehensive Basic Survey of the Autonomous Region in Muslim Mindanao: Governance Sector”, December 2003, pages 2-10.

the nature of the programs, projects, or services that the agency is tasked with delivering.

A total of 21,297 positions are funded for a total of 20 devolved agencies in the GAA of 2003. About 99.4% or 21,162 are regular positions, with only 0.6% or 135 being non-itemized positions. As would be expected, the largest portion of the work force is with the Department of Education (DepEd) of the ARMM with 74.9% or 15,943 staff, followed by the Department of Health (DOH) with 7.5% or 1,590 staff. Increases in positions are negligible, with less than a 1% rise in 2002 and 2003. Most of the increases during this period went to the DepEd.

The Japan International Cooperation Agency (JICA) found, based on its interviews, that the personnel complement of devolved agencies is not enough to be able to provide basic services to the entire region. Positions that are difficult to fill are mostly those involving legal services and medical services because of low salaries and security concerns. Because of these limitations, the ARMM has resorted to hiring part-time and casual workers, drawing on the Maintenance, Operating, and Other Expenses budget.

Broadly speaking, there is a pervasive feeling among all those interviewed that the ARMM is both ineffective and inefficient. Devolution has not contributed clearly to the empowerment of people within the autonomous region. The problems seem to stem from three main sources:

1) **There is a perceived distance between the ARMM government and its people.** The role that Malacañang plays in the appointment of the Regional Governor and top officials of the ARMM is often perceived as excessive and negatively affects the legitimacy of the ARMM government among its people. It was frequently repeated to the Team that the ARMM is the representative of the central government in the region. While the regional governor is elected by the people of the ARMM as provided by the law, the fact that candidates with the backing of a leading national

party – and the electoral machinery that this entails – have an almost unbeatable advantage in regional elections translates into very strong links with the national government.

The former regional governor has been accused of holding office most of the time in Manila, which apparently leads to people having to travel to the national capital when they want to have access to him.⁸ This is in fact a common occurrence among governors, and can be partly explained as a way to ensure their share in government funding and push for a timely release of the funds allocated to their regions as most government agencies are concentrated in Manila. The higher degree of autonomy given by law to the ARMM should make this unnecessary, but more needs to be done in terms of ensuring that the potential for autonomy created by the law is used to the full.

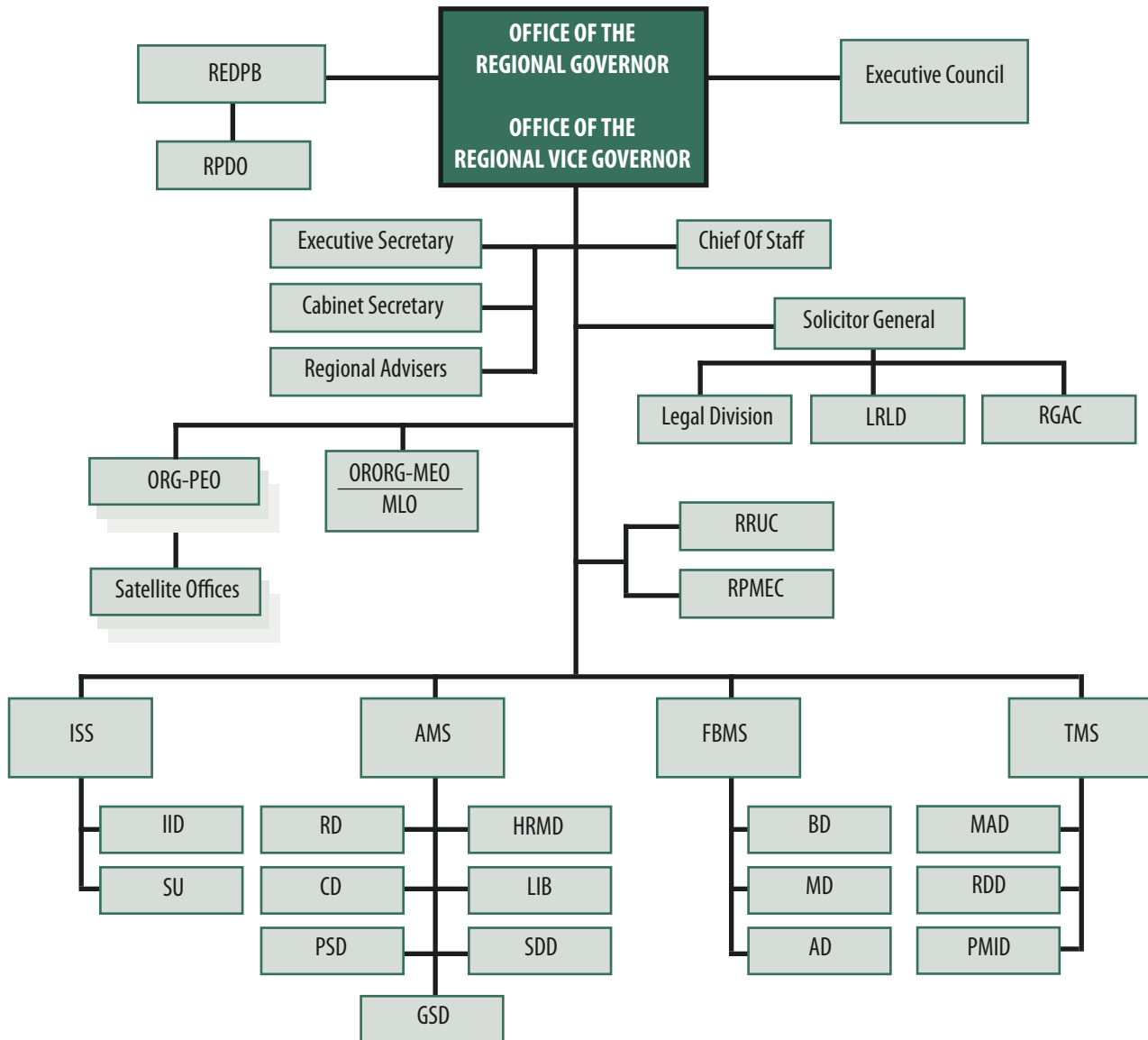
2) **The regional bureaucracy is not yet sufficiently professional or reliable.** This is due to a lack of rationalized procedures, operating systems, and human resources management (inadequate professional training, lack of motivation and training in proper work ethics, difficulty to attract qualified staff) and lack of enforcement of existing procedures. This also partly derives from widespread cronyism and is made possible by a pervasive lack of accountability, which in turn results in even less accountability. That there is a serious problem in this area is evidenced by phenomena such as the so-called “15-30” employees (employees that only go to the office to collect their salaries on the 15th and 30th of the month); the high percentage of employees with administrative cases against them; and the fact that top ARMM officials hold multiple positions.

3) **The conflict situation generates further concentration of political and economic power in a few hands, which results in LGUs often being *de facto* outside the rule of law.** LGUs are in fact often treated by elected chief executives as fiefdoms, leading to extensive nepotism, misuse of funds and sometimes even the appropriation of equipment and facilities by outgoing administrations as personal property.

⁸ Benedicto Bacani. “Beyond Paper Autonomy: The Challenge in Southern Philippines.”

Organizational Structure

Office of the Regional Governor, ARMM



LEGEND:

REDPB	Regional Economic & Development Planning Board	ISS	Intelligence & Security Service	FBMS	Finance & Budget Management Service
RPDO	Regional Planning & Development Office	IID	Intelligence & Investigation Division	BD	Budget Division
LRLD	Legislative Research & Liaison Division	SU	Security Units	MD	Management Division
RGAC	Regional Governor Action Center	AMS	Administrative Management Service	AD	Accounting Division
ORG-PEO	ORG - Provincial Extension Office	RD	Records Division	TMS	Technical Management Service
ORG-MLO	ORG - Manila Liaison Office	HRMD	Human Resource Management Division	MAD	Media Affairs Division
RRUC	Regional Reconciliation & Unification Council	CD	Cash Division	RDD	Research Development Division
RPMEC	Regional Project Monitoring & Evaluation Committee	LIB	Library	PMD	Planning & Management Information Division
		PSD	Property & Supply Division		
		SDD	Sports Development Division		
		GSD	General Service Division		

DEVOLUTION AND DECISION-MAKING PROCESSES

Devolution of powers of the national government to the ARMM is mandated by the provision of RA 9054 otherwise known as the Organic Act for the Autonomous Region in Muslim Mindanao. Section 4, Article XVIII of the Act states:

“Upon the election of the officials of the Regional Government, as mandated by this Organic Act, the line agencies and offices of the central government or national government dealing with local government, social services, science and technology, labor, natural resources, and tourism, including their personnel, equipment, properties, and budgets, shall be immediately placed under the control and supervision of the Regional Government.”

This provision of the new Organic Act is a repetition of the one provided for in the old one (RA 6734). An oversight committee was “organized for the purpose of supervising the transfer to the autonomous region of such powers and functions vested in it by the Organic Act, and the appropriations of the agencies or offices, including the transfer of properties, assets, and liabilities, and such personnel as may be necessary; and of identifying the other line agencies and government-owned or -controlled corporations that may be absorbed by the Regional Government and with respect to the latter, also the terms and conditions of their turnover.”⁹

Under RA 6734, there were already offices that were devolved and remained so under the new Organic Act by virtue of Executive Orders of the President:

- Executive Order No. 425: Labor and Employment, Local Government, Tourism, Environment and Natural Resources, Social Welfare and Development, and Science and Technology
- Executive Order No. 426: Public Works and Highways
- Executive Order No. 427: Barter Trade in Jolo, Sulu
- Executive Order No. 428: Provided for the guidelines for determining the annual

assistance to be given by the National Government to the Regional Government for five years

- Executive Order No. 429:¹⁰ Provides for the reorganization of the administrative regions in Mindanao as a result of the creation of the ARMM
- Executive Order No. 458: Board of Investments
- Executive Order No. 459: Department of Education, Culture and Sports
- Executive Order No. 460: Department of Agriculture (DA)
- Executive Order No. 461: Certain powers and functions of the Housing and Land Use Regulatory Board and the National Housing Authority
- Executive Order No. 462: Powers and functions of the Office for Southern Cultural Communities
- Executive Order No. 463: Establishing the relationship between the RPDB of the ARMM and the National Economic and Development Authority (NEDA) Board.
- Executive Order No. 464:¹¹ Establishing the relationship between the National Statistical Coordination Board and the Autonomous Regional Government in the ARMM
- Executive Order No. 481: Certain powers and functions of the Department of Trade and Industry
- Executive Order No. 482:¹² Department of Agrarian Reform.

Some other offices and agencies were devolved later to the ARMM like the Departments of Health, and Transportation and Communications. Twenty line agencies have, to date been devolved on paper to the region. Some of the functions and powers devolved to the ARMM were conditional while some are retained by the national government.

For example, foreign-funded projects covered by loans or grant agreements remain under the Department of Public Works and Highways (DPWH) without prejudice to the possibility of having memoranda of agreement between the regional government and the DPWH in so far as implementation is concerned (EO No. 426). Also, agencies attached to these devolved departments remain with the national line agencies

⁹ Sec 3, Article XVIII, RA 9054

¹⁰ This and the preceding Executive Orders are all dated October 12, 1990.

¹¹ Executive Order Numbers 458-464 are all dated May 17, 1991.

¹² Executive Order Numbers 481 and 482 are dated September 24, 1991.

List of Government Agencies in the ARMM

Locally Created Offices	Devolved Agencies	Field Offices of the National Government in ARMM
1. Office of the Regional Governor	Housing and Land Use Regulatory Board	Civil Service Commission
2. Regional Planning and Development Office	Office of Southern Cultural Communities	Commission on Audit
3. Office of the Regional Treasurer	Department of Agrarian Reform	National Police Commission
4. Bureau of Cultural Heritage	Department of Agriculture and Fisheries	National Statistics Office
5. ARMM Development Academy	Department of Education	Philippine National Police
6. Bangsamoro Youth Office	Technical Education and Skills Development Authority	National Food Authority
7. Regional Commission for Bangsamoro Women	Commission on Higher Education	Southern Philippines Development Authority
8. Regional Reconciliation and Unification Council	Department of Science and Technology	Bureau of Agricultural Statistics
9.	Department of Environment and Natural Resources	Philippine Coconut Authority
10.	Department of Health	Bureau of Fire Protection
11.	Department of Interior and Local Government	Bureau of Jail Management and Penology
12.	Department of Tourism	
13.	Department of Trade and Industry	
14.	Regional Board of Investments	
15.	Department of Labor and Employment	
16.	Department of Public Works and Highways	
17.	Department of Social Welfare and Development	
18.	Cooperative Development Authority	
19.	Regional Tripartite and Wage Productivity Board	
20.	Regional Ports and Management Authority	

Source: JICA, *Comprehensive Basic Study of Autonomous Region in Muslim Mindanao in the Republic of the Philippines: Governance Sector, Final Report, December 2003, Annex 2-3.*

concerned (EO No. 425). Employees of the line agencies devolved were given the option to either retire early or be absorbed in other offices of the concerned line agencies in other regions.

Devolution in accordance with existing legislation also falls short of expectations. Agencies in the newly expanded ARMM areas (Basilan and Marawi City) continue to draw their budgets from Region IX and Region XII line agencies (see also the Annex III). In practice, none of the agencies that have been devolved to the region (see list in table below) actually perform functions in an autonomous manner with the exception of the following:

- Department of Interior and Local Government (DILG): With the exception of attached agencies such as Bureau of Jail Management and Penology (BJMP) and the Bureau of Fire Protection (BFP) that are centrally supervised.

- Department of Social Welfare and Development (DSWD): Has been devolved to the LGU in Basilan only per RA 7160.

- Department of Trade and Industry: A decentralization policy has been issued by the regional government but remains unimplemented.

It is noted that even within the so-called “devolved agencies,” a number of specific functions and responsibilities remain in the hands of the center. For instance, in the DILG, certain attached agencies such as the BJMP and BFP are centrally supervised. Effective negotiation on these issues and definitive action can lead to significant additional autonomy.

Complaints from within employee ranks of departments devolved to the ARMM have been aired regarding the failure of these departments to deliver required services and needs of the

employees. For instance, officials and teachers of the DepEd in Marawi City have seen delays in salary payments, appointments, and other mission-critical processes since its association with the ARMM.

According to those consulted, devolved agencies have become an added layer in the decision-making process. For example, in the appointment of teachers, a Division School Superintendent appoints a teacher by authority of the national Secretary of Education. Under the present scheme, it is the Regional Secretary of the DepEd who appoints a teacher. As a result, the direct supervisor of a teacher has less power of control; not only does the process become more circuitous, accountability is also diluted. Similarly, the Regional Secretary controls the preparation and releases of salaries; a function formerly performed by the Superintendent.

THE RLA AND THE LGUS

The Organic Act for the Autonomous Region in Muslim Mindanao serves as a regional constitution for the region (see Annex 3). As such, there is need to pass enabling laws for certain provisions of the Act. However, the RLA has failed in the job of passing enabling laws for certain provisions of the Organic Act. The basic reason for this failure is not only the lack of capability of the members of the assembly but the failure to understand the mandate that

the assembly has to perform as the law-making department of the region.

Since its establishment, the RLA has enacted a total of 154 laws, classified accordingly to Economic/Agricultural, Social, Political, Infrastructure and Development Administration. The first enactment was the adoption of the official seal of the ARMM and the most recent has been adoption of the legal framework for the creation, operation, administration, and coordination of Special Economic Zones in the ARMM, which gave rise to the ARMM Regional Economic Zone (REZA) in Marawi City in September 2003. The laws enacted with political implications for the relative autonomy of ARMM are the ones in the table below.

Most are of a political nature (such as the creation of barangays and municipalities), but have done little to further the implementation of real autonomy in the region. It is also apparent that, despite the existence of a Secretariat for the RLA, the assembly as a whole does not effectively strategize or prioritize its work with a view to using the terms of the existing peace agreement to fully empower the Bangsamoro people. There is a need to strengthen the capacity of the Secretariat to make the RLA more effective in this respect and to better communicate the latent potential for additional autonomy that would result from the effective use of regional legislative powers to create opportunities.

Laws Enacted by the RLA with Symbolic or Practical Political Implication	Number of Laws
Regional Public Works Act	14
Adoption of Seal/Emblem, Posting of Arabic Signs	3
Revenue Code for ARMM	1
Creation and Strengthening of Local Regional Offices	15
Location of Seats of Government (ARMM and Lanao del Sur)	2
Amendment to the ARMM Local Government Code	1
Creation of Barangays	52
Creation of Municipalities	11
Renaming of Barangays	4
Renaming of Municipalities	5
Amendments to Acts on Creation/Renaming of Barangays	11
TOTAL	119

Source: JICA Baseline Survey, September 2003

Paradoxically, LGUs within the ARMM enjoy substantially more financial autonomy and independence than the regional government. Under the Local Government Code (LGC) of 1991, LGUs have been assured of the timely release of predictable levels of national government transfers, in the form of the Internal Revenue Allotment (IRA), equivalent to 40% of total national revenues. In addition to their standard IRA, the LGUs in the ARMM also receive 35% of national internal revenues collected in the region. Some spending limits notwithstanding, the LGUs appear to have more than enough leeway to make resource allocations in accordance with local priorities.

Despite the devolution policy that promotes more authority for LGUs to levy local taxes, LGUs in ARMM derive only about 3% of their income from local sources in contrast to the national average for LGUs of 32%. Whereas the average city in the Philippines obtains 50% of its income from property and business taxes, Marawi City in ARMM generated only 3.5% from such sources. Municipal and provincial governments in ARMM are also way behind their counterparts in other regions in this regard (see table below).

The IRA of the LGUs covers personnel, maintenance and other operating expenses, and capital outlay. Approximately 20% of the total comprises the development budget (Development Fund). The IRA constitutes about 88% of the total budget of the average LGU. In some LGUs, it can go as high as 99%. Some LGUs such as Sultan Kudarat, Upi and Datu Paglas have made efforts

to raise the level of local revenues by improving the record and information management and through advocacy.

Even though the LGUs enjoy more financial autonomy than the regional government, they do not spend any part of their IRA on delivery of services because they view it as the “region’s mandate.” This is an extremely important disconnect and needs to be taken control of, because neither of the two levels of government (i.e. the LGU or the regional government) are delivering badly needed services to their constituents. This may be attributed to the very contradictory nature of the Organic Act (RA 7160) and the LGC of 1991 that has been basically copied into the ARMM-LGC.

The Organic Act states that the regional government should deliver services yet funds for these services have to be “defended” like any other national government agency and approved by Congress as part of the official budget. At least 80% of the ARMM-regional government budget is for personnel and operating expenses, leaving very small amounts for delivery of services. On the other hand, based on the LGC, the ARMM LGUs receive their full IRA like all other LGUs in the country yet are not expected to deliver services per the Organic Act.

The Organic Act and the ARMM-LGC need to be reviewed and amended to address such flaws and basic services need to be devolved to LGUs which are closer to the people and in the circumstances, perhaps more responsive.

Percentage Distribution of Income Sources of ARMM and Non-ARMM LGUs in 2001

LGU	Local Sources		Internal Revenue Allotment		Other Sources	
	ARMM	Other	ARMM	Other	ARMM	Other
Provinces	4.0	16.6	96.0	77.5	0	5.8
Cities	3.5	50.5	96.5	43.5	0	5.8
Municipalities	2.5	22.0	94.9	75.4	2.6	2.6
All LGUs	3.1	32.8	95.4	62.5	1.6	4.1

Source: World Bank, *Human Development for Peace and Prosperity in the Autonomous Region in Muslim Mindanao*, Human Development Sector Unit, East Asia and Pacific Region, November 2003, pp. 30.

GOVERNANCE OF INDIGENOUS PEOPLE

Hailed as landmark legislation, the Indigenous People's Rights Act (IPRA) embodies the recognition, promotion, and protection of the rights of the IPs or Lumads. These include the rights to ancestral domain and lands; rights to self-governance and empowerment; social justice and human rights and rights to cultural integrity. It also guarantees the IP the right to freely pursue their economic, social, and cultural development.

The IPRA likewise upholds the UN Draft Declaration on the IPs, which highlights the collective rights of IPs as well as the applicability of ILO Convention No. 169 (Convention Concerning Indigenous and Tribal Peoples in Independent Countries) that further legitimizes the collective rights of IPs.

Aside from the IPRA, the Philippine Constitution, under Section 15, Article X and Section 17, Article XIV, guarantees Lumads the right to self-governance. Under this provision, IPs have the right to take control of their lives and determine their destinies in accordance with their customs and traditions, to participate in the decision-making processes in all matters affecting their lives and to participate in the implementation of programs and to be represented in government bodies.

Further, the Local Government Code provides that Lumads can create tribal barangays where they constitute the predominant population.

Although the IPRA constitutes the main legal reference for the IPs' social, political and cultural rights, its implementation poses a challenge particularly because the Act conflicts with other laws (such as the Mining Act of 1995). Furthermore, the agency responsible for the IPRA's implementation has yet to fully operationalize its mandate.

Consequently, the provisions of the IPRA on governance for IPs have not gained full acceptance by the LGUs and line agencies of the national government. Some local governments contest the application of ancestral land aspects provisions of

the IPRA. Aside from the loss of territory, LGUs stand to lose substantial revenue, as ancestral domains are exempt from real property taxes and special levies.

Nevertheless, there have also been instances of harmonious relationships between local governments and IPs. In Bakun, Benguet, the local government facilitated in having the entire town declared as ancestral domain. The LGU also adopted the ancestral domain management plan of Bakun as part of the municipal development plan.

In Mindanao, the LGU has recognized the claims to ancestral domain of the Tagakaolo and B'laan in Malungon town. In Sarangani, the provincial government has called on barangays to provide a *kasfala* or tribal justice hall for indigenous communities.

BANGSAMORO DEVELOPMENT AGENCY

The Bangsamoro Development Council, which has so far operated as a political/developmental body of the MILF, has been converted into a nine-person Board of Directors of a Bangsamoro Development Agency (BDA) that is in the process of being developed.¹³ The Board is drawn largely from the ranks of professionals with the objective of providing the BDA with the overall coordination and operational responsibility for rehabilitation, reconstruction and development in the CAAs under the control of the MILF.

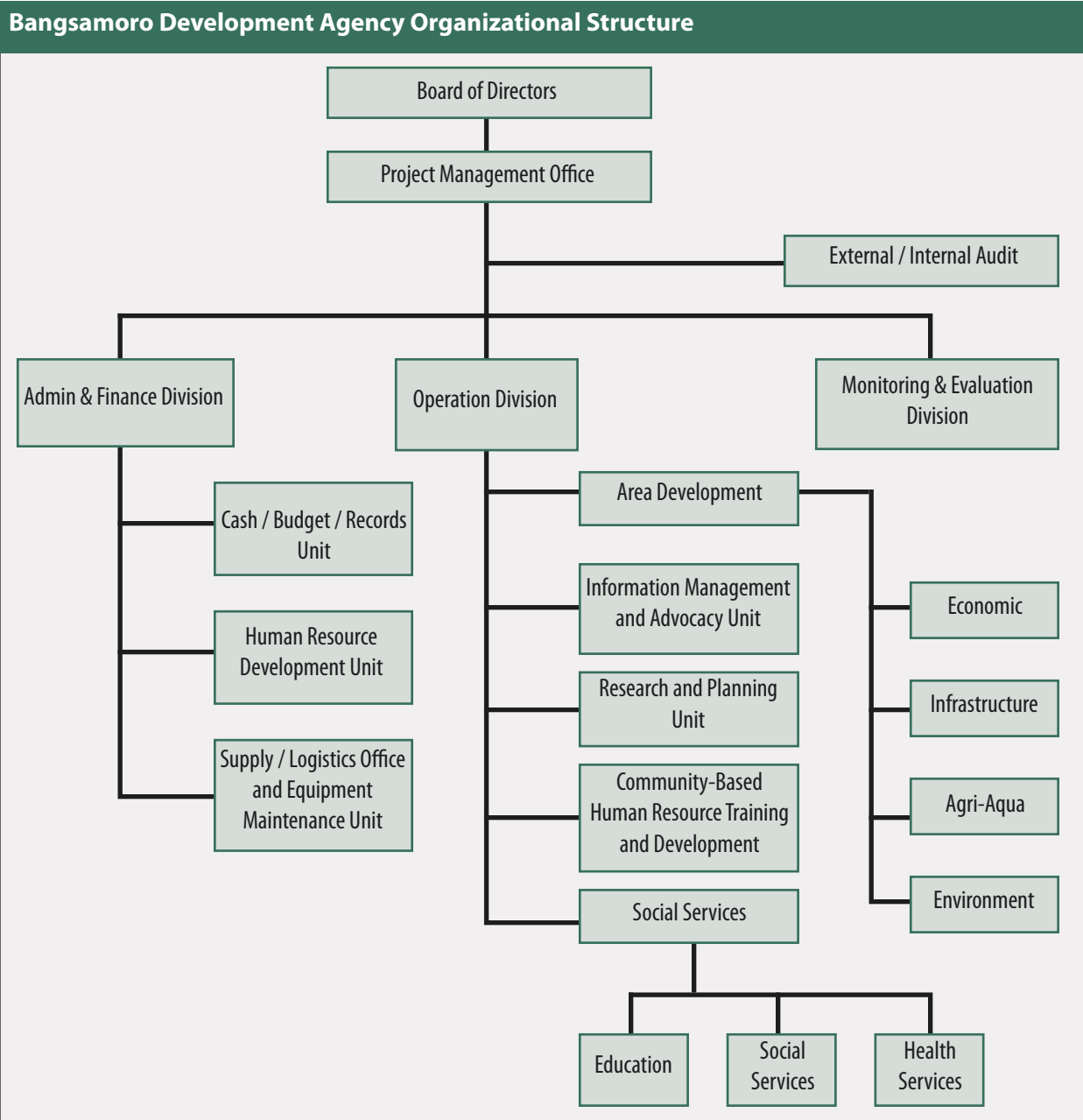
It is the current stated objective of the MILF to have little dependence on existing government and other official structures and depend on the BDA as the principal delivery mechanism for development. It is imperative that the BDA become a legal organization before any international funds are channeled through it.

The BDA is yet to be fully staffed and structured, but the Board of Directors of BDA supplied the following organizational chart to the Team. It is stated in a proposal prepared by the Board of Directors that the BDA is to be funded from private sources and the GRP.

¹³ For political reasons, the MILF is not yet ready to formally register or incorporate the BDA at the present time.

The Team was informed during the field consultations that the BDA had recently established directorates in Zamboanga and Marawi. Further consultations with the BDA and with local communities are essential in order to develop a clear strategy for the development of such an agency and to better define its niche, role, and functions.

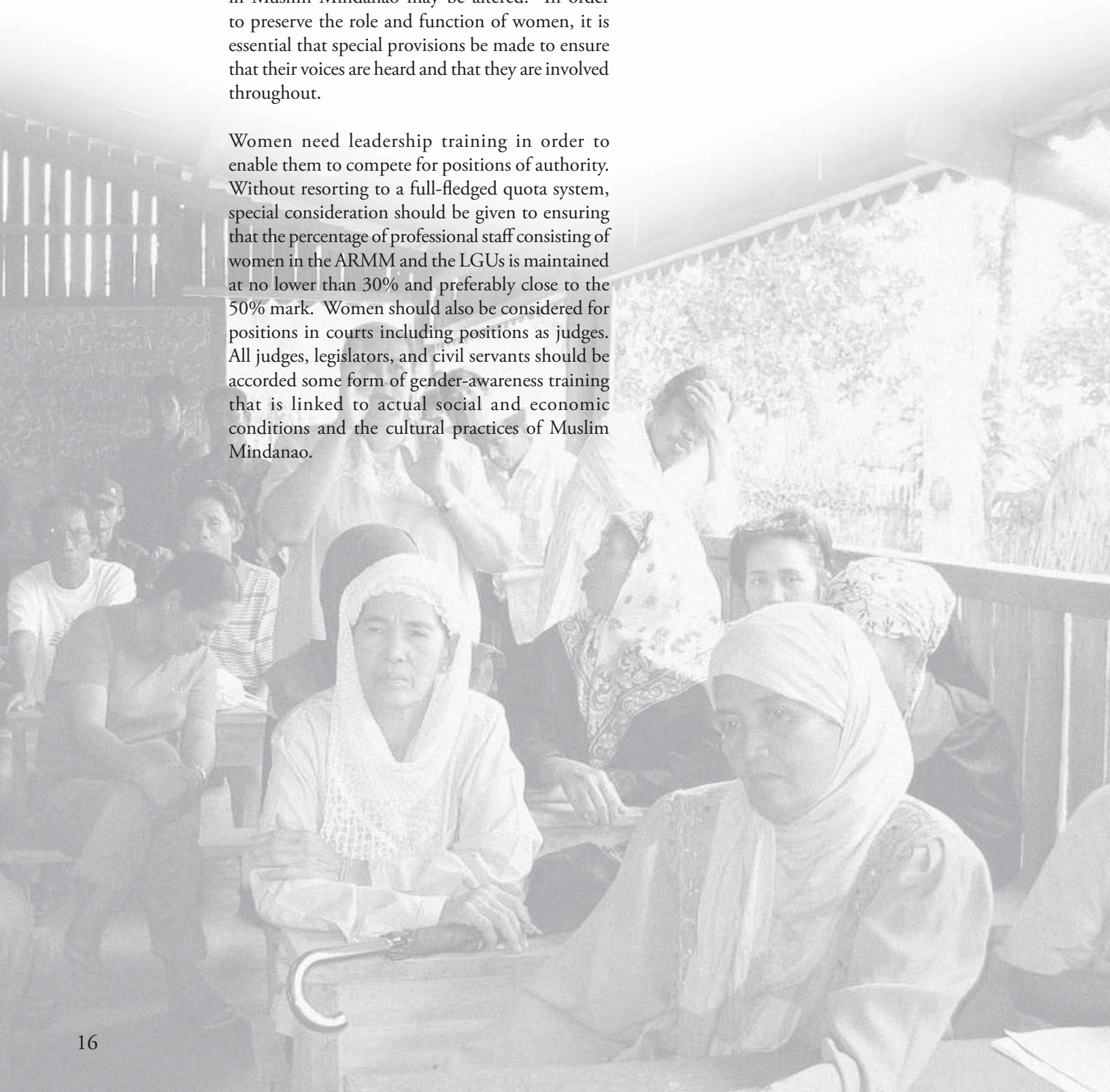
As with agencies created in the wake of the MNLF peace agreement, consideration should probably be given to making it a transitional entity which would be phased out over a period of time in favor of government entities fully empowered to deliver services with a sufficient degree of autonomy and are sufficiently answerable to the local communities in terms of accountability.



GENDER IN GOVERNANCE

The role of women in Philippine society has generally been a relatively strong one. There is some concern, however, that depending on the nature of the systems adopted in Muslim Mindanao, the gender roles and indeed the voice of women in Muslim Mindanao may be altered. In order to preserve the role and function of women, it is essential that special provisions be made to ensure that their voices are heard and that they are involved throughout.

Women need leadership training in order to enable them to compete for positions of authority. Without resorting to a full-fledged quota system, special consideration should be given to ensuring that the percentage of professional staff consisting of women in the ARMM and the LGUs is maintained at no lower than 30% and preferably close to the 50% mark. Women should also be considered for positions in courts including positions as judges. All judges, legislators, and civil servants should be accorded some form of gender-awareness training that is linked to actual social and economic conditions and the cultural practices of Muslim Mindanao.





3

Revenue and
Budget Management

3

Revenue and Budget Management

The paucity of resources available locally is one of the most significant constraints to development and the implementation of autonomy, according to virtually all parties consulted by the Team. While funds are indeed generally insufficient and may become more so during a period of austerity, a large part of the problem is the failure on the part of officials of the ARMM and the RLA to fully seize the opportunities implicit in the degree of autonomy accorded to the region, as well as poor management of the budget process, revenues, and expenditure, coupled with leakages due to corruption.

It was noted that none of the LGUs visited had computerized accounts. Manually maintained accounts are not published or otherwise open to public scrutiny.

The ARMM regional government has two principal sources of funding: (i) A local fund consisting of local revenues similar to those of local governments, such as proceeds from ARMM taxes, fees, and charges and the region's share of national internal revenues; and (ii) national government budgetary transfers to cover the cost of regional administration and delivery of public services devolved to the local regional government. National government transfers are far larger than resources collected by the local fund.

The ARMM is vested with the power to create its own sources of revenue and levy taxes, fees, and charges. It also receives 35% of national revenues the IRA – collected from the region.¹⁴ Relatively little revenue is collected locally and thus relatively little is received through the IRA. Unlike other regions or provinces, the ARMM does not benefit from inter-governmental equalization transfers to make up for the relatively low level of revenue collected locally.

National government transfers to the ARMM are appropriated annually as part of the national budget that is formulated by the Department of Budget and Management (DBM), endorsed by

the President and enacted by Congress under the annual General Appropriations Act (GAA). National government transfers are meant for general administration and support services, support to operations, and operations including locally funded and ODA-assisted projects in the autonomous region.

Unlike other regions, the national government's appropriations for the ARMM include the costs of the regional elected chief executive and the RLA, both of which perform political functions that do not exist in other regions of the country. Second, the regional line departments of the ARMM perform much more extensive functions than counterpart regional administrative offices of national agencies in other regions.

Third, the public services – already devolved to local governments elsewhere in the country (such as health, social protection, and agricultural extension) – are still being performed by the ARMM regional government even with the RLA's adoption of a regional LGC in 1995.

Fourth, public services that have not yet been devolved to local governments elsewhere (such as education, public works and highways, and the environment) are also being performed by the ARMM regional government. All these mean that ARMM costs tend to be higher than those in other regions.

¹⁴ In line with Republic Act No. 6734 and amended under Republic Act No. 9054, a total of 35% of the national revenues collected in the region goes to the regional government's local fund while 35% is shared among the LGUs in the region (45% goes to the provincial LGU, 35% to the municipal level, and 20% to the barangay LGU). The remaining 30% goes to the national government.

In practice, there has been a reduction of the ARMM budget in real terms since 1998. Annual average growth rate of the budget has been approximately 3%, a rate well below inflation. The budget for capital outlays, which is the main source of funds for infrastructure, has remained virtually stagnant at a low level for the last six years.

Salaries have consistently taken up over 70% of the budget total compared with only 35% for the national government. The most serious shortfall appears in the budget for maintenance, which amounts to about 14% of ARMM expenditures, while the average for the national government is 55%. This is in part due to the fact that the maintenance budget has been used to pay for the salaries of short-term personnel, as has the local fund.

Despite this, the preparation of the ARMM budget under the GAA is governed by general standards and restrictions that are intended to apply to the budgets of all other national agencies or departments. Rigid national government standards on limits for estimating expenditure items, enforcing ceilings on budgetary allocations, and imposing cuts or reserves apply to the ARMM budget as they do to other national agencies' budgets.

Indeed, about 95.2% of the regional government expenditure is managed in accordance with exactly the same process that is followed for all departments of the national government. The DBM issues a budget call that spells out some financial guidelines for the preparation of the agency cost estimates. The Technical Management Services (TMS) of the Office of the ARMM Regional Governor disseminates these guidelines and sets internal deadlines for submission of inputs from the various operating units.

The Office then holds internal meetings to deliberate on the budget proposal of ARMM operating units. In prioritizing budget requests, the TMS uses the budget guidelines issued by the DBM rather than regional government policies and plans. This generally leads to the TMS approving budget requests as presented by the operating units, suggesting that the goal is to maximize

transfers from the central government rather than to maximize efficiency or to fulfil clear objectives or priorities.

This type of central control underlines the lack of autonomy that the ARMM possesses in practice. The ARMM has no more real or practical autonomy in deciding on the level and allocation of funds intended for its politically distinct mandate than other non-autonomous administrative agencies of the national government.

Furthermore, the structure of the budget is highly detailed, input-oriented and rigid and does not provide room for flexible use. Congress not only has a direct role in determining the total level of the budget, but also in determining allocations to the final objects of expenditure.

The RLA, meanwhile, has been unable to assert its influence with regard to the allocation of the far larger amounts of regional resources made available through national government transfers. It would appear that the RLA has chosen to focus its attention on allocation of the Local Fund, constituting fewer than 5% of total regional expenditure.

The result has been that expenditures at the level of the ARMM have been affected by the fiscal position of the national government, which with the advent of the Asian financial crisis, severely curtailed expenditures and imposed austerity measures with a view to containing the public deficit. Increases in capital outlays were not allowed, and for some agencies such as the ARMM, fund releases for capital outlays were delayed for several months, leading to further deterioration of the region's capital assets. Further prioritization and controls are imposed by the DBM during budget implementation. As a result, funds have at times only been released to the ARMM for salary expenditures.

The ARMM needs to urgently revise its budget preparation process to base it on a medium-term strategic plan that spells out regional policy directions, and goals and priorities based on realistic prospective multi-year budgetary projections driven by a hard-nosed assessment of the needs and priorities presented by operating units.

Consideration needs to be urgently given to realigning the size of the civil service with actual workloads and functional requirements, thereby releasing funds in favor of capital outlays, maintenance, and the delivery of services in general. The ARMM may also be able to curtail its personnel expenditures by adopting alternative methods of service delivery.

This will have to be carefully balanced against the need for additional teachers and health workers to meet the needs of a population growing at a rate well in excess of 2%. Efforts to increase worker productivity should include eliminating the phenomenon of phantom workers, aligning actual staffing with workload, automation, and retraining of personnel. Perhaps most importantly, the national government needs to raise the level of funding to the ARMM, while at the same time providing the ARMM the flexibility in its use commensurate with its autonomous status.

BUDGET MANAGEMENT IN THE MILF-CONTROLLED AREAS

The MILF has its own revenue-raising mechanisms. Most are undocumented outside its ranks, and

the Team was not, of course, privy to information pertaining to their management. One source of revenue that is likely to remain in the MILF areas following a peace agreement is the Islamic system of zaqqat.

Zaqqat collection systems are managed by the Ulama and are accounted for within religious institutions and associations. Zaqqat functions as a personal income tax.

Cumulative earnings in excess of PhP 2,740 are subject to a 2.5% zaqqat. Zaqqat revenues are distributed to those below the poverty line and subsistence line. Individuals faced with bankruptcy may also become recipients, as may those who are burdened with significant debt.

Travellers are also entitled to receive zaqqat. Zaqqat is also retained in part by those institutions and individuals that collect zaqqat and is also distributed to “Muslims who encourage people to be faithful.” Zaqqat is entirely collected and managed by men; women are not involved in its management or allocation.

Expenditures in the ARMM Regional Government (Philippine Peso, Thousands)						
Year	Salaries	Other Recurrent Expenditures	Capital Outlays	Total	National Budget Appropriation	Local Fund
1998	2,848.60	540.60	1,551.30	4,940.50	4,083.80	104.80
1999	3,072.40	752.10	545.80	4,370.30	5,250.00	103.00
2000	3,434.80	554.60	678.40	4,667.80	5,632.50	121.80
2001	3,894.30	572.30	514.00	4,980.60	5,612.50	130.00
2002	3,997.60	708.40	696.50	5,402.50	5,402.40	270.00
2003	4,115.80	1,001.70	467.90	5,585.40	5,585.40	TBD

Source: Office of the Regional Governor, ARMM, and the World Bank



4

Transparency and Accountability

4

Transparency and Accountability

Corruption and the absence of any real accountability for the achievement of results, compounded by feudalism, have led to a palpable loss of confidence in existing institutions of government by communities in the CAAs in Mindanao. It was alleged to the Team that corruption is a feature of most institutions including the ARMM, the LGUs, the Judiciary, and the traditional institutions of governance.

Stakeholders informed the Team that corruption is rampant in the CAAs and practiced with impunity. Instances of ghost infrastructure projects are pervasive. So-called “municipal halls on wheels” also exist. Municipal halls on wheels are created when the local chief executive claims the municipal hall as his own private property. Thus, in the event that such local chief executive loses an election, the successor has to build his own municipal hall in his place of preference, since the former local chief executive has appropriated the previous municipal hall.

It was alleged that there are times when only relatives of public officials benefit from government projects. Indeed, in the CAAs as elsewhere in Mindanao, kinship and group rivalry play a crucial role in the local political culture. Core values of *pakikisama* (smooth interpersonal relationships), *utang na loob* (debt of gratitude), and personalization result in a patron-client relationship between politicians and voters.

Electoral victory then translates into the ability of the client to access the resources of the state via the patron; rent-seeking is therefore institutionalized across traditional and formal institutions of governance and the system also encourages favoritism and nepotism. Practically all government offices that deal with public needs and projects are, directly or otherwise, involved in corruption. There is laxity in pursuing the required accountability of public officials.

The obligation to make all government transactions open and transparent has never been practiced in

the ARMM. Pursuant to the Local Government Code of 1991 (RA 7160), local government units are required to publish their income and expenditures in conspicuous places at the barangay, municipality, and provincial levels. While this has never been implemented, to date no one has been charged or prosecuted for failure to account for public funds.

It was indicated to the Team that some politicians tend to treat government resources as their own private reserves. What they can do for their constituents is a paramount motive, characteristic of patron-client relationships. Invariably, nepotism gives way to demands of looking after one’s family, the core of most politicians’ political organizations.

The datu system is closely tied into this vicious circle as it is based on the continued survival of kinship and feudal-based concepts. One consequence of this interface between the datuship, as the traditional system of authority, and the structures and processes of the modern nation-state, is the permeation of patronage.

The datu were able to represent the Moro communities on the national stage by invoking their Muslim identity and also represent the modern nation-state when facing its own ethnic groups and the larger Muslim community, bringing its benefits in the form of patronage funds. Datus, therefore, possess economic and political power and at times assume quasi-military and quasi-judicial functions in their localities, and are represented at the national level in a powerful legislature.¹⁵

¹⁵ Hutchcroft, P. “The political foundations of booty capitalism.” Paper presented at the 1992 annual meeting of the American Political Science Association, September 3-6, 1992.

ACCOUNTABILITY AND THE JUDICIARY

The Judiciary is meant to provide a check against the combination of unbridled government power. To provide such a balance the judiciary should be independent.

In the Philippines, however, the Congress, the President, and the DBM, assume several decision-making powers over the judiciary. Congress determines the number and location of the courts to be created and the number of judges. Furthermore, the appointment of judges in the Philippines is also not insulated from political influence and has been harshly criticized for failing to effectively screen out those who are less qualified.

Indeed, the exercise of judicial autonomy is vulnerable to political interference due to limitations in the freedom of the judiciary to self-governance. The Supreme Court under its Judicial Reform Support Project (JRSP) is addressing, with the help of the international community, the need to develop an integrity infrastructure for the judiciary, which will instil public trust and confidence in the system and lay down the foundation upon which efficiency and impartiality in judicial processes and decisions can be achieved and sustained.

Judicial accountability and responsiveness form the very foundation of judicial legitimacy. Failure of such systems leads to impunity. There appears to be a lack of transparency at many levels of the judiciary. The widespread dissemination of the Annual Philippine Court Report, which includes the Chief Justices Statement, Philippine Judiciary Adjudication (PHILJA), and others, could help keep the public advised of the work and processes of the courts during the past year and provide the basis for judicial accountability.

RAISING ACCOUNTABILITY AND REDUCING CORRUPTION

Under ideal conditions, the most common ways of addressing corruption are to:

Strengthen legislation, rules, and regulations. It is clear that in the Philippines this is not the

problem. Legislation, sanctions, rules, and regulations abound and are soundly drafted. Indeed, they are probably more complete than in other countries. The problem lies in the fact that, protected by kinship and traditional institutional structures, the politically powerful transgresses the rules with impunity; enforcement is lax.

Raise the level of transparency by opening key processes and documents up to public scrutiny. Local councils have been mandated by the local Government Code to broaden participation in decision-making, requiring that at least 30% of the membership be reserved for CSOs (see table in Annexes). However, the rules are not sufficiently implemented and many CSOs are not fully aware of their rights. It was also alleged that in some instances, CSOs with kinship or other affiliations to officials were appointed to the councils.

Reduce opportunities for rent-seeking by eliminating non-essential controls and licensing. Each bureaucratic step that requires clearances of one sort or another constitutes an opportunity for rent-seeking. There are probably further opportunities for eliminating unnecessary red tape without weakening checks and balances in Mindanao; the potential for re-engineering processes would need to be the subject of a dedicated study.

Strengthen financial and other management systems. Most agencies in the Philippines possess necessary systems such as planning, financial management, internal audit, administrative management, human resources management, information management, monitoring, and evaluation. National government systems of planning, budgeting, accounting, auditing and administrative management are in place and adopted by agencies both at the regional and provincial levels. However, systems do not possess manuals or other documentation and implementation and compliance constitutes an ongoing problem.¹⁶ Financial systems should be automated and linked with Internet connections to enable more effective oversight.

¹⁶ See survey conducted by JICA as part of its Comprehensive Basic Study of the ARMM.

Strengthen internal and independent audit functions. The Commission on Audit has a branch in Davao and it is understood that audits are carried out with regularity. There are concerns, however, that they are not sufficiently independent in their assessment as the incidence of problem audits is very low. There is probably a need to review the salary structure of auditors, introduce a system of external auditing on a random basis, and introduce incentives for audit staff to accurately identify transgressions. The latter may include career-based incentives including rapid promotion and transfers to postings that are considered less of a hardship.

Create better checks and balances by reinforcing the separation between branches of government (especially the legislative and executive). This constitutes one of the critical problems in the case of Mindanao, as there is insufficient separation of powers between the legislative assemblies, the executive branches of government, and the judiciary. Legislative assembly members and executive branch officials are both members of councils that determine resource allocation and the selection of priorities. Furthermore, family members extend across the different branches of government.

Strengthen the role of CSOs in a public watchdog function with sufficient access to legal protection. While some CSOs are closely connected to politicians and political parties and are unlikely to be able to play such a function, others are not in a position to perform a watchdog function without sufficient support from entities outside the immediate confines of the communities in which they operate. For the moment also, in an environment in which there is a paucity of resources for CSOs, there is a tendency for CSOs to seek funding for service delivery projects rather than for advocacy and the performance of watchdog functions.

As a consequence, and while there are some NGOs in Davao City involved in advocacy, their ability to function in an independent watchdog function in particularly sensitive areas and issues may be limited. Their lobby and advocacy work have made significant gains with the passage of landmark

bills such as the more recent RA 9262 – the Anti-Violence against Women and their Children Act or the A-VAWC Law of 2004. Nevertheless, it is recommended that external donor organizations should fund well-qualified CSOs to develop watchdog capabilities, providing them with not just an independent source of funds but also the necessary political backing and support to enable them to operate with a degree of independence and confidence.

Strengthen the capacity, efficiency, and independence of the judiciary and the courts. The insufficient capacity of courts is discussed at some length in subsequent sections of this report.

ANTI-CORRUPTION LAWS AND INSTITUTIONS

Graft and corruption is classified as a crime. The Constitution states: “Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives” (Article XI of the 1987 Philippine Constitution).

Certain forms of graft and corruption are scattered in various provisions of the Philippine Revised Penal Code under the Title: “Crimes Committed by Public Officers.” These include bribery – direct and indirect, fraud against the public treasury, and misuse of public funds. Other graft and corruption offences may be found under the following special laws:

- **Law on Forfeiture – Republic Act No. 1379.** It authorizes the forfeiture in favor of the State, the property of a public officer or employee that is manifestly out of proportion to his salary as such public official or employee and his other lawful income and the income from his legitimately acquired property.
- **The Anti-Graft Law – Republic Act No. 3019.** It is the most important anti-corruption law in the country. It does not merely contemplate repression of acts that are unlawful or corrupt per se but even those that may lead or result in graft or

corruption. It applies to public officers and private citizens alike; not only in cases of conspiracy, but also when a private citizen induces a public official or employee into committing any acts prohibited by the Anti-Graft Law.

- **Code of Conduct and Ethical Standards of Public Officials and Employees – Republic Act 6713.** Prohibited activities under this law are analogous to those enumerated in the Anti-Graft Law.
- **Administrative Code – Executive Order 292** that serves to check bureaucratic malfeasance.
- **Republic Act No. 7080** defines and penalizes the act of plunder.

Penalties under these various corruption laws range from imprisonment of *arresto mayor* up to *reclusion perpetua*. In addition, the guilty person may also suffer perpetual special disqualification and fines equal to the amount misappropriated. Administrative punishment ranges from reprimand to expulsion from public service.

The Sandiganbayan is the anti-graft court with jurisdiction on corruption cases. There are three divisions in the Sandiganbayan which hear and try cases. Presidential Decree (PD) No. 1606 (as amended by PD 1629, Batas Pambansa Bilang 129, PD 1861, EO 101, EO 184, and RA 8249) created the special anti-graft collegiate court known as the Sandiganbayan. Presently, it continues to function and exercise its jurisdiction as the Philippines' special anti-graft court (Section 4, Article XI, 1987 Philippine Constitution).

Under the latest amendatory act, RA 8249, it has exclusive original jurisdiction over criminal cases committed in relation to office involving high-ranking officials, i.e. public officers occupying positions corresponding to salary grade 27 or higher.

The Ombudsman: Article XI, Section 12, of the 1987 Philippine Constitution provides that, "The Ombudsman and his Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against public officials or employees of the Government, or any subdivision, agency or instrumentality thereof,

including government-owned or controlled or corporations, and shall, in appropriate cases, notify the complainants action taken and the result thereof."

Section 13 states that the Office of the Ombudsman shall "investigate on its own, or on complaint by any person, any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient." The primary task of the Ombudsman is to investigate and prosecute graft and corruption in the public service. Under RA 6770 and RA 8249, the Office of the Ombudsman, through its Special Prosecutor, handles all Sandiganbayan cases.

Cases involving low-ranking officials, under BP Blg. 129, as amended, are prosecuted in regular courts, i.e. Regional Trial Courts (RTC), Metropolitan Trial Courts (METC), and Municipal Trial Courts (MTC), depending on the gravity of the charge. In these cases, the prosecutors from the Department of Justice (DOJ) are deputized by the Ombudsman to handle them.

ADMINISTRATIVE AGENCIES

Aside from the enforcement of criminal laws against graft and corruption, erring government officials and employees can be administratively sanctioned by various disciplining authorities that include: the Office of the Ombudsman; the Civil Service Commission (CSC); the Presidential Commission Against Graft and Corruption (PCAGC) of the Office of the President; other specialized disciplining authorities under other special laws, e.g. National Police Commission (NAPOLCOM) for members of the police force; and heads of government agencies. Grounds for disciplinary action range from light offences (such as discourtesy and failure to act promptly on letters and requests within 15 days) to grave offences, like dishonesty and grave misconduct. Efforts to combat corruption have been stymied by:

- **Lack of information on the procedure of filing cases against grafters.** There is lack of information dissemination on how to file cases against grafters, what evidence is required,

and which agency is tasked to investigate and prosecute corruption cases.

- *High cost of securing justice.* The nearest Sandiganbayan is in Manila and the Ombudsman in Davao. The cost of transportation is beyond the means of ordinary citizens. Free legal aid and the Public Attorney's Office are insignificant and usually the quality of service rendered is inadequate for the task. Additionally, the complainant has to leave his/her job to file the case against grafters, resulting in loss of income. This contributes to the high financial cost and discourages the filing of cases.
- *Slow processes.* The investigatory process of the Ombudsman and the judicial process of the regular courts and the Sandiganbayan

are very slow. Grafters are in a position to hire well-paid lawyers who resort to delaying tactics. Lawyers cause undue delay in the proceedings by abusing periods and processes.

- *Fear of reprisal.* Grafters have money and often have the resources to cause harm to complainants. Thus, witnesses and victims of corruption hesitate to file cases out of fear of reprisal.
- *Declining morals and sense of public service.* There is a general acceptance of corruption as being a mode of doing business with the government. Besides, some members of the government tasked with prosecuting grafters, certain judges, and sometimes witnesses are complicit in the crime.

Endemic Corruption

"The Philippines has a free press that takes its watchdog role seriously; corruption exposés are daily fare in newspapers and on television. The country has one of the most liberal access-to-information regimes in Asia. The government here is more transparent and forthcoming with its citizens than elsewhere in the region. Yet, despite relative transparency, a free press, and popular mobilization, the Philippines remains stuck in a cesspool of corruption."

"The contradictions that abound in Philippine political life stump reformers. The prescriptions against corruption that have worked elsewhere transparency, civil society participation, a watchdog press often seem to have made little dent. Corruption is widely acknowledged to be widespread, tainting all branches of government, from the police and the armed forces to Congress, the courts and the agencies that deliver basic services to citizens."

"Corruption is also top-down and bottom-up, affecting all layers of the bureaucracy, from low-level clerks to members of the Cabinet, and even the President."

"In 1997, the Office of the Ombudsman estimated that the Philippine government lost USD 48 billion to corruption in the previous 20 years, exceeding the country's USD 40.6 billion foreign debts for that period. One budget official estimated that 'side payments' eat up about 20% of the government procurements budget. . . . losses on the revenue side of the budget are tremendous as well: Transparency International estimated that for every PhP 2,000 of taxes due, only PhP 1,000 are actually collected; PhP 500 are lost to corruption, and the rest to inefficiency in tax collection. . . . The courts, in theory, could help break this impasse."

"But the justice system is fraught with malfeasance, as well. The joke among lawyers is that judges make impartial decisions because they take bribes from both sides. But in reality, the scales of justice are weighed against the poor and powerless. And the result is a cycle of impunity with corrupt officials eluding justice by bribing corrupt magistrates."

Source: Coronel, Sheila, *The Philippines: Corruption Notebook*, Center for Public Integrity, April 30, 2004.



5

Access to Justice

5

Access to Justice

The Philippines was colonized, first by Spain (1565-1898) and later by the United States of America (1898-1946). Consequently, Philippine law and jurisprudence conform largely to the traditions of the Roman (Civil Law) and the Anglo-American (Common Law) legal systems. A review of Philippine history, however, reveals that these legal systems were neither the first nor the only legal systems to have influenced the country.

Almost two centuries before the Spanish conquest, Islamic Shari'ah had already established roots in the Philippines. Furthermore, the IPs or the Lumads continued the practice of customary and traditional laws. A confluence of three systems of justice can thus be found within the CAAs of Mindanao. In the recent past, the MILF has also established a parallel legal system based on a strict interpretation of Shari'ah.

When the Philippines was declared an independent republic in 1946, the Bangsamoro people were subjected to Philippine law that was largely western in nature. However, the national government later accommodated Muslim demands through the recognition of Shari'ah law in the context of personal and family laws and the establishment of Shari'ah courts with jurisdiction over areas such as marriage, divorce, and inheritance. Presidential Decree No. 1083, otherwise known as the Code of Muslim Personal Laws (CMPL), recognizes Shari'ah, and draws most of its provisions from Islamic law, while taking into account civil and traditional *adat* laws.

CONCILIATION AND AMICABLE SETTLEMENT

Cases are filed according to the jurisdiction of each court or forum of adjudication. All three systems – Islamic law, Philippine law, and customary *adat* law – acknowledge the importance of extra-judicial mediation and settlement of disputes.

Conciliation is recognized under Philippine law. When civil cases are filed for adjudication, parties

are enjoined to conduct a pre-trial conference to seek a compromise before a formal hearing. Under the Barangay Justice Law¹⁷ before a court can hear a case the complainant must present a certification that the case has been brought before the community leaders for conciliation or arbitration and such action has failed.

This law is aimed towards the speedy dispensation of justice and to limit backlog in courts. The Shari'ah courts have a built-in mechanism for amicable settlement of disputes under the aegis of the Agama arbitration committee whose members are representatives of the party litigants as well as the clerk of court as chairman.

Under Islamic law, conciliation is not only recognized in matters of personal conflicts between two Muslims but also extends to relationship among Muslim and non-Muslim communities since the adherents of Islam are required to work towards peace, harmony, and amity. Conciliation and arbitration are also ingrained in customary *adat* law. Resolution may be through adjudication by the law of kinship (*kokoman a kambatabata-a*), adjudication on communal order and consensus (*kokoman a taritib ago igma*) or adjudication by The Book (*kokoman a kitab*). In all these instances, the role of the mediator or arbitrator is vital.

PHILIPPINE COURT SYSTEM

The Philippine judiciary operates within a much larger context that includes the Shari'ah Courts and the Barangay Justice System. The judiciary is

¹⁷ 1991 Local Government Code

hierarchical and consists of four levels: (i) the MTC and MCTC; (ii) the RTC; (iii) the Court of Appeals; and (iv) at the apex, the Supreme Court.

A large number of MTCs and MCTCs in the conflict areas are without a permanent judge (known as being “vacant”). The Twelfth Judicial Region, which is composed of the provinces of Lanao del Norte, Lanao del Sur, Maguindanao, North Cotabato, and Sultan Kudarat have almost 75% vacancies at the MTC/MCTC level.¹⁸ Some courts have more than one presiding judge in charge for a number of courts, which often results in delays.

For example, an acting judge for the MCTC at Buting-Lumbatan municipalities in Lanao del Sur is also the judge for the Malabang-Balabagan MCTC. The situation is no better in Maguindanao where all five MCTCs are vacant and presently have one acting presiding judge for all courts. In North Cotabato and Sultan Kudarat the MTCs are also vacant with pending caseloads for the Midsayap Municipality in North Cotabato a staggering 351 and Isulan, Sultan Kudarat, 277.¹⁹

The infrastructure for most courts is pretty dismal, lacking basic amenities such as chairs and law books and only the RTCs have computers. Recently the docket fees for filing cases, for the issue of summons and for notary services have been raised over three times by the Supreme Court, making it almost impossible for a common person to access courts.²⁰ Achieving a balance between access, caseload distribution, judge’s expertise, and the number of qualified judges are the keys in providing a suitable alternative to the residents of CAAs who, bereft of a functioning legal system, are constrained to take the law in their own hands.

SHARI’AH COURT SYSTEM

The Code of Muslim Personal Laws (CMPL) of the Philippines provides for the creation of the Shari’ah Courts. According to Article 137 of the Code, “there are hereby created, as part of the judicial system, courts of limited jurisdiction, to be known respectively as Shari’ah District Courts and Shari’ah

Circuit Courts, which shall exercise powers and functions in accordance with this Title.”²¹

Shari’ah Courts are special courts with limited jurisdiction over disputes among Muslims relating to personal, family matters, and communal properties. The Shari’ah District Courts have jurisdiction over matters of inheritance, custody, and guardianship. Shari’ah Circuit Courts have jurisdiction over marriage or divorce. RA 9054 or the Organic Act for the ARMM provides for the creation of a Shari’ah Appellate Court, a collegiate court composed of one presiding justice and two associate justices.²² To date, the Shari’ah Appellate has not been organized, filled, or operationalized.

Although the law mandates the establishment of 56 Shari’ah Courts (51 Shari’ah Circuit Courts and five Shari’ah District Courts), only 30 courts have been organized (25 Shari’ah Circuit Courts and five Shari’ah District Courts).

There are five Shari’ah District Courts in the provinces of: first, Sulu; second, Tawi-Tawi; third, Basilan, Zamboanga del Norte and Zamboanga del Sur, and the cities of Dipolog, Pagadian and Zamboanga; fourth, Lanao del Norte and Lanao del Sur and the cities of Iligan and Marawi; and fifth, Maguindanao, North Cotabato and Sultan Kudarat, and the city of Cotabato.

The Shari’ah Circuit Courts are distributed in the five judicial districts in the following proportion: six in Sulu; eight in Tawi-Tawi; 10 in Zamboanga del Norte, Zamboanga del Sur and the cities of Dipolog, Pagadian and Zamboanga; 12 in Lanao del Norte and Lanao del Sur, and the cities of Iligan and Marawi; and 15 in Maguindanao, North Cotabato and Sultan Kudarat, and Cotabato City.

The Shari’ah courts were found to have inadequate geographical coverage, a problem compounded by a large number of vacancies. A large number of court districts remain vacant because they lie within conflict areas and very few judges or lawyers are willing to reside in such areas. A large number of judges for courts in CAAs choose to live in the closest city. No transportation allowance

¹⁸ Of the 41 courts, 29 are vacant.

¹⁹ Profile of the Municipal Trial Court/ Municipal Circuit Trial Court 12th Judicial Region as of February 2004. (Data provided by the Republic of Philippines Supreme Court, Program Management Office.)

²⁰ The increase has been mandated by virtue of SCAM 04-02-04, amending Rule 141 of the Rules of the Court.

²¹ Art. 137, Book 4 of PD 1083

²² RA 9054, Sections 7 and 8, Art. VIII

or incentive is provided to those who are willing to travel to CAAs.

In some instances, an RTC judge is also the acting district judge for Shari'ah District Court judge; for example, the stewardship of Shari'ah District Court 4, and the Regional Trial Court in Malang and Tacurong all fall under a single judge.²³ The judges that perform additional administrative supervisory functions over circuit courts are not provided an allowance to cover their extra duties.

The gender disparity among the judges is overwhelming. While most litigants are women, there is only one woman-judge in the entire Shari'ah system.

The institutional capacity of the Shari'ah Courts is weak. There is a severe lack of physical infrastructure. Deficient court technology, equipment and inadequate budget outlays plague the Shari'ah courts. The Second Shari'ah Circuit Court in Marawi City holds office at the Shari'ah District Court in Marawi. It lacks rest room facilities and water and does not have a Court Sheriff on its payroll to execute the decisions. Facilities for filing and basic supplies are totally inadequate and judges frequently spend money from their own pockets for the purpose. The rent for the court in Parang-Indanan, Sulu is paid by the judge herself.²⁴

Court staff lack adequate training and often do not receive circulars relating to the collection of fees. The LGUs have been lax in appropriating budgets toward the court facilities, letting them languish while judges are hesitant to request additional funds for reasons of perceived conflict of interest. Thus, a strong need to attain full judicial autonomy has been perceived by many judges.

Among the constraints in the operation of the Shari'ah courts are:

- *The non-operation of some of these courts* due to the failure to appoint justices or judges to staff them. Since the creation of the ARMM, there is a legal mandate to establish a Shari'ah Appellate Court but to date it remains unorganized.

- *The question on qualifications of judges*, especially at the appellate court. Until now, there is a problem of interpreting the phrase “learned in Islamic law and jurisprudence,” as a qualification to be a judge of the Shari'ah Appellate Court. Is it merely passing the Shari'ah bar examinations given by the Supreme Court which only cover four areas of the law: jurisprudence, persons, inheritance, and procedure? Can a person who does not even have a law degree become a judge? Can a person who has completed Shari'ah studies for 45 days be appointed a judge? Can a person who is unable to speak English become a judge and adjudicate on pleadings that are in English? These questions need to be reconsidered by the Supreme Court and a complete reform on the qualifications for Shari'ah judges need to be undertaken.

- *The constraint of language* being used in courts. Since examinees who know the Arabic language only are allowed to attend the Shari'ah Bar examinations, there are instances when an appointed judge does not know English and pleadings or complaints filed in the English language can pose a problem. Similarly, there are cases where complainants and/or defendants only speak indigenous dialects and cannot manage effectively in court – be it in Tagalog, English or Arabic.

- *Their limited jurisdiction*. Shari'ah courts hear cases relating to persons and family relations. The Organic Act provides: “The Regional Assembly shall adopt measures to ensure mutual respect for and protection of the distinct beliefs, customs and traditions, and the respective religions of the inhabitants thereof, be they Muslims, Christians, Jews, Buddhists, or any other religious denomination. The Regional Assembly, in consultation with the Supreme Court and consistent with the Constitution, may formulate a Shari'ah legal system including the criminal cases, which will be applicable in the region, only to Muslims or those who profess the Islamic faith. The Shari'ah courts shall have jurisdiction over cases involving personal, family and property relations, and commercial transactions, in addition to their jurisdiction over criminal

²³ Isabelita Solamo-Antonio. *The Shari'ah in the Philippines, Women, Men and Muslim Personal Laws*. PLRC. 2003

²⁴ *Ibid.*

cases involving Muslims. The Regional Assembly shall, in consultation with the Supreme Court, determine the number and specify the details of the jurisdiction of these courts.”²⁵

However, the RLA has been lax in implementing such provisions of the Organic Act.

CMPL AMENDMENTS

This legislation was enacted as a presidential decree in 1977, a decade earlier than the 1987 Philippine Constitution. There is a need to bring it more up to date to reflect changes such as gender equality. More specifically, it requires reform in the area of marriage, child marriage, divorce, and rights and obligations between spouses.

INFORMAL SHARI’AH

To an average citizen in the CAAs, the face of the Shari’ah justice system is not Shari’ah courts as established by law, but a parallel system of justice established by the MILF that follows the strict interpretation of Islamic law in accordance with the Qu’ran and the Sunna.²⁶ These courts, unlike the formal Shari’ah, have jurisdiction over all disputes including criminal and commercial cases. Discussions with the Team revealed that these courts adjudicate almost 70% of disputes in areas under the control of the MILF. The courts follow a three-tier system.

At the apex is a court headed by an Ulama assisted by five graduates specializing in Shari’ah law from universities in Saudi Arabia and Egypt. At the second level there are seven divisional Shari’ah courts, and each court is manned by an Ulama and a foreign graduate specializing in Shari’ah law; and finally the provincial Shari’ah courts. The MILF has organized the areas under their control from Tawi-Tawi to Davao into 40 “provinces”.

Additionally, they have also established different committees in each area of control (40 provinces) composed of influential and respected leaders to adjudicate certain types of cases based on amicable settlement especially those arising from *rido* (family vendetta). Thus, if a case cannot be

amicably settled, it is then elevated to the provincial Shari’ah courts to be adjudicated in accordance with Shari’ah. There are very few women Ulama within the MILF system of adjudication.

BARANGAY JUSTICE SYSTEM

In a society overburdened with litigation, where justice is not speedily available due to lack of geographic access or vacancies in courts, the barangay justice system is perhaps the cheapest and most accessible option available to most citizens. The Katarungang Pambarangay Law²⁷ provides for resolution of minor disputes at the village or barangay level through conciliation, mediation and arbitration.

It mandates the creation of a Lupon Tagapamayapa (hereinafter referred to as the Lupon) or a panel composed of 10-20 persons of known integrity, competence, and fairness with the barangay captain as its chairperson (Punong Barangay). A distinct character of this system is its informality and lawyers are banned from this process.

The jurisdiction of the Barangay Justice System (BJS) is restricted to cases with penalties of imprisonment not greater than one year or a fine not exceeding 5,000 pesos. While the creation of the Lupon is without prejudice to the rights of the indigenous communities or the Muslims to settle their disputes through traditional conflict resolution mechanisms like the Datu or council of elders, it presently does not recognize the tribal councils or traditional leaders as alternative modes of settling disputes.

However, the full potential of the BJS has yet to be attained. There has been limited dissemination of information regarding the function and benefits of the system, leaving the large majority of residents in conflict areas to continue to resolve conflicts through traditional conflict-resolution mechanisms. The LGUs need to recognize more individual members of the informal councils of elders, tribal leaders or the datu who are acknowledged to possess authority in settling disputes and nominate them as members of the Lupon. Members of the Lupon need increased participation of women in the composition of the Lupon, further capacity

²⁵ Sec. 5, Art. III of the Organic Act (RA 9054)

²⁶ Traditions of the prophet

²⁷ PD 1508, otherwise known as the Katarungang Pambarangay. RA 7160, the Local Government Code of 1991, includes provisions of the Katarungang Pambarangay Law.

building, training in customary and traditional laws, gender sensitization, and a basic primer on the general laws and legal processes.

The Bakun-Kankaney-Bago (Cordillera region) experience provides an interesting model interfacing the indigenous conflict resolution model with the barangay justice system.²⁸ The mix of the traditional *tongtong*²⁹ and the barangay justice system has ensured peace and harmony in this tribal community.

The substantive law upon which the procedure is based together with the nature of the procedure itself is culled from traditional methods. The effect is to institutionalize a hybrid justice system interfaced with indigenous and mainstream qualities.

THE ROLE OF TRADITIONAL JUSTICE

There are various other out-of-court mechanisms for conflict resolution that have been practiced by communities in Mindanao for a very long time. These practices reflect the traditional methods of resolving a dispute and the various areas of conflict in which mediation and amicable settlement can be used.

Indigenous Dispute Resolution Mechanisms. As opposed to the western adversarial model of dispute resolution, mediation, amicable settlement and universal good for the community has been the traditional method of resolving conflict among the Lumads or the IPs. It is based on unwritten customary law and is organized on the principles of participative and consensual values.

The Tiruray from the municipality of South Upi have their own system of governance and justice. Justice is dispensed by the *kefeduwans*, experts in resolving conflict who are chosen or appointed by the community. The *kefeduwan* decides cases based on customary law. About 10% of *kefeduwans* are women. The territory is divided into three levels, first the *faguilidan* i.e. the entire territory, second, *sampeton* the village, and finally *kayoran* i.e. *sitio*.

Cases are classified and can be adjudicated at different levels based upon classification (e.g. cases

relating to theft, murder, adultery are settled at the village level). A Justice Hall at Mt. Fakal Range in South Upi is also operational. A major concern of the *kefeduwans* is the lack of basic training in human rights and other national laws. The Tiruray version of codified laws has been completed recently and validation is being conducted. However, the need for an English version has been identified.

Inter-Tribal. In settling inter-tribal disputes, the residents of the municipality of Upi in conformity with their traditional conflict resolution model, have established a Mayor's Council to resolve disputes. Keeping in mind the demographics of the municipality, the Council consists of members from the Tiruray tribe, Muslims (Maguindanaons) and Christians (settlers from the Visayas) who follow traditional methods of dispute resolution through amicable settlement and mediation.

While members of the Council are generally satisfied with the outcome of mediation, trepidation as to whether their recommendations are in conformity with existing laws, and the corresponding need to harmonize the Council's functions with existing laws was observed. Like most indigenous systems, the rules and corresponding punishments are unwritten. The fine or punishment imposed for a particular offence is based on the judgement and memory of the tribal elders.

In order to ensure uniformity and improve the functioning of such Councils, there is need to codify the rules, regulations, and customary law practices. Overall, a great need for capacity building measures has also been observed.

Moro traditional systems of conflict resolution. The evolution of Moro customary *adat* laws began before the coming of Islam to the Bangsamoro homeland. The word *adat* as understood by the Bangsamoro carries various connotations. It refers to customary and traditional law governing Moro society. This consists of unwritten laws found in the *taritib ago igma* (from the Arabic words *tartib*, meaning order, and *ijma*, meaning consensus). In this context, *adat* serves as the

²⁸ Amos Beta-a. Interfacing The Indigenous Conflict Resolution with the National Justice System: The Bakun Kankaney-Bago Experience. 47 Ateneo L.J. 745, 2002.

²⁹ Indigenous system based on consensus.

fountainhead of authority that supports the institution of the sultanate.

It defines communal inter-relations and sets, among others, the rules concerning courtship and betrothal, marriage and divorce, settlement of disputes, and religious and customary observances related to childbirth, marriage, illness and death. *Adat* also connotes the connection that a person has to royalty or the ruling sultanate.

It guarantees the rightful claim that an individual has in traditional leadership. Under this concept of *adat* originated the *salsila* or *tarsila* (genealogy) from the Arabic *silsilah* (chain), which traces the ancestry of a person and establishes whether or not his lineage belongs to a royal clan. A *salsila* may either be written or committed to memory by its keeper. It is well guarded and access to it is not easily granted because it also contains accounts of the genealogy of other classes of people like commoners and slaves.

Adat also applies to the specific customary “lien” that the traditional leaders have over the dower given to a bride who is a resident of their principality. The Sultan and every title-holder in the community as well as relatives of the bride are given specific amounts, either in cash or in goods, from the dower. If the family of the bride refuses to give that lien (though it seldom happens), it has to bear the consequence of being socially castigated.

Another connotation of the term *adat* pertains to manners and morality. In this sense, it means respect to the sultanate as a political institution, reverence towards one’s parents and elders in the community, and courtesy to women.

Customary *adat* law does not only operate in communal life and family relations but also in the settlement of disputes or *rido*. In this latter case, there are three traditional ways of settling conflicts. These are:

1. Law of Kinsmen or *Kokoman a Kambatabata-a*. This is done through the principle of maintaining and promoting harmony by establishing the close family relationship between the conflicting parties. The arbitrators in settling cases of this kind would resort to the *salsila* (genealogy) to trace the blood ties that connect the litigants. As the parties are blood relatives, the feud is harmoniously settled without payment of fines, demand for damages, or imposition of sanctions.
2. Law of Order and Consensus or *Kokoman a Taritib ago Igma*. This is the second mode of settling disputes in which customary *adat* law is applied. Under this kind of dispute settlement, the guilty party is subjected to fines, damages, or other forms of sanctions. For example, if the case pertains to cattle rustling, the accused will not only be required to return the stolen cattle but he will be obliged to give the value or price of the animal; he will be made to swear not to do the act again; and, he may be required by the Sultan or elders settling the case to perform other acts as required sanctions for the acceptance of guilt. In cases of abusing courtesy to women like abduction or seduction, the guilty party may be required, together with members of his family, to dress in immaculate white with their hands tied at their back, made to go to the house of the family of the victim in humility, submission and acceptance of guilt, and required to pay damages.
3. Law of the Book or *Kokoman a Kitab*. This is the third mode of traditional settlement of disputes through the application of the injunctions of the *Shari’ah*. One traditional title in the Moro community is the *kali* (the local version of the *qadi*) who adjudicate disputes brought before him. In settling these cases, he resorts to provisions of the *Shari’ah*. In the proceedings before the *kali*, each litigant is represented by a *wakil* (counsel) and he may present his *saksi* (witness) to support his claim or contention. A party who is not satisfied with the decision of the *kali*, may appeal his case to the arbitration committee in larger towns or may file his case in the *Shari’ah* or regular courts, depending on which court has jurisdiction over his case.

In the Moro tradition, the communal leader or “[t]he datu represented the centralizing principle in a volatile society in which centrifugal forces were strong.”³⁰ The datu have administered the Shari’ah with the *agama* or the council of elders since the advent of Islam. The traditional method of dispute resolution is favored among Muslims because it follows their Islamic beliefs and traditions. Enforcement of the decisions is generally not an issue because people respect the datu and traditional leaders and hold them in high esteem.

In the municipality of Datu Odin Sinaut in Magindanao, complaints brought to the Punon are referred to the Council of Elders to resolve by applying Islamic laws, and customary traditions and practices. If the conflict is not resolved, the Punon takes cognizance and subjects it to Katarungang Pambarangay rules and procedures.

If this fails, the case is sent back to the datu with recommendations. The datu then decides the case in consultation with chosen members of the Sangguniyang Bayan for their independent deliberation of the case. The datu makes his decision based on his own understanding of the facts, circumstances, and recommendations of the consultants.

The traditional forum may provide justice in all spheres but it lacks transparency; its procedures and jurisdiction are not established and the composition of the Council of Elders is neither fixed nor defined. Moreover, they have wide latitude of discretion and are unaccountable for their decisions.

In Buldon, another municipality in Maguindanao, the residents have formed a Buldon Chapter of “Task Force Kalilintad” composed of two *ustadz*es, two representatives of the MNLF, two from the MILF, six sultans, and two imams. The task force adjudicates all types of disputes including land disputes and criminal cases.

The jurisdiction of the task force is concurrent with that of the Lupon, leaving the residents free to choose any forum. Decisions are based not only on the Qur’an, Islamic customs and traditions but also on the application of different local and national

laws and ordinances. The deliberations of the task force are held behind closed doors.

Many other municipalities have their own systems of conflict resolution. The municipality of Barira in Maguindanao has created a Joint Municipal Peace and Order Council-Ulama Peace and Order Council that adjudicates disputes. Besides settling conflict, its overall objective is to propagate Islamic teachings, conduct Arabic lessons, and promote the preservation of the predominant Iranun culture. The biggest hurdle facing the Council is its lack of knowledge of Philippine laws and how to resolve a dispute when there is a conflict between Islamic and national laws.

The incumbent Mayor of Kapatagan municipality in Lanao del Sur has created one Municipal and 15 Barangay Peace Committees in each of the barangays. The Lupon does not exist in these barangays and disputes are resolved through the Barangay Peace committee. In each of the committees the members include traditional leaders (e.g., the sultan, peace advocates and religious leaders) because they are considered to be resourceful *tamok* and respected in the community. Decisions are based on the Qur’an and customary laws.

While these initiatives have been largely successful, they suffer from certain inherent defects. Women members are absent from all traditional models of dispute resolution, they all lack funds for sustainability, and most decisions are based on individual interpretation of the Qur’an and therefore lack transparency.

Generally, decisions are not recorded. And most traditional leaders lack basic knowledge of national laws. These factors rationalize the proposal to strengthen, promote and even mandate the institutionalization of indigenous/traditional methods of dispute resolution. SALIGAN, a civil society group extensively involved in studying the systems, has found them to be effective peace-building mechanisms and relevant to the people in the community.

The tapping of traditional and religious leaders, among others, has proven to be most effective

³⁰ Mindanao Social Assessment. 2002, page 31.

in the local government efforts to conciliate and mediate between warring residents. Recognizing these systems and making them part of the LGU structure would make them more accountable and provide them opportunities to be more efficient. At the same time, it would be a positive development towards implementing their right to self-determination.

APPLYING THE LAW

The Constitution of the Philippines enshrines principles that promote the welfare of every citizen of the country irrespective of religious, persuasion, or tribal affiliation; all laws must apply to every person irrespective of sex, creed, status, or lineage. Accordingly, the Declaration of Principles and State Policies states that:

- The maintenance of peace and order, the protection of life, liberty, property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.³¹
- The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.³²
- The State shall promote social justice in all phases of national development.³³
- The State values the dignity of every human person and guarantees full respect for human rights.³⁴
- The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development.³⁵

Despite such provisions, the prevalent feeling among the Bangsamoro people is that the law is unfair and they therefore have misgivings about being subjected to such laws. This perception appears to be borne out by the fact that very few Muslims hold high political and technocratic positions within the national level government. The Organic Act for the ARMM includes some measures to ensure that Muslims are given more

opportunities to participate in the running of the national government.

Among others, it provides for: a) appointment of at least one member to the Cabinet with the rank of a cabinet secretary;³⁶ b) representation of the autonomous region in the central government;³⁷ c) appointment of at least one qualified resident of the autonomous region in each of the departments, offices or bureaus and constitutional bodies of the central government or national government that deal with the autonomous region, in primarily confidential, highly technical, or policy-determining positions;³⁸ d) appointment of at least one justice in the Supreme Court, two justices of the Court of Appeals,³⁹ one consultant to the Judicial and Bar Council,⁴⁰ and Deputy Court Administrator for the autonomous region.⁴¹ These appointments are to be made upon recommendation by the Regional Governor.

Even if some of the appointments have been made on paper, since the Governor of the ARMM is appointed by Malacañang, the perception is that the spirit of the provisions has never really been applied.

In another instance, the application of certain laws has led to confusion among constituents and may be viewed as a source of conflict. In order to mitigate such conflict an early resolution is necessary. The CMPL (PD 1083) and the Organic Act (RA 9054) contain certain conflicting provisions that need to be resolved at the earliest. The conflicting provisions relate to the interpretation of statutes. According to the CMPL:

- In case of conflict between any provision of this Code and the laws of general application, the former shall prevail.⁴²
- Should the conflict be between any provision of this Code and special laws or laws of special application, the latter shall be liberally construed in order to carry out the former.⁴³

The Organic Act, on the other hand, provides:

- In case of conflict between the Muslim Code and the Tribal Code, the national law shall apply.⁴⁴

³¹ 1987 Philippine Constitution, Sec. 5, Art. II.

³² Sec. 9, Art. II, *ibid.*

³³ Sec. 10, Art. II, *ibid.*

³⁴ Sec. 11, Art. II, *ibid.*

³⁵ Sec. 22, Art. II, *ibid.*

³⁶ R.A. 9054, Sec. 2, Art. V, R.A. 9054.

³⁷ Sec. 4, Art. V, *ibid.*

³⁸ Sec. 5, Art. V, *ibid.*

³⁹ Sec. 2, Art. VIII, *ibid.*

⁴⁰ Sec. 3, Art. VIII, *ibid.*

⁴¹ Sec. 4, Art. VIII, *ibid.*

⁴² Art. 3 (1), PD 1083.

⁴³ Art. 3 (2), *ibid.*

⁴⁴ Sec. 22 (par. 2), Art. VIII, RA 9054.

- In case of conflict between the Muslim Code and the Tribal code on the one hand, and the national law on the other, the latter shall prevail.⁴⁵

From the above provisions, it is understood that the CMPL is more in keeping with the rules of statutory interpretation, where a special law prevails over a law of general application. Thus, laws that are of special application for Muslims must be treated as exceptions to laws of general or national application.

Yet another conflicting provision of the two statutes relates to the qualification of judges for appointment to the Shari'ah Circuit Courts. The basic difference between the two laws relates to membership to the Philippine Bar as a pre-qualification to be appointed as judge. According to the CMPL, "the appointee must have passed an examination in the Shari'ah and Islamic jurisprudence to be given by the Supreme Court for admission to special membership in the Philippine Bar to practice in the Shari'ah courts."⁴⁶

On the other hand, the Organic Act provides that the Shari'ah judges shall possess the same qualifications as judges in the lower courts of the same level and also to be learned in Islamic law and jurisprudence.⁴⁷ The inference here is that a judge of the Shari'ah Circuit Court shall have the same qualifications as a judge in the MTC, who, among other qualifications, "has been engaged in the practice of law in the Philippines requiring admission to the practice of law as an indispensable requisite."⁴⁸ The difference between the two provisions needs to be resolved to better define the qualifications for appointment as a Shari'ah judge.

SYSTEMIC LIMITATIONS TO ACCESS

An ideal judicial system is "blind" to power, wealth and status, and offers a forum for minorities, women, indigenous people, and the poor to stand as equals before the law. In reality, the Philippine legal system is overtly and subtly biased against the minority Muslim population, IPs, women, and the poor. Access to justice is not merely geographical but also corresponds to the affordability, impartiality,

and timeliness of decisions. Many marginalized groups have chosen to avoid the legal system rather than face intimidation, cost, and loss of time.

Minimal knowledge of law and the rights that it confers. There is lack of knowledge among communities about their rights and operations of the judicial system. Three main groups suffer from this aspect: (i) Muslims lack knowledge of the existence and functions of Shari'ah courts; (ii) members of the indigenous communities lack information on their right over their ancestral domain; and (iii) communities are unaware of the rights of children, prevention of abuse, and the mechanisms to report and file cases in violations of these rights. Furthermore, a general lack of awareness on gender sensitivity exists at all levels. A large-scale public awareness campaign on the rights guaranteed to each citizen needs to be launched in order to address these issues, including the publication of the laws in tabloids in the local languages and dialects.

Lack of economic independence. This places a broad constraint on a citizen's right of access to justice. A large number of Muslim women are unable to secure legal assistance due to the prohibitive costs of filing a case, some of which has to do with the distances that need to be travelled to access the courts. It has been observed that women file a majority of the cases but more than half are not docketed because the women are unable to pay the docket fees. Since women are the primary litigants, the Public Attorney's Office needs to appoint Shari'ah lawyers to public attorney and prosecutor positions. The Organic Act stipulates the creation of a Shari'ah Public Assistance Office and the establishment of the office in each of the Shari'ah districts.⁴⁹ However, there has been no initiative from the Regional Legislative Assembly to implement such a provision.

Limited access to affordable legal services. There are very few trained Shari'ah lawyers, and the distance between courts is so great that the limited numbers of Shari'ah lawyers are unable to service the community. To facilitate an increase in the number of lawyers, the Shari'ah bar exams need to be administered more frequently; at least every year rather than every two years.

⁴⁵ Sec. 22 (par. 3), Art. VIII, *ibid.*

⁴⁶ Art. 152, PD 1083.

⁴⁷ Sec. 18, Art. VIII, RA 9054.

⁴⁸ Sec. 26, Batas Pambansa Bilang 129 otherwise known as the Judiciary Reorganization Act of 1981

⁴⁹ Organic Act, Art. VIII, Sec. 6

Accessibility to courts, vacancies in large number of courts. Almost half the number of Shari’ah Circuit courts was not operational and all five Shari’ah District Courts were vacant. There were also a large number of vacancies at the MTCs, MCTCs, and RTCs in the conflict areas.

Declining standards of legal education and professional integrity. Lack of knowledge of Shari’ah laws of English-educated judges and the corresponding lack of knowledge of Philippine law of Arabic-educated judges has been identified. Additionally, judges are not always provided with copies of Supreme Court decisions affecting Shari’ah cases. Insufficient knowledge of the rules of the Court by Shari’ah judges and lawyers are all contributory factors to the limitations on access. In one instance, a women litigant (a Shari’ah lawyer herself) could not obtain a divorce because, allegedly, the judge would not grant an *ex-parte* hearing to the case even though the husband had ignored the summons. A motion to declare a defendant in default is not necessary under summary procedures to be followed. In this instance, the judge should have proceeded with the case *ex-parte* and considered the husband automatically in default. Judges have also been found to lack an understanding of the tribal laws of indigenous communities, customary practices, and gender sensitivity. These factors all point to an imperative need to enhance judicial and legal education.

Lack of legal training. The quality of Shari’ah lawyers leaves much to be desired. Training for a 45-day period is insufficient to become trained in all aspects of the law. The Supreme Court urgently needs to look into this issue very carefully. The minimum requirement for a Shari’ah lawyer should include a law degree and a more comprehensive training program in Shari’ah law.

Inadequate systems of laws and regulations. Shari’ah courts have very limited jurisdiction. As a result, most cases are settled by informal Shari’ah or through traditional methods of dispute resolution. Informal Shari’ah and traditional methods are based on interpretations by religious leaders or nominated judges who

interpret the law based on Islamic principle. These fora lack formal standards and are open to discretionary interpretations. The existence of multiple adjudicatory mechanisms including the mainstream legal system has led to “forum shopping” among the people of the Muslim community and contributes to conflict.

Lack of legal implementation. The persistence of torture and ill treatment in the Philippines today, despite the broad array of legal and institutional human safeguards, highlights a serious discrepancy between the law and its application within the criminal justice system. In its latest report, the Task Force Detainees stated that 29% of the cases of human rights violations were from Mindanao; these figures only reflect cases actually filed.⁵⁰ During the course of the stakeholder meetings, the issue of illegal arrest and detention was brought up constantly. The residents in the CAAs were reluctant to bring the cases to the authorities but prefer to go to the village elders or datu to intermedicate on their behalf. Thus, even though there are a plethora of laws to protect people, the aggressors are still able to act with impunity. To provide services close to the grassroots, the Commission on Human Rights (CHR), an independent agency to promote and protect human rights, has implemented a flagship program, the Barangay Human Rights Action Center Program. However, the program is still not operational in most areas. Furthermore, the CHR has a mandate for fact-finding and documentation, but with no power to prosecute. Such a limitation has resulted in the lack of trust and cooperation between the people and the commission. It is imperative that the capacity of the CHR be enhanced to enable it to perform more vital functions.

Inconsistency between formal and traditional values. Deeply-ingrained attitudes of the Bangsamoro people towards traditional conflict resolution mechanisms are at times detrimental to women seeking divorce or other forms of redress. Traditional values, which tend to maintain the status quo, encourage them to sort their problems out within the community, providing no solution to their needs.

⁵⁰ Task Force Detainees of the Philippines (TFDP), a CSO that regularly documents human rights violations in the Philippines, for the period covering January-December 2003 stated that 29% of the cases of human rights violations were from Mindanao.

Patronage, extreme personalism, and indifference.

Patronage and extreme personalism, according to law professor Alfredo Tadiar of the University of the Philippines, is a malaise of the system. In an article describing the nation's criminal justice system, he said that "the most dominant characteristic of Philippine society is the pervasive influence of close personal relations upon almost any conceivable human interaction."⁵¹ While such relationships are functional, it also means that decisions by judges and other government personnel may be based on external considerations such as friendship, kinship, common regional and academic background rather than principles of law or analysis. Patronage, in turn, blends with such personalism where judges and other officials owe their positions to politicians or influential private parties.⁵²

Gender insensitivity and bias. Internationally and nationally, the establishment and popularization of human rights instruments and legal provisions relating to equality as well as protection from abuse have drawn attention to the extent of disadvantage and discrimination. However, the weakness of state intervention in prompting gender equality is widely acknowledged and is attributed to the persistence of customs and traditions that often undermine rules and regulations. Legal measures on their own are insufficient and need to be accompanied by efforts to change values through education, training and media, as well as affirmative action to promote women's representation in politics as well as the legal system. The failure of legal changes, even when accepted, to translate into meaningful change for women is also a result of the lack of capacity in the legal system. This results not only from the women's lack of resources to access legal help, but also from the male dominance in the judicial system.⁵³

There is only one female Shari'ah judge in the entire Shari'ah justice system. The majority of cases filed before the Shari'ah court are by women. Their complaints relate to divorce, recovery of unpaid *mahr*, abandonment, lack of support by the husband, and in many cases relate to implementation of favorable judgments. The women have also identified a need for setting

formal standards for the basis of decisions rather than the ample discretion enjoyed by judges under the present law. Many women were unable to afford the legal fees, resulting in the dismissal of cases.

EXCLUSION OF MINORITIES

If the recent past is any guide, the exclusion of Muslims and IPs from decision-making has been the root cause of conflict. Mindanao is home to three distinct groups of people, the Muslims, the Lumads and the Christian settlers. The Organic Act clearly seeks to establish autonomy in Muslim Mindanao, which may be interpreted as the recognition of the ethnicity of the Muslim population and naturally the non-Muslims have found it hard to identify with this autonomy. Rebuilding Mindanao is essentially about healing wounds, bridging and mending the gaps among Muslims, Christians, and the Lumads, and recognizing this as the fundamental root cause of the conflict.

The core of the IP's rights pertains to the norms and customs of indigenous communities. The Indigenous Peoples Rights Act or IPRA recognizes their distinct justice systems so long as these are compatible with the national legal system and internationally recognized standards of human rights. The fundamental issue is the lack of awareness of their rights. Local governments also do not implement laws on the concerns of the IPs.

Customs and traditions of the IPs are in danger of fading, as their rites and rituals are not being promoted. General non-recognition by the justice system of the IP's tribal law has been identified as another area of concern. There is a need for an interface between the indigenous legal system and the legal system of the country and the judges and prosecutors have to be educated in tribal law and systems. Law schools in areas where there are indigenous communities should include customary laws and systems in their curriculum. Judicial reform efforts must also give special attention to customary laws and practices of indigenous cultural communities.

⁵¹ ADB. 1999. Legal Empowerment: Advancing Good Governance and Poverty Reduction, Overview Report, page 38 quoting Alfredo F. Tadiar. September 1972. "The Administration of the Criminal Justice in the Philippines: Some aspects for a Comparative Study with that of the United States," *Philippine Law Journal* 47, No 4, page 548.

⁵² Ibid.

⁵³ UNDP. 2000. Women's Political Participation and Good Governance: 21st Century Challenges

The Organic Act recognizes, protects, and guarantees the beliefs, customs, and traditions of IPs or other minorities in the autonomous region and mandates the RLA to adopt such measures to ensure mutual respect for and protection of such rights.⁵⁴ Furthermore, the regional government is required by law to ensure the development, protection, and well-being of all indigenous tribal communities.⁵⁵

The Act stipulates for the creation of a system of tribal courts with limited criminal jurisdiction.⁵⁶ Recently, the Tiruray and Lambangian tribes have made concerted efforts to codify their customary law. The codification efforts are geared towards an enacted law for these tribes. The validated codification will be presented to the RLA for adoption into law within the ARMM.

CRIMINAL LAW AND THE POLICE

Years of conflict have soured relations between the community and the police. Balabagan, a municipality in Lanao Del Sur province composed of 27 barangays, has only 23 police officers. Aside from being adversely affected by the conflict, it is also besieged with disputes between and among local leaders and influential families. Massive proliferation of drugs seems to be another area of concern.

Malabang municipality suffers from the same woes. To ensure peace and order and enforce laws a meager police force of 40 officers is present and is assisted by 18 personnel from the Bureau of Jail Management and Penology. Kapatagan suffers from the practice of *rido* and the drug trade. It serves as a transit point for the illegal trade between the more populated municipalities of Maguindanao and Lanao del Sur.⁵⁷

In Buldon (Maguindano), apart from the predominant desire for continued talks between the GRP and the MILF and cessation of hostilities, the need to control cattle rustling and settle family feuds through mediation were articulated. Datu Odin Sinsuat municipality has only a few PNP personnel that are insufficient to contend with the presence of armed groups such as the “Lost Command.”

Added to its problems were issues of rampant drug addiction, gambling, cockfighting and cattle rustling. The presence of the military and the MILF, and political rivalry among local leaders were of paramount importance to the residents of Matanog municipality. Parang municipality identified the need for a gun-less society, reduced crimes such as cattle rustling, illegal trade, the use of illegal drugs, and full implementation of traffic rules as their prime concerns. The lack of close cooperation between barangay officials and the police was also identified.⁵⁸

The thread that links all the municipalities is the imperative need to address the bigger problems such as *rido* and the illegal trade in drugs and consequent addiction. During the course of consultations with stakeholders in Davao and in the field, drug addiction and the need for rehabilitation centers was greatly emphasized. There are only two rehabilitation centers in Mindanao, one in Cagayan de Oro and one in Davao. In several areas, parents of minors who are drug addicts are willing to even pay for “board and lodging” to jails in order to keep their children in “safekeeping.”⁵⁹

Several provisions of the Organic Act pertain to public order and security⁶⁰ which states in a relevant part that “the Regional Government shall give priority to the maintenance and preservation of law and order for the establishment of peace and the protection of life, liberty, and property of the people in the autonomous region, in consonance with the provisions of the Constitution and this Organic Act.” However, the image of the police in CAAs is not one that preserves peace and order, in fact, it is quite negative.

Accusations relating to lack of physical presence, abusive conduct, neglect in the custody of prisoners, immorality, religious insensitivity, extortion and irregularity in connection with the investigation of cases, all abound. The negative image is further compounded by problems relative to administration of justice that include inadequate communication skills, lack of coordination among police officers, failure to arrest, accusations of human rights violations, delay in the transmittal of cases to the prosecutor and inadequate skills in investigation and in the handling of evidence.

⁵⁴ Organic Act, Art. III, Sec. 5.

⁵⁵ Ibid.

⁵⁶ Id., Art. VIII, Sec. 19.

⁵⁷ An appraisal of the municipalities in ARMM directly affected by the armed conflict between the Armed Forces of the Philippines and the Bangsamoro Islamic armed forces of the Islamic Liberation Front, Notre Dame Journal Volume 32 No. 1, October 2002.

⁵⁸ Ibid.

⁵⁹ Anecdotal evidence

⁶⁰ R.A. 9054, Art. XIII, Sec. 1

The Moro communities in CAAs are also highly militarized. The military does police work, such as raiding houses of suspected drug lords, acting on complaints of cell-phone snatching, cattle rustling and others. It seems the military in Mindanao has acquired vast powers and obligations. The heavy presence of the military makes the situation even murkier because the very sight of people in uniform makes people wary. A recent study provided insights into people's perception of the military. For victims of armed conflict for decades, the sight of men in uniform is enough to make them tremble and provides no assurance of peace.⁶¹

⁶¹ An appraisal of the municipalities in ARMM directly affected by the armed conflict between the Armed Forces of the Philippines and the Bangsamoro Islamic armed forces of the Islamic Liberation Front, Notre Dame Journal Volume 32 No. 1, October 2002.



6

Civil Society
Organizations

6

Civil Society Organizations

Over the years, the role of civil society organizations (CSOs) in governance has become much more significant. The 1987 Philippine Constitution specifically provides for citizen participation in governance and expands opportunities for these organizations to interact with the government and state institutions. The Local Government Code (LGC) of 1991 also provides for sectoral representation of CSOs and empowers the local governments to plan and manage development in partnership with them. However, the implementation of these legal provisions remains a serious concern.

Although the GRP-MNLF peace process concerned both the government and civil society, peace and development initiatives by the government wittingly or unwittingly excluded civil society. Thus, after the signing of the 1996 Peace Agreement and because of this perceived exclusion, the CSOs openly manifested their opposition in large part.

While the government maintained its position that they had conducted consultations for acceptance by a wider audience, the CSOs emphasized that they were never made part of the “process” but had to “accept” what was agreed between the GRP and the MNLF. Despite such outright exclusion and extensive armed conflict, these groups continue to flourish and maintain their dynamism in the CAAs of Mindanao.

The CSOs in Mindanao constitute a wide array of networks and coalitions that vary according to the purpose and scope of their activities. Like their counterparts elsewhere in the country, civil society groups tend to function independent of government. Since the groups in conflict areas are actively involved in peace building, reconstruction and development, advocacy has become an essential component of their mandate.

While CSOs are present in almost all provinces of Mindanao, Christian-led organizations are better established than the Bangsamoro civil

society groups largely because most Christian-led organizations form part of larger coalitions or networks that are Manila-based. While Bangsamoro civil society groups may not have well developed networks because of differing sectoral interests and ideological perspectives, recent efforts point to them consolidating their gains. A consortium of Bangsamoro non-government organizations (NGOs) and People’s Organizations (POs) has been established to advance the political, social, economic and cultural agenda of the Bangsamoro people.

It is a composed of 31 NGOs and POs in the 13 provinces of Mindanao. In the area of advocacy, peace and grassroots peace building, Christian-led organizations and Bangsamoro civil society groups have also achieved some degree of consolidation and partnership through the formation of the Mindanao Peace Weavers, a consortium that involves seven networks and about 300 NGOs.

Presently, the Mindanao Coalition of Development NGOs (MINCODE) is the broadest coalition of development networks in Mindanao and is composed of ten major development networks. These are: i) the Agri-Aqua Development Coalition; ii) Association of Foundations; iii) Consortium of Bangsamoro Civil Society; iv) Council of Organized Social Services Agencies in Mindanao; v) Kahugpong sa Mindanao; vi) Mindanao Alliance of Self-Help Societies-Southern Philippines

Education Cooperative Center; vii) Mindanao Congress of Development NGOs and NGIs; viii) Philippine Business for Social Progress; ix) Philippine Partnership for Development and Human Resources in Rural Areas; and x) the Partnership of Philippine Support Services Agencies.

MINCODE members are present in all six regions and almost all of the 25 provinces of Mindanao. In Region 9, eight member networks are actively present in two provinces with the exception of the newly created Zamboanga Sibugay. In Region 10, there are eight MINCODE member-networks in four of the five provinces. For Region 11, all 10 member-networks are present in all four provinces. In Region 13, five member-networks are operating in all four provinces and in the ARMM, there are six member networks assisting communities in all five provinces. Most NGO members of MINCODE are engaged in Official Development Assistance (ODA)-group supported projects, which are mostly community-based in nature. Recently, the Mindanao Emergency Response Network (MERN) has been created and is composed mainly of humanitarian NGOs, both local and international.

In Iligan City and the Lanao provinces, the Civil Society Organizations for Peace (CSOFP) was established on February 15, 2003. Its main thrust is to raise awareness within the community and people regarding local and international conflict and mobilize people to campaign for peace. The CSOFP comprises 21 participating organizations and the “Makigdait Movement” has been implemented as a strategy to coordinate and harmonize peace building efforts in the Lanao area.

Dialogue led by CSOs has also resulted in the formation of organizations that have effectively served as a bridge between and among the Christians, Moros, and Lumads. The Bishop-Ulama Forum, for instance, has spearheaded regular dialogue between religious Muslim and Christian religious leaders who have in turn developed programs for conflict resolution between communities. Similarly, Silsilah Dialogue also provides a venue for interfaith dialogue at the community level. Kadtuntaya Foundation, which

literally means “to understand each other in order to foster better relations,” pursues interfaith dialogue as a central part of its mandate.

Aside from peace advocacy, CSOs also supplement the service delivery function of the government. Through their adeptness at utilizing innovative approaches to development work, they are able to facilitate the development and establishment of empowered and self-reliant communities. In all their initiatives, community organization remains a common thread, if not an entry point, for their development work. They have also begun to build collaborative partnerships with line agencies. Some are starting to find ways to work and be involved with LGUs either as service providers or advocates for reform.

CSOs have also come to the fore of initial networking to prevent duplication of services in common areas of operation. The Immaculate Conception Parish in Pikit, North Cotabato, to some extent, became the focal point of many groups working on the ground during the height of the 2000 war. The parish facilitated regular meetings of local and international CSOs working in Pikit, Pagalungan, and Pagagawan.

SPECIAL ISSUES AND CONCERNS

One of the most significant constraints facing CSOs is reluctance on the part of government institutions to allow them to participate adequately even to the extent provided by the LGC. Their own institutional weakness, specifically as it pertains to logistics, technical and management capacity and their limited knowledge of power dynamics and government institutions and processes further hampers their work.

The existence of “overlapping leaderships” in Moro communities further affects their operations. This “overlap” involves the traditional (datu) leader, elected leaders, religious, and revolutionary leaders (MNLF and MILF).

The nature of civil society and CSOs in the conflict areas in Mindanao presents important characteristics that diverge from the CSOs in other regions in the Philippines. This has been

confirmed during the Team's first consultations in Davao.⁶² Additionally, the lack of studies and information on the existence and role of CSOs in most of provinces covered by this study, especially in Maguindanao and Sultan Kudarat, has also been expressed.

Based on some exploratory studies and the information provided by the participants in the consultations, the Team was able to identify two initial facts and/or needs. First, in order to provide a comprehensive and realistic study of the nature, role, and action of CSOs, it is necessary to visit a large number of municipalities and communities as possible and it is not technically advisable to extrapolate or assimilate findings or conclusions from one municipality to another (this could be even true at the level of communities). In fact, the coexistence of diverse ethno-linguistic and cultural groups in many municipalities recommends studying the different expressions of civil society separately. This is especially true considering different provinces or areas as different as Zamboanga del Sur and North Cotabato. Second, most of the participants in the focus group discussions stressed the need to assess the evolution of CSOs in areas covered by earlier programs and under the peace process with the MNLF. It is therefore, crucial to link the two processes, assess the situation in these other municipalities and learn from past experiences.

PARTICIPATION OF CSOs IN LOCAL GOVERNANCE

The Philippine Constitution clearly affirms that “the state shall encourage non-governmental, community-based or sectoral organizations that promote the welfare of the nation.”⁶³ The State “shall respect the role of independent people’s organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means.”⁶⁴ The “right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms.”⁶⁵

The LGC of 1991 implements such provisions of the Constitution and provides for the creation of local development councils at all levels of local government provincial, municipal/city, and barangay.⁶⁶ As venues for the formulation of development plans, these councils are required to have not less than one-fourth membership consisting of representatives of CSOs (also known as NGOs and POs in local special bodies).

Other bodies include the local school board, local health board, local peace and order council, and the pre-qualification bids and awards committee. The Code also empowers LGUs to undertake projects jointly with NGOs and POs as partners in development and the promotion of the welfare of the communities.⁶⁷ Likewise, the Code grants the people the power of recall and the power of initiative and referendum.⁶⁸ The power of recall provides the people the right to remove erring local officials from office. The mechanism for initiative and referendum provides them the power to petition for the amendment or rejection of programs/projects and policies within a locality.

The process of qualifying for representation by NGOs and POs in local special bodies (LSB) is explicitly outlined in the accreditation process that is initiated by the local government council or Sanggunian as provided for in Rule XIII, Article 64 of the Implementing Rules and Regulations of the Code.⁶⁹

The Organic Act reiterates in Article III, Sec. 3, that provisions of the Code shall be applicable to all provinces, cities, municipalities and barangays within the autonomous region until such time that the Regional Assembly passes enabling law to implement this specific provision of the Organic Act (RA 9054 was enacted in 2001).⁷⁰ MMAA 25 of the Local Government Code of ARMM was passed by the RLA in 1994 under the original Organic Act (RA 6734). Sec 108 of the MMAA 25 also mandates that NGOs and POs should comprise one-fourth of the local development councils.

Other special bodies include NGOs and POs.⁷¹ While participatory mechanisms within local governments may have been institutionalized,

⁶² The Local Governance and Institutions Team organized a first round of consultations and participated in second week consultations initiated by the Human Development Team, apart from individual meetings with key informants.

⁶³ Sec. 23, Art. II, 1987 Philippine Constitution

⁶⁴ Sec. 15, Art. XIII, *ibid.*

⁶⁵ Sec. 16, Art. XIII, *ibid.*

⁶⁶ 1991 Local Government Code

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

⁶⁹ Rule XIII, Art. 64, Implementing Rules and Regulations of the 1991 Local Government Code

⁷⁰ Sec. 3, Art. III, RA 9054

⁷¹ Art. 127, Rule XXI, Book 1 of the IRR of MMAA 25 also provides for the system of accreditation of NGOs and POs

they do not guarantee effective participation. Several factors impede effective utilization of these formal venues for CSO participation in governance. Perhaps ironically, decentralization and devolution of authority contained in the LGC itself provides local officials with discretion to either follow or disregard the participatory provisions of the Code.

Therefore, there is an urgent need to raise the awareness of CSOs of the specific and relevant provisions of the LGC with respect to CSO participation in governance and decision-making venues and forums. The government also needs to undertake confidence-building measures to encourage civil society's participation in government processes. These measures should include greater transparency, accountability, and rationality in existing governmental venues and processes and the extension of more support to CSO initiatives.

A good example is the Local Government Support Program (LGSP) of the Canadian International Development Agency's (CIDA) Program that has completed several projects in various municipalities of Mindanao as well as the ARMM. The program has produced two knowledge products that are being used by LGUs.⁷²

As a result of their initiatives, the DILG has revised its memorandum circular sent out to all ARMM LGUs on involving CSOs in LSB to be more lenient and to allow informal Lumad groups and other informal/traditional/religious groups opportunities to become LSB members and participate in the process.

The constitutional framework also tends to classify NGOs and POs as external, service-oriented providers rather than integral partners in local governance. This understanding of the supplementary function and mandate for CSOs may cause some local governments to dispense with sectoral representation and participation in a perfunctory manner.

Certain CSOs' lack of access and awareness exacerbates the problem. Some groups in Davao informed the Team that they were unaware

of the provisions of the Code that allow CSO participation while others doubted the real value of such committees. An issue of particular concern was that in some instances, political intervention in the accreditation process has taken place.

Some local government officials tend to invite "known organizations" or organizations established by relatives to participate in LSBs. Furthermore, not all CSOs genuinely represent marginalized sectors of civil society. The dynamics and differences in constituency and scope of these groups thus need to be further assessed on a case-by-case basis.

Some CSOs fear participation in such forum because of the possibility of being co-opted or being too closely associated with government policies and decisions. Greater transparency and reporting to the community on the proceedings of government processes such as the local government councils may offset this fear.

Conversely, some CSOs fear that serving effectively as government watchdogs will place them in an adversarial role vis-à-vis local authorities and in the context of present day Mindanao, even expose them to personal danger. The formation of CSO consortia for participation in LSBs and the creation of active partnerships between such consortia and donor agencies and other external organizations may serve to offset this negative exposure.

Previous assessments conducted on the status of local development councils in conflict areas show most of these councils to be non-functional. Although the Code confers on these councils fundamental responsibility for development planning at the local level, no corresponding authority exists to enforce accountability when plans go unimplemented. Because they are not elected, and because they are by law only advisory in nature, the councils themselves cannot command accountability from local officials.

Categorizing CSOs with the private sector has brought conflict in government/non-government collaboration. A clear-cut distinction between CSOs and the private sector has also been expressed. This can be observed from the organizational structure of MEDCo, which provides a seat for

⁷² Reclaiming Public Life through Local Special Bodies: A Sourcebook on Enhancing Participation in Local Governance; Creating Inroads in Forging Partnerships: A Practical Guide for Civil Society Organizations.

the private sector to represent the business sector as well as civil society. The private sector may possess interests and concerns different from the “development orientation and work” that CSOs are engaged in. The chairman of Mindanao Economic Development Council (MEDCo) has pointed out that to include representation from the civil society requires an amendment to the MEDCo charter.

IMPORTANCE OF MEDIA

The strategy of some CSOs has been influenced by the importance of media. The media has been able to foster dialogue and cultural understanding in war-torn communities; plays a major role in achieving transparency and accountability by offering objective, clear and comprehensive information; and helps in forging public opinion and in disseminating information on best practices.

To better tap the resources of the media, some CSOs presented Action Plans at a workshop of the First Mindanao Media Summit. The Philippine Information Agency has also held workshops involving editors, publishers, and TV and station managers.

The following problems were identified by consulted CSOs:

- Religious and cultural prejudices in reporting;
- A tendency to report on military officials while ignoring the actual groups involved (such as internally displaced persons [IDPs]); and,
- A tendency to focus on events rather than processes.

Structural problems were also identified such as lack of control over decision-making among those who belong to national networks or papers, and the ratings and low remuneration, among others.

MECHANISM FOR OVERCOMING INEQUITY AND EXCLUSION

The effective participation of CSOs in development processes provided by law may be attributed to three factors: i) the capacity of the CSOs to

formulate and implement their agenda and work within or outside the structures of the government; ii) the receptiveness of local officials to the Code’s provisions; and iii) the willingness of the local officials to entertain opportunities for CSO participation.

One of the points stressed by CSOs working at the community level is that they are able to ensure direct beneficiary participation in the development process by facilitating the identification of local needs. They help enhance community ownership and participation in local development efforts, especially in project design and implementation. It is also through the consultative and participatory approaches undertaken by CSOs that communities identify, understand, and articulate views that otherwise might not be heard in macro level processes.

A good example is Pikit, where the Immaculate Conception Parish plays an active role as a facilitator. Local leaders participate in the identification of needs, implementation, monitoring, and evaluation. Programs and activities are all coordinated with the local government, the military, and the MILF. Technical expertise and volunteers from line agencies, such as the DA and the DSWD, are also tapped. This has resulted in creating a sense of ownership within the community.

However, this was not the case with the assistance provided by various donor agencies to selected sites in Mindanao per the 1996 MNLF Peace Agreement. The Bangsamoro Women’s Foundation has pointed out that the identification of peace and development communities (PDCs) by the UN Multi Donor Programme did not involve other stakeholders; i.e., only MNLF commanders were consulted. CSOs working within these areas have therefore experienced difficulty accessing funds for areas not covered by the PDCs even if these areas were badly in need of services.

Although the PDCs were meant to be pilot areas and examples to encourage other communities to follow the path of peace and development,

the process that ensued and the failure to reach all the communities resulted in criticisms of exclusion and lack of transparency.

Beneficiaries and stakeholders also question the interventions of some CSOs, particularly in the area of community rehabilitation. The issue of exclusion and inequity gets more complicated in the case of communities that were displaced as a consequence of armed conflict. In such cases, the cohesiveness and links inherent in communities are fractured and further weakened by the lack of resources in evacuation centers. The distribution of goods and provision of services can be central to maintaining tolerance and goodwill among families and communal groups. Many beneficiaries claim that CSOs do not consult sufficiently, do not distribute goods and provide services in an equal and fair manner, tolerate, and even participate in the corruption of some politicians.

The presence of international NGOs is a further complicating factor. International NGOs have difficulty in being accepted, especially in areas where there are calls for the ‘Islamization’ of society. According to some beneficiaries and stakeholders, there is therefore a need then to find neutral and engaged CSO workers who belong to the community and understand its cultural values.

Projects and programs based on large amounts of funds can serve to create more exclusion and inequity, especially if they are intended to achieve short-term objectives without concern for sustainability.

The participation of CSOs in the ongoing peace negotiations can serve to reduce the feeling of inequity and exclusion. Under the 1996 GRP-MNLF Peace Agreement, CSO participation was limited to consultations with the government only after the substantive agenda had been agreed between the MNLF and the GRP. The importance of having an “informed constituency” has been taken into account in the ongoing peace negotiations with the MILF; representatives of CSOs have been

accorded observer status at the negotiations in Kuala Lumpur, Malaysia. Moreover, IP representative Sylvia Okinlay Paraguya⁷³ has been appointed as a member of the GRP peace panel. This has been a positive and encouraging development.

PROTECTION OF HUMAN RIGHTS

Mechanisms for effective participation of CSOs in the management of human rights are lacking and the role of civil society is insufficiently developed in CAAs. Such work is fraught with physical dangers intrinsic to the type of activity. Allegedly, human rights activists have been killed by paramilitary groups or members of Citizens Armed Forces Geographical Unit (CAFGU) and the Civilian Volunteer Organization.

To minimize such risks, many human rights groups like Karapatan-Mindanao or Ecumenical Movement for Justice and Peace are based in big cities like Davao or Zamboanga City where they have better access to media and communication with partners outside Mindanao. Human rights CSOs based in Manila also actively promote human rights in Mindanao as they relate to general issues such as capital punishment. There are examples of certain international NGOs (like German Kids Foundation) that provide support to local NGOs in presenting cases of human rights violations to the United Nations Office of the High Commissioner for Human Rights.

Networks and formalized collaboration among CSOs in Mindanao and NGOs/CSOs operating at the regional, national, and international level need to be further developed and consolidated. Another crucial issue is the strengthening of networks at the regional, national, and international level through the use of new technologies by making full use of the internet as a channel for peace advocacy; promotion and protection of human rights violations; research and investigations; and information and communications. A good example is the Human Rights Now! Network, a part of the project CODE-WAN (Countrywide Development Wide Area Network).

⁷³ Sylvia Okinlay-Paraguya, a Higaanon, is also the chairperson of MINCODE.

Accusations of a lack of neutrality and objectivity plague certain organizations that do accuse the military of contravening human rights. The action of the few groups focused on human rights protection is not coordinated with other groups at the national and international levels. The few instances that are recorded are isolated and focus on flagrant violations – mostly communal massacres and attacks on members of human rights NGOs or specific sectors of the society such as children. In fact, there is virtually no case of human rights violations perpetrated by the military or government agents that are formally brought to the courts.

This is despite the fact that human rights violations in the conflict areas are an everyday occurrence. In the isolated cases that claims of violations of human rights reach the courts of justice, there is a great probability that the case will be dismissed or result in an out-of-court settlement.

To mitigate this perception of impunity, it is also necessary to enhance the role of the government and institutions in the promotion and protection of human rights by providing specific support to human rights groups and CSOs. In this regard, it is necessary to define the role and responsibilities of the CHR in the ARMM as it relates to the CHR-Central Office and institutionalize the task of documenting and filing human rights violations at the regional level. The limited mandate of the CHR needs to be re-examined and steps taken to build capacity within the institution.

Support may be provided by increasing the involvement of the international community and international NGOs in the protection of human rights. There is an obvious niche for international NGOs that presently experience problems of access to some communities on their own. International organizations and donor agencies could provide support in ensuring that violations are brought to the attention of appropriate regional and international forums early by funding a capacity building and information campaign to increase the awareness among local CSOs and the CHR about relevant international and national mechanisms.

CAMPAIGNS AND ADVOCACY

Advocacy remains a primary component of the work of CSOs in Mindanao and it is worth noting that CSOs largely prefer to use more informal venues in their advocacy work. This may be attributed to the fact that CSOs have found formal venues and processes to be slow. In the course of their advocacy work, CSOs work either singly or through networks or consortia that link similar groups with convergent interests. A good example is how 22 women NGOs have consolidated to work on the revision of Muslim laws, taking into consideration the “gender issue.”

Advocacy at the local level with respect to “national issues” needs to be accompanied by a corresponding campaign at the national level for it to be effective. Likewise, national campaigns require support from the grassroots. As pointed out by MINCODE, a coalition of CSOs, this is where networking and coalition building play a crucial role as a tool for policy intervention. As the largest network coalition in Mindanao, the coalition works as an effective leverage to put allied individuals from civil society to government positions. Its most recent successes have been the placement of four sectoral representatives from Mindanao to the National Anti-Poverty Commission (NAPC).

NGOs engaged in advocacy and lobbying are generally based in Manila and in Mindanao. An example is the Alternative Law Group, Inc., a coalition of 17 NGOs engaged in alternative and developmental legal practice. They carry out projects in Mindanao that provide a variety of legal services to ensure that the poor and marginalized have access to justice. They also work with partner organizations that represent the urban/rural poor, IPs, women, and with other local NGOs involved in advocacy and lobbying for the enactment of social legislations benefiting these sectors.

Yet another example is the Pilipina Legal Resources Center (PLRC) that has cited the systematic way by which their group conducted their advocacy efforts in the legislature and the communities through consciousness-raising, community organizing, and empowerment programs for women. By their

efforts, the PLRC has been able to secure a seat in Congress under Abanse Pinay, which has further opened doors for reform advocacy within the legislative branch of the government.

Specific to the Bangsamoro civil society group, most advocacy work revolves around the continuing Bangsamoro struggle for social justice. The perceived economic marginalization and political disenfranchisement of the Bangsamoro people, as well as constraints on their collective rights to self-determination, are often the issues brought out in dialogues and fora.

Advocacy has also been used to compel the government and other state institutions to conform to the rules of transparency and accountability in decision-making and policy implementation. MINCODE has participated in monitoring and assessing government performance. Since 2001, an annual assessment is made on the progress of government commitments in Mindanao based on the State of the Nation Address (SONA), Medium Term Philippine Development Plan (MTPDP), and the development agenda of the national agencies for Mindanao.

MINCODE has also implemented the Transparent Accountable Governance (TAG) Project in seven cities in Mindanao: Cotabato, Dapitan, Iligan, Island Garden City of Samal (IGACOS), General Santos, Marawi, and Surigao.

Its accomplishments include the following:

- Broader participation of CSOs in the promotion of good governance in seven cities;
- Strengthened tri-sector collaboration and partnerships – MINCODE and the Mindanao Business Council (two different Mindanao-wide entities with two different strategies and organizational mandate) were able to form the Tri-Sectoral Conference in Mindanao Peace and Development with the participation of the Office of the President for Mindanao (OP-Mindanao). The collaboration demonstrates a wide array of linkages, networks and partnership building aimed at enhancing the complementation aspect of the TAG Project.

In Dapitan, Iligan and IGACOS, civil society and the private sector have drawn from each other's expertise in community organization, business orientation, and social mapping;

- Aided reforms in LGU performance through the Public Service Excellence Program which recognizes the CSO role as a “watchdog” for local government performance. The TAG Project provided a venue for CSOs to observe and assess local government transactions and procedures. In most cases this was done through accreditation of some members of the city NGOs in the local development councils or the local special bodies;
- Introduced innovations in assessing local government performances. NGOs have created mechanisms in evaluating local government performance by institutionalizing feedback mechanisms within the city structure, utilizing modern mass media in its advocacy campaign, and multi-stakeholder dialogue;
- Improved LGU-CSO partnership. During the entire project duration, CSOs have earned some form of legality and credibility in demanding reforms and sustaining them;
- Established independent structures. The city Transparency and Accountability Networks (TANs) became the mechanisms for various groups to formulate strategic plans, define sub-structures within the TAN-developed program in relation to the TAG project, including its sustainability, best practices on good governance, transparency and accountability, and a reward and incentive scheme for excellent performance.

Several factors relating to logistical resources (including work force), technical, and organizational capabilities constrain CSO advocacy work in Mindanao. The lack of technical expertise on the dynamics and governmental processes affect civil society groups' capabilities to access existing venues and other state mechanisms, which in turn hampers its policy intervention efforts. To illustrate, this unfamiliarity with the policy-making terrain compels certain civil society actors to employ improper means of engagement, which leads to ineffective campaigns and lobby efforts.

Furthermore, the lack of organized communities and the failure to generate and sustain informed and empowered constituencies also result in poor advocacy work. CSO participation can only be effective in influencing public policy if it is able to muster a good number of constituents who are ready to unify for the interest of the people.

The lack of financial sustainability further impedes day-to-day grassroots work and leads to a heavy reliance on funding agencies, which in effect results in the CSO programs becoming donor-driven and funding oriented. Resource-rich politicians and the proliferation of “fly-by-night” NGOs and POs can facilitate cooptation of such CSOs to traditional politics.

To address advocacy-related constraints, the CSOs need to address weak areas within their institutions. Coalition-building with other like-minded groups is necessary to enable them to map out their territory and avoid wasteful duplication and overlapping in their advocacy efforts. This can eliminate unnecessary competition and help in policing and regulating their ranks. Coalition and formation building can also provide opportunities for small NGOs and POs to strengthen their own capacities and capabilities so that they become more empowered to influence the government.

Coordination between and among organizations and CSOs in Mindanao has been hindered by differences in ideological and political beliefs. Some organizations which are independent from any political group have difficulty in maintaining effective coordination and partnership with other organizations except in cases where the other CSOs are independent and ideologically free from control of any group.

PROJECT IMPLEMENTATION AND SERVICE DELIVERY

Civil society organizations in Mindanao have taken an active role in the delivery of welfare services. The services provided by the civil society organizations include the following: childcare, adult literacy, health, social welfare, and other services that the government are unable to provide fully, organizing relief and rehabilitation, and credit and marketing cooperatives.

The marked presence and assertiveness of civil society organizations in the delivery of welfare services does not automatically underscore the government’s ‘inability to govern’; civil society organizations cannot replace or supersede government institutions. Civil society organizations, as alternative service delivery agents, complement and supplement the actual delivery of services to the people, especially in areas, both sectorally and geographically, where the government is weak and incapable.

Fr. Bert Layson of Pikit, North Cotabato, cannot stop stressing this point. According to him, civil society organizations complement the efforts of the local governments and the entry point of this complementation is through existing barangay structures aimed at empowering the local government unit. Civil society organizations play a critical role in keeping the convergence among the LGUs, the communities and other stakeholders in the area.

While the Kadtuntaya Foundation Incorporated (KFI) started out as an advocate of Muslim-Christian dialogue, the organization in the course of the conflict ventured into direct service work in affected Moro communities. To address the non-delivery of basic services to these areas and the seeming neglect of the government, KFI gradually developed programs geared towards addressing the most pressing social and economic needs of these communities. In this situation, KFI was able to help by “filling in the development gap” and providing services where local communities needed those most.

The distinctiveness of the CSO role in service delivery as compared to the local government is that it is not simply a service provider; it also addresses an important aspect of rehabilitating the physical core and economic damage as well as rehabilitating the relationships of the people. As per Fr. Bert Layson, “It is about restoring the belief of people in themselves, in one another and in their community, and restoring the belief of the people in peace”. Service delivery is equated with addressing visible and invisible aspects of the conflict.

CSO participation as service providers is critical especially if the CSO is the only one present in the community or barangay providing basic services such as education, livelihood, and health. The Nagdilaab Foundation is a good example of a CSO that operates in the eight barangays of Lantawan, Basilan, providing non-formal education and skills training.

During the 2000 war, many groups ventured into relief and rehabilitation. One such CSO was “Hope for Change.” In response to the internal displacement of families in Lanao due to the conflict between the Armed Forces of the Philippines (AFP) and the MILF, “Hope for Change” facilitated the distribution of relief and medical assistance to internally displaced communities. It implemented this program in coordination with other local organizations that formed the Civil Society Organizations for Peace.⁷⁴

Conduct of psychosocial activities to help the displaced people (adults and children) recover from the psychological effects of the armed conflict were also undertaken. Organizing and capability building activities in some focus communities were conducted to enable them to effectively respond to disasters that may arise while peace-building activities are undertaken.

The main constraint faced by CSOs working in service delivery is the lack of resources and tools. This is most obvious in the case of health workers: the scarcity of medicine is a major problem that volunteers have to contend with while attending to their beneficiaries.

Additionally, it is difficult to access sitios that are distant from the road, especially in CAAs. The lack of ambulances and the poor accessibility to some communities make it very difficult or almost impossible for the individual to go to a hospital in the nearest city; the patient will only try to go if his/her illness is at a very serious stage.

Another constraint is the ineffective coordination among implementers. CSOs that have different services and programs hardly cooperate and coordinate with each other in the delivery of basic services and in the implementation of their

programs and projects in one area. Some groups even view others as competitors and declare that they have a sort of “control” over an area after being the first to implement projects.

The direct implementation by certain agencies of ready-made systems and mechanisms that are not necessarily appropriate in the communities is considered a constraint rather than a help in bringing effective change in the target communities. The dole-out approach by agencies has undermined the efforts of CSOs trying their best to effect sustainable and empowering approach to community development.

⁷⁴ Civil Society Organizations for Peace was organized to promote and implement peace-building activities in the Lanao province, including the cities of Iligan and Marawi.



7

Needs and Proposals

7 Needs and Proposals

Governance is at the very root of conflict in Mindanao. Exclusion of the Muslims and the IPs from decision-making and economic opportunities coupled with a profound loss of confidence in key institutions have all contributed to the proliferation of arms and armed means of resolving conflicts. A political vacuum created through the loss of confidence in official institutions has contributed to the frequent use of armed means for resolving disputes and an intensification of demands for greater autonomy and “self-determination.”

The root causes of the current situation are:

- Exclusion of the Bangsamoro people from positions of power and decision-making and a consequent demand for institutions that better reflect the identity and aspirations of the Bangsamoro people;
- Inefficiency and ineffectiveness of government institutions of the ARMM and the LGUs coupled with a marked lack of accountability, high levels of graft, and associated impunity in official institutions;
- Lack of capacity in the formal court systems coupled with insufficient access for the public to institutions that can be trusted and have sufficient enforcement capacity;
- Heavy reliance on informal mechanisms of conflict resolution that are insufficiently regulated and codified; and,
- Lack of a sufficiently organized and capable civil society that can advocate for good governance, serve as an effective watchdog, and deliver services on behalf of the general population.

This section outlines proposals that collectively seek to address some of the root and structural causes of the ongoing conflict in Muslim Mindanao within the framework of existing legislation.

For practical purposes, proposals that are elaborated below are divided into the Immediate Term Confidence Building Proposals and the Medium-Term Proposals.

Immediate-Term proposals are ones that can be implemented relatively quickly (within 12-24 months) and/or involve preparatory work leading to the design and implementation of Medium-Term programs. While governance projects and programs do not lend themselves as well to quick implementation for confidence building the way that small infrastructure projects do, it is understood that the rehabilitation of courts and other such programs that have been proposed may fall into this category.

Without exception, the proposals below are general outlines and will have to be formulated further. They provide a sample of projects that could be implemented under the Local Governance and Institutions Component.

Further, it is recognized that the Mindanao Trust Fund (MTF) will have limited funds. Ideally, the government should seek other fund sources for these proposals.

LINKAGES WITH EXISTING DONOR PROGRAMS

Potential linkages exist between the program being recommended and existing donor initiatives in Mindanao. The implementation of all

recommended programs will be challenging, and resources at a premium given the breadth of proposed interventions and the uncertain and complex institutional environment. For these reasons, linkages between proposed interventions and existing donor programs/projects should be effectively exploited to the maximum.

Root Cause of Conflict	Proposed Response	Relevant Proposed Programs
Exclusion of the Bangsamoro people from positions of power and decision-making and a consequent demand for institutions that better reflect the identity and aspirations of the Bangsamoro people	<ul style="list-style-type: none"> • Providing decision-makers with broader comparative experience of governance systems in societies dominated by Islamic populations • To ensure that more Bangsamoro people are represented in positions of authority through affirmative action • Information campaign on the Local Government Code and local public administration processes • Assistance for an independent referendum to help determine the best form of local governance • Strengthening of official institutions that particularly reflect the identity of the Bangsamoro People • Strengthening of the RLA 	<ul style="list-style-type: none"> • Center for Continuing Study of the Interplay among Islam, Democracy, and Tradition • Policy Development for an Affirmative Action Program • Information Campaign on the Local Government Code and Local Public Administration Processes • Reform and Restructuring of ARMM I • Reform and Restructuring of ARMM II • Institutional Strengthening of the Shari'ah Justice System • Strengthening of the RLA • Leadership Training for Women • Assistance for an Independent Referendum
Inefficiency and ineffectiveness of government institutions of the ARMM and the LGUs coupled with a marked lack of accountability, high levels of graft, and associated impunity in official institutions	<ul style="list-style-type: none"> • Rationalization of Institutions and Agencies of Governance • Reform, restructuring, and expansion of the ARMM • Strengthening/establishment of the BDA • Strengthening revenue and budget management for improved accountability 	<ul style="list-style-type: none"> • Rationalization of Institutions and Agencies I • Rationalization of Institutions and Agencies II • Reform and Restructuring of ARMM I • Reform and Restructuring of ARMM II • Management Consultancy for the BDA • Strengthening of the BDA • Mechanism for Human Rights Monitoring • Strengthening of Revenue and Budget Management for Improved Accountability • Gender Advocacy in Budget Management • Strengthening of the RLA
Lack of capacity in the formal court systems coupled with insufficient access for the public to institutions that can be trusted and have sufficient enforcement capacity	<ul style="list-style-type: none"> • Information campaign on the justice system • Institutional strengthening of the Shari'ah Justice System • Peace advocacy training for the youth of Mindanao • Strengthening of indigenous dispute resolution • Strengthening traditional dispute resolution • Access to justice fund 	<ul style="list-style-type: none"> • Peace Advocacy Training for the Youth of Mindanao • Institutional Strengthening of the Shari'ah Justice System • Strengthening of Indigenous Dispute Resolution • Strengthening of Traditional Dispute Resolution • Access to Justice Fund • Mechanism for Human Rights Monitoring
The absence of a sufficiently organized and capable civil society that can advocate for good governance, serve as an effective watchdog and deliver services on behalf of the general population	<ul style="list-style-type: none"> • Capacity building for CSOs • Leadership training for women • Strengthening CSO networks and consolidation of CSOs • Institutionalization of CSO participation in governance 	<ul style="list-style-type: none"> • Mandated venues for CSO Participation in Local Governance • Capacity Building for CSOs • Leadership Training for Women • Establishment of CSO Networks/Consolidation of CSOs • Institutionalization of CSO Participation in Governance

PROPOSALS

The MTF is a mechanism for funding transitional assistance in the CAAs in Mindanao. The full implementation of the assistance will be effective only after a peace agreement is signed between

the GRP and MILF. As such, the MTF will have limited resources and will not be able to cater to all the needs of the CAAs. Most of the proposals in the following pages will require funding from the Government and other sources.

Immediate Term and Short Term Confidence Building Proposals

A. General Governance and Public Administration

PROJECT 1: RATIONALIZATION OF INSTITUTIONS AND AGENCIES I

MAIN OBJECTIVES

To review the mandates and functions of the multitude of agencies that have been created over time in Mindanao and to lay the foundations of a program geared towards the elimination of agencies that are superfluous; rationalization of overlapping and/or competing mandates; merger of agencies that have similar functions; and, restructuring and right-sizing agencies according to need.

PROJECT STRATEGY AND APPROACH

The project, which will cover the geographic areas covered by both the 1996 agreement with the MNLF and the present one with the MILF, will involve an independent management consultancy that will serve to inform all of the relevant decision-makers. The project will feed its findings and recommendations into relevant planning and budget-management mechanisms.

The report shall include legal and constitutional analysis, particularly with respect to the merger or dissolution of any government agency. The report of the consultants will be presented in summary form as options for decision-making at a meeting composed of legislators and senior policy-makers from Manila and ARMM with a view to their adoption as policy.

OUTPUT/RESULTS

The management consultancy will result in the production of a comprehensive report with clear findings and recommendations; a summary of the key findings and recommendations with options outlined along with estimated costs of implementation. Support will also be provided in organizing a conference/workshop of key decision-makers drawn from the MILF, MNLF, GRP, and civil society to discuss the options as well in supporting negotiations required to incorporate agreed reforms into national plans and the budget.

BUDGET (US Dollar)

Management consulting report (subcontract)	US\$ 500,000
Preparation and negotiation of options for action	US\$ 30,000
Conference of decision-makers (miscellaneous costs)	US\$ 50,000
Support for negotiations (miscellaneous costs)	US\$ 50,000
TOTAL	US\$ 630,000

Immediate Term and Short Term Confidence Building Proposals

A. General Governance and Public Administration

PROJECT 2: REFORM AND RESTRUCTURING OF ARMM I

MAIN OBJECTIVES

- 1) Define the scope for an expanded and more inclusive ARMM;
- 2) Redefine the core role, functions and structure of ARMM;
- 3) Define its vertical and horizontal relationships with other institutions of government and civil society including the Executive, Legislature, and Judiciary with a view to maximizing accountability to its constituents as well as its management efficiency and effectiveness;
- 4) Define the relationship of ARMM government to the LGUs;
- 5) Define strategies, systems, and processes essential for the effective/efficient functioning of ARMM;
- 6) Develop functional responsibilities and mandates of core units within ARMM;
- 7) Develop job descriptions for core staff at ARMM;
- 8) Define essential systems and processes required in order to raise accountability and ensure the effective and efficient functioning of ARMM;
- 9) Define financial requirements for the restructuring of ARMM;
- 10) To recommend a process leading to the implementation of recommendations and the revitalization of ARMM.

PROJECT STRATEGY AND APPROACH

It is apparent that in order to gain political legitimacy and to encompass the remaining areas in the conflict areas in Mindanao, the ARMM is going to have to undergo fundamental reforms that i) strengthens its management and raises both its effectiveness and efficiency; ii) makes it more accountable to the public; iii) enables it to further decentralize planning, resource management and program implementation to the maximum extent within the framework of existing legislation; and iv) enables it to better reflect the identity, and cultural and social aspirations of its constituents.

The project involves an independent management consultancy that will reassess the fundamental mandate, functions, structure, staffing, systems, and policies of the ARMM and make recommendations to key decision-makers. The study, which will be conducted over approximately 18 months, will need to be decided on by Congress as well as the MILF, MNLF, and the executive branch of the GRP.

OUTPUT/RESULTS

Report of an international management consultancy that includes reforms in the area of: i) overall mandate and strategy; ii) changes to the geographic coverage of ARMM; iii) structure of ARMM; iv) functions of each unit within ARMM; v) job descriptions and staffing requirements of each unit recommended; and, vi) general recommendations regarding essential management systems and processes required for effective functioning of ARMM.

BUDGET (US Dollar)

Subcontract study <i>(The consultants will also be retained to support negotiations of recommendations through Congress.)</i>	US\$ 2,000,000
TOTAL	US\$ 2,000,000

Immediate Term and Short Term Confidence Building Proposals

A. General Governance and Public Administration

PROJECT 3: STRENGTHENING THE BDA

MAIN OBJECTIVES

The BDA was established in order to serve as a development agency for areas currently under the control of the MILF. As an institution, the BDA is still at an early stage and this project is intended to “kick-start” its activities and programs in order that it can perform its mandate under a post-conflict transition phase.

PROJECT STRATEGY AND APPROACH

The management consultancy will be undertaken by a consulting firm drawing on a combination of international and national expertise. The purpose of the consultancy is to i) define the role and mandate of BDA taking into account other related institutions in the area; ii) define a workable governance structure for BDA that provides it with effective policy oversight and ensures accountability; iii) define the functions of different units within the BDA; iv) define staffing requirements and to develop job descriptions for core positions; v) define the systems requirements of BDA including in the areas of planning, financial management, procurement, administration and program implementation; vi) prepare specifications for the development of such essential systems; vii) develop a strategy to mobilize resources for BDA programs; viii) define its relationship to the ARMM regional government and LGUs; and (viii) outline elements of a plan to phase out BDA once conditions permit.

OUTPUT/RESULTS

The management consultancy will result in the production of a comprehensive report with clear findings and recommendations and a summary of the key findings and recommendations with options outlined along with estimated costs of implementation.

BUDGET (US Dollar)

Management Consultancy (subcontract)	US\$ 300,000
TOTAL	US\$ 300,000

Immediate Term and Short Term Confidence Building Proposals

B. Access to Justice

PROJECT 4: INFORMATION CAMPAIGN ON THE RIGHTS OF INDIVIDUALS BEFORE THE LAW

MAIN OBJECTIVES

There is an urgent need to raise awareness within Muslim communities of their rights and duties guaranteed under the present formal Shari'ah and secular justice systems. Also needed is a raised awareness of the other forums for dispute resolution like the Katarungang Pambarangay (BJS) that settle disputes based on amicable settlement.

The principal objectives of the project are:

- 1) To promote general awareness of the rights guaranteed under the present formal justice system, including the Shari'ah;
- 2) To promote awareness among the communities of Shari'ah law as understood by more moderate Islamic systems such as those in Malaysia and Turkey;
- 3) To conduct radio programs, lectures on local, national and international laws relating to Shari'ah and on how Shari'ah can be harmonized with such laws;
- 4) To be able to make an informed decision after significant exposure to Shari'ah law including Shari'ah in different jurisdictions (Malaysia and Turkey) on a referendum for the expansion of Shari'ah to other aspects of law in addition to those already covered as personal and family matters;
- 5) To provide knowledge of the availability of social services that promote justice and to foster the desire to avail them thereof;
- 6) To increase the desire to assist community members to foster a culture based on rule of law; and,
- 7) To increase awareness of the Katarungang Pambarangay (BJS) as an alternate and cheaper means of accessing justice.

PROJECT STRATEGY AND APPROACH

The project is intended to help acquaint the general public with their rights before the Shari'ah and secular courts, through culturally sensitive and culture-based citizens' education and to enable informed decision-making on a referendum that may take place at a later date on the expansion of Islamic systems of governance, including the expansion of Shari'ah to other aspects of the law.

A CSO or a consortium of CSOs will be selected to mount a campaign to raise awareness of the law and the basic rights guaranteed under the Code of Muslim Personal Laws, targeted at the Muslim communities and to complement other donor efforts to make justice more accessible.

In consultation with the CHR, DILG, DOJ, PHILJA, the Shari'ah District Court and Circuit Court judges, and the community, the CSO will develop a training module to include issues of women and children's rights under the present Shari'ah system with comparisons to those guaranteed under the Philippine secular system. It will also provide an overview of Shari'ah law in more moderate countries such as Malaysia and Turkey and should include information on internationally accepted tenets of human rights.

The project will conduct a public information campaign on the law and rights it confers through print media (pamphlets, posters, newspapers, etc.), community radio, spot programs on television, and seminars for community leaders and women's groups active in each municipality. The project will be pilot-tested in a few municipalities for a period of four months and a final training module developed after gathering feedback from the community, women's organizations working within those municipalities, Shari'ah judges and the community leaders.

It should also sponsor a visit by some Shari’ah judges and key decision-makers in the legislative and executive branches to Shari’ah courts in moderate Islamic countries and/or countries with dominant Muslim populations towards the end of the pilot-testing. After fine-tuning the training module in consultation with PHILJA, the project will be implemented in all Muslim communities including the dissemination of printed primers in each of the local dialects.

OUTPUT/RESULTS

The project will raise awareness and understanding of:

- 1) The people’s rights that are guaranteed under the present Shari’ah system;
- 2) Other Shari’ah systems adopted by more moderate jurisdictions as Malaysia and Turkey;
- 3) The BJS as an alternative means of dispute resolution; and,
- 4) The various systems of Shari’ah law to be able to make an informed decision on a referendum for the expansion of Shari’ah to other aspects of law.

BUDGET (US Dollar)

Pilot Testing in Six Municipalities for four months:	
PHILJA	US\$ 4,000
Seminars by CSOs	US\$ 6,000
Radio Program	US\$ 3,000
Television Program	US\$ 3,000
Honorarium for Shari’ah Judges	US\$ 4,000
Study Tour to Malaysia/Turkey for select Shari’ah Judges and leaders	US\$ 70,000
Consultations with Shari’ah experts from other jurisdictions	US\$ 5,000
Implementation in all Municipalities	US\$ 50,000
TOTAL	US\$145,000

Immediate Term and Short Term Confidence Building Proposals

B. Access to Justice

PROJECT 5: ESTABLISHMENT OF A HUMAN RIGHTS MONITORING MECHANISM ALONG WITH BUILDING CAPACITY OF THE COMMISSION ON HUMAN RIGHTS

MAIN OBJECTIVES

The primary aim is to establish an independent human rights monitoring mechanism tasked with investigating, documenting, processing, storing and retrieving, packaging and disseminating information on the status of human rights in relevant areas of Mindanao.

The project will help develop the capacity of an NGO consortium to collect, compile, analyze and store data on human rights. It will also support a project for the dissemination of information pertaining to human rights abuses to appropriate bodies in the judiciary, executive and the public for action as appropriate. In addition, the project will include training for government officials, police, military and judges in human rights. Chosen international homologue officials shall carry out the training of the members of these institutions.

Simultaneously, the project will seek to strengthen the capacity of the CHR to ensure the development of skills in investigating human rights abuses in armed conflict situations, secure appointment of human rights experts from CAAs to the regional offices, and the establishment and training of quick-reaction teams to investigate human right abuses.

PROJECT STRATEGY AND APPROACH

The project is intended to develop the capacity of a consortium of NGOs to effectively monitor, report and disseminate information on the status of human rights in Mindanao in partnership with international donors. The project will also strengthen the capacity of the CHR and officers at the Regional Offices, the BDA, its core group of community facilitators, Local Monitoring Teams (LMTs), and the police and military in the area of human rights, with particular focus on multicultural sensitivities.

With inputs from the BDA, its facilitators within the community and the LMTs, the CHR in conjunction with national/international CSOs/NGOs and the international homologue officials will formulate a primer on basic human rights, keeping in mind multiculturalism and gender sensitivity. A CSO/NGO or consortium of CSOs will be identified and engaged to disseminate the information within the community.

OUTPUT/RESULTS

The project will result in staff of the BDA, LMTs, the CHR, police, military, and CSOs that are sensitized to international standards and definitions of human rights as well as gender sensitivity. The project will also result in a functioning mechanism for collecting, compiling, analyzing and disseminating information on human rights.

BUDGET (US Dollar)

Training	US\$ 60,000
International personnel for development monitoring mechanism	US\$ 90,000
Computer equipment, vehicles	US\$ 50,000
Operation and maintenance	US\$ 10,000
Information dissemination	US\$ 50,000
Other expenses	US\$ 10,000
TOTAL	US\$ 270,000

Immediate Term and Short Term Confidence Building Proposals

B. Access to Justice

PROJECT 6: RIGHTS OF CHILDREN UNDER THE LAW

MAIN OBJECTIVES

- 1) To provide information regarding the rights of children under the Rule on Juveniles in Conflict with the Law, Rule on Commitment of Children, and the Rule on Examination of Child Witnesses in the CAAs;
- 2) To promote awareness and understanding in the CAAs regarding the rights of children in the administration of juvenile justice and the rights of child witnesses; and,
- 3) To provide a mechanism that will ensure the protection and enforcement of the rights of children in the administration of juvenile justice and the rights of child witnesses.

PROJECT STRATEGY AND APPROACH

Information will be disseminated using broadcast and print media. Radio programs and comic books will be used in the legal literacy campaign. The colleges of law in the CAAs in Mindanao will be tapped to create the radio program and the comic books. The local dialect shall be used in the radio program and comic books. The information to be disseminated may include the following:

- 1) Rule on Juveniles in Conflict with the Law
- 2) Rule on Commitment of Children
- 3) Rule on Examination of Child Witnesses
- 4) The mechanism that will ensure the protection and enforcement of the rights of children in the administration of juvenile justice and the rights of child witnesses.

The DepEd will be involved in the distribution of the comic books. The comic books are to be distributed to parents, guardians, teachers and children in the schools in the conflict areas. The alternative law groups in the CAAs shall likewise be involved in the distribution of comic books to all the LGUs and line agencies of the government.

The project will identify and support a civil society group engaged in legal advocacy relating to children's rights to petition the Supreme Court to designate certain courts in CAAs as Family Courts. The judges, prosecutors, public attorneys, police officers and social workers so designated to such courts will require additional training on children's rights. The CSO will coordinate the subsequent training of the officers attached to such designated courts with PHILJA.

OUTPUT/RESULTS

- 1) Designation of certain courts in the CAAs as Family Courts;
- 2) Training by PHILJA of judges, prosecutors, public attorneys, police officers and social workers in children's rights guaranteed under Philippine law;
- 3) Awareness and understanding of the rights of children created in the administration of juvenile justice and in the examination of child witnesses;
- 4) Children and their parents/guardians empowered to demand protection and enforcement of child rights in the administration of juvenile justice and examination of child witnesses.

BUDGET (US Dollar)

Training	US\$ 5,000
National consultants	US\$ 35,000
Preparation and printing of materials	US\$ 60,000
Airtime (radio and television)	US\$ 70,000
Other costs of dissemination	US\$ 20,000
TOTAL	US\$ 190,000

Immediate Term and Short Term Confidence Building Proposals

C. Civil Society Organizations

PROJECT 7: STUDY ON THE MANDATED VENUES FOR CSO PARTICIPATION IN LOCAL GOVERNANCE

MAIN OBJECTIVES

Building on CIDA's Local Governance Support Program (LGSP), this project will seek:

- 1) To conduct an extensive review of the existing formal venues of participation of CSOs as provided for under the LGC of 1991;
- 2) To assess the process and procedures relating to selection and accreditation as provided in the implementing rules and regulation of the Code; and,
- 3) To propose mechanisms to address constraints and gaps towards effective participation of the CSOs.

PROJECT STRATEGY AND APPROACH

The study will involve an assessment of the participatory provisions of the LGC. Specifically, the study will look into the various special bodies, such as the local development councils, peace and order councils, health and education boards, and special committees established within the LGU as venues of sectoral representation.

A random sampling of MILF municipalities will be done to identify those areas with functional local development councils and those areas beset with problems of sectoral representation. An in-depth analysis shall be done to identify factors that either aid or limit substantive participation of the CSOs. Policy discussion and review sessions at different levels of the government structure (barangay, municipal, provincial) shall be conducted to gather the views, comments and recommendations needed to enhance certain provisions of the Code and its IRR. The project will be housed within a select NGO/CSO consortium.

OUTPUT/RESULTS

The project will identify the facilitating and constraining factors within the Code; identify bottlenecks and gaps in the selection and accreditation process in the IRR; recommend enhancement of certain provisions of the Code; recommend a mechanism to institute integrity and efficiency in the accreditation process; and, enhance the mandate of these local venues with emphasis on conferring authority to exact accountability.

BUDGET (US Dollar)

National consultant	US\$ 108,000
National staff	US\$ 77,000
Meetings	US\$ 45,000
Equipment	US\$ 72,000
TOTAL	US\$ 302,000

Immediate Term and Short Term Confidence Building Proposals

C. Civil Society Organizations

PROJECT 8: INFORMATION CAMPAIGN ON THE LOCAL GOVERNMENT CODE AND LOCAL PUBLIC ADMINISTRATION PROCESSES

MAIN OBJECTIVES

- 1) To conduct an information campaign on the provisions of the Code, its implementing rules and regulations and local public administration processes;
- 2) To establish a mechanism to ensure continued dialogue between the CSOs and the local government units;
- 3) To provide a venue for the dissemination of appropriate information on the available formal venues of CSO participation in local governance; and,
- 4) To harmonize differing views and perspectives of both local government unit officials, CSOs and other local governance stakeholders on specific provisions of the Code towards establishing an informed and empowered partnership between the two sectors.

PROJECT STRATEGY AND APPROACH

To undertake this project, the DILG shall take the lead in conducting the information and education campaign (IEC). Collaboration with established advocacy groups from civil society is recommended to instil partnership between the two sectors. This shall be undertaken at the different levels of the government (barangay, municipal, provincial) in the three provinces of Mindanao (MILF regions). Abridged copies of the LGC, as well as local public administration processes on development planning, fiscal management, legislation, project/program management and implementation, and monitoring and evaluation, shall be distributed during the IEC sessions. This project should build on the results and key recommendations of the LGSP projects conducted by CIDA.

OUTPUT/RESULTS

This project is expected to result in transparency, accountability, and rationality as they are introduced into existing government institutions and processes. In addition, CSOs become familiar with government policy-making, rendering them more effective as advocates and watchdogs. At the same time, their technical expertise is developed in key areas of government decision-making including budget and revenue management. Confidence building measures are likewise implemented to encourage CSO participation in government processes.

BUDGET

National consultant	US\$ 108,000
National staff	US\$ 72,000
Printing cost	US\$ 30,000
Meetings	US\$ 45,000
TOTAL	US\$ 255,000

Immediate Term and Short Term Confidence Building Proposals

C. Civil Society Organizations

PROJECT 9: CAPACITY-BUILDING FOR CSOs IN ADVOCACY AND SERVICE DELIVERY

MAIN OBJECTIVES

To strengthen technical, organizational, and program management skills and capabilities of select CSOs.

PROJECT STRATEGY AND APPROACH

Prior to the design of the capacity building project, an assessment of training needs will be undertaken to determine the level of CSO technical capacities in advocacy and service delivery. This shall ensure that the training program will appropriately address the areas in which CSOs lack capacity.

The project will also ensure that women-focused CSOs are included in the training sessions. The areas to be looked into may include the following: program planning; project formulation and management; financial management and reporting; monitoring and evaluation; effective communication; leadership skills; conflict resolution and management; negotiation; and human rights.

The training and interventions will include Islamic principles as an entry point to show similarities with universal principles of good governance. It will seek to build on the results and recommendations of the LGSP (Phases I and II) project completed by CIDA.

OUTPUT/RESULTS

- 1) CSOs become more efficient and effective both as public advocates and watchdogs;
- 2) CSOs become more efficient and effective as alternate channels for the delivery of services; and,
- 3) CSOs operate in advocacy and service-delivery with a degree of independence and confidence.

BUDGET (US Dollar)

National consultant	US\$ 108,000
National staff	US\$ 72,000
Printing cost	US\$ 30,000
Meetings	US\$ 45,000
Facilitator	US\$ 5,000
Other training costs	US\$ 50,000
TOTAL	US\$ 310,000

Immediate Term and Short Term Confidence Building Proposals

C. Civil Society Organizations

PROJECT 10: LEADERSHIP TRAINING FOR WOMEN

MAIN OBJECTIVES

To empower women to advocate on their own behalf; to take leadership roles at the local, provincial and regional levels; and to run for public office.

PROJECT STRATEGY AND APPROACH

Implemented by a consortium of women's CSOs, the project will disseminate information on the rights of the women and conduct training for women selected by their peers at the barangay level. Training modules will include:

- 1) Rights of women before the law
- 2) Management training
- 3) Entrepreneurship training
- 4) Basic accounting and financial management
- 5) Training in government structures and processes
- 6) Training for campaigns and elections

While the main focus will be on training sessions and workshops, the project will also disseminate basic information on the module subject matter using broadcast and print media in order to maximize coverage.

OUTPUT/RESULTS

An increased number of women in positions of authority at the community level and elected to public office at the local, provincial and regional level

BUDGET (US Dollar)

National consultants to prepare and implement training modules	US\$ 120,000
Workshops/training	US\$ 150,000
Preparation and printing of materials	US\$ 60,000
Airtime (radio and television)	US\$ 70,000
Other costs of dissemination	US\$ 20,000
TOTAL	US\$ 420,000

Medium Term Program Needs

A. General Governance and Public Administration

PROJECT 1: RATIONALIZATION OF INSTITUTIONS AND AGENCIES II

MAIN OBJECTIVES

To raise the efficiency and effectiveness of public institutions and agencies in Muslim Mindanao, implementing the recommendations produced under “Rationalization of Institutions and Agencies I”.

Together Phases I and II of this program are intended to:

- 1) Eliminate agencies that are superfluous;
- 2) Rationalize overlapping and/or competing mandates;
- 3) Merge agencies that have similar functions; and,
- 4) Restructure and right-size agencies according to need.

The program will also take into account the findings and recommendations produced under the program “Reform and Restructuring of ARMM I”.

PROJECT STRATEGY AND APPROACH

The program will be overseen by a commission for reform that should be created for the purpose of public administration reform in Muslim Mindanao. Such a commission should be drawn from highly qualified leaders and professionals drawn from the government, MNLF, MILF, indigenous and traditional leaders, academics and civil society consortia. The project will be implemented over four to five years with a view to raising efficiency and effectiveness, ensuring that the identity of the Bangsamoro people are adequately reflected in the structure and form of local governance adopted, and maximizing participation of all segments of the population.

OUTPUT/RESULTS

- 1) Redefined mandates, roles and functions of key institutions and agencies;
- 2) Increased effectiveness and efficiency of government institutions;
- 3) Rationalization of processes and procedures;
- 4) Reduced overall costs of government;
- 5) Institutions that embody the aspirations and trust of all of the communities that are represented in the CAAs of Mindanao;
- 6) Better equipped and functioning government institutions; and,
- 7) Improvements of key systems and processes essential for accountability and efficiency in the delivery of services.

BUDGET (US Dollar)

The budget can only be accurately determined upon completion of Phase I. The following is merely an estimate of the external budget to be delivered over a four-year period.

International Personnel	US\$ 500,000
National Personnel	US\$ 1,000,000
Equipment	US\$ 1,000,000
Sub-contracts for system development	US\$ 1,000,000
TOTAL ESTIMATED BUDGET	US\$ 3,500,000

Medium Term Program Needs

A. General Governance and Public Administration

PROJECT 2: REFORM AND RESTRUCTURING OF ARMM II

MAIN OBJECTIVES

Among the objectives of the project are to implement the recommendations produced under “Reform and Restructuring of ARMM I” in order to expand and ensure greater inclusiveness of ARMM; strengthen and rationalize the core role, functions and structure of ARMM; and boost the vertical and horizontal relationships with other institutions of government and civil society including the Executive, Legislature and Judiciary in order to maximize accountability to its constituents as well as raise management efficiency and effectiveness. Its objectives are the following:

- 1) Further develop and rationalize the relationship between ARMM and the LGUs;
- 2) Establish and introduce strategies, systems and processes essential for the effective/efficient functioning of ARMM;
- 3) Institutionalize functional responsibilities and mandates of core units within ARMM;
- 4) Establish and institutionalize job descriptions for core staff at ARMM;
- 5) Institutionalize essential systems and processes required in order to raise accountability and ensure the effective and efficient functioning of ARMM; and,
- 6) Re-establish the credibility of ARMM as an effective government institution for all of the CAAs in Mindanao.

In its implementation, the program will also take into account the findings and recommendations of “Rationalization of Institutions and Agencies I”.

PROJECT STRATEGY AND APPROACH

The program will be overseen by a commission for reform that should be created for the purpose of public administration reform in Muslim Mindanao. Such a commission should be drawn from highly qualified leaders and professionals drawn from the government, MNLF, MILF, indigenous and traditional leaders, academics, and civil society consortia. The project will be implemented over a four to five-year period with a view to raising efficiency and effectiveness, ensuring that the identity of the Bangsamoro people are adequately reflected in the structure and form of local governance adopted and maximizing participation of all segments of the population.

OUTPUT/RESULTS

An expanded, more accountable, efficient and effective ARMM that reflects the aspirations and identity of the Bangsamoro people while at the same time preserving the full democratic rights and cultural, social, and economic aspirations of all minorities in the region.

BUDGET (US Dollar)

The budget can only be accurately determined upon completion of Phase I. The following is merely an estimate of the external budget to be delivered over a four-year period.

International Personnel	US\$ 500,000
National Personnel	US\$ 1,000,000
Equipment	US\$ 1,500,000
Sub-contracts for system development	US\$ 1,500,000
TOTAL ESTIMATED BUDGET	US\$ 4,500,000

Medium Term Program Needs

A. General Governance and Public Administration

PROJECT 3: STRENGTHENING OF THE BDA

MAIN OBJECTIVES

The main objective is to create an effective and efficient BDA capable of program planning, project and program formulation, and management of program implementation, effective financial and results-based monitoring and evaluation and policy development. The program will ensure that BDA processes are transparent, and that they operate on the basis of internationally recognized systems of procurement, accounting and financial management.

It will also ensure that BDA is equipped with appropriate staffing to ensure effective development planning, management, technical backstopping, and monitoring and evaluation. The program will assist in the definition of a working relationship between BDA and other key institutions of local government including both the ARMM and the LGUs.

The program will, in this regard, explore the possible participation of the BDA in key decision-making and resource allocation processes. The program will also introduce and establish sound computerized systems for financial management, administration, and results-based program monitoring.

PROJECT STRATEGY AND APPROACH

The BDA is expected to serve as an NGO or parastatal institution with a mandate limited to a transition period. Functions of the BDA should ultimately be transferred over to other private NGOs and local government institutions once they have been sufficiently integrated. A project oversight committee composed of the BDA Board and the oversight group of the JNA will monitor implementation and guidance with respect to program policies.

OUTPUT/RESULTS

An efficient and effective BDA that manages resources with accountability, as well as having systems and staff in place that enable sound management of development programs

BUDGET (US Dollar)

The budget can only be accurately determined upon completion of Phase I. The following is merely an estimate of the external budget to be delivered over a four-year period.

Systems development and implementation	US\$ 1,000,000
Equipment and facilities	US\$ 1,000,000
National consultants	US\$ 500,000
International consultants	US\$ 500,000
Other operational costs	US\$ 300,000
TOTAL ESTIMATED BUDGET	US\$ 3,300,000

Medium Term Program Needs

A. General Governance and Public Administration

PROJECT 4: POLICY DEVELOPMENT FOR AFFIRMATIVE ACTION

MAIN OBJECTIVES

The project objective is to assist the government to develop policies aimed at redressing past biases by ensuring access for Muslims, Lumads, and other minorities to opportunities, including in academia, government, political leadership and economic endeavors.

PROJECT STRATEGY AND APPROACH

The project will provide technical assistance to the central government and the ARMM in developing a comprehensive affirmative action policy specifically geared to reducing the alienation of people in the CAAs of Mindanao by raising their level of participation in mainstream institutions and economic endeavors throughout the Philippines. The Affirmative Action Policy that is developed will be submitted to Congress for consideration and passage as a Republic Act (an act of Congress that is signed by the President or lapses into law). The possibility of establishing a results-based sunset clause on such a policy should also be considered.

OUTPUT/RESULTS

An increased number of Muslims and Lumads in key positions of government and in academia as well as improved access for the same groups to housing, jobs, and credit among other economic opportunities leading to the eventual elimination of structural imbalances and disadvantages for ethnic and religious groups previously discriminated against.

BUDGET (US Dollar)

International consultants	US\$ 200,000
National consultants	US\$ 120,000
Workshops	US\$ 50,000
Support for negotiations in Congress	US\$ 50,000
Reporting and communication costs	US\$ 10,000
TOTAL ESTIMATED COST	US\$ 430,000

Medium Term Program Needs

A. General Governance and Public Administration

PROJECT 5: STRENGTHENING OF REVENUE AND BUDGET MANAGEMENT FOR IMPROVED ACCOUNTABILITY

MAIN OBJECTIVES

The principal objectives of the project are to eliminate opportunities for corruption in ARMM and the local governments in the CAAs by:

- 1) Streamlining procedures, regulations and laws that create unnecessary controls and opportunities for graft;
- 2) Closing loopholes in existing legislations;
- 3) Computerizing and standardizing revenue, budget and expenditure management systems and linking them with area wide networks through barangay, municipal, provincial, regional and national levels of government; and,
- 4) Creating greater transparency through the publication of the IRA and budgets at each level of government and by ensuring more effective participation of civil society in decision-making in the use of the IRA.

PROJECT STRATEGY AND APPROACH

The project will contribute to simplification of procedures and eliminate opportunities for corruption that currently exist.

OUTPUT/RESULTS

- 1) Simplified rules and regulations with opportunities for graft eliminated.
- 2) Elimination of current loopholes in legislations allowing for the misuse of funds.
- 3) A fully computerized and integrated system for managing the IRA, budget, and expenditures at all levels of government.

BUDGET (US Dollar)

Legal consultants	US\$ 100,000
International governance adviser	US\$ 200,000
International fiscal and budget management adviser	US\$ 200,000
Sub-contract for computerized financial systems	US\$ 1,500,000
Support for negotiations in Congress	US\$ 50,000
Reporting and communication costs	US\$ 10,000
TOTAL	US\$ 2,060,000

Medium Term Program Needs

A. General Governance and Public Administration

PROJECT 6: STRENGTHENING OF THE REGIONAL LEGISLATIVE ASSEMBLY

MAIN OBJECTIVES

The Regional Legislative Assembly (RLA) in the ARMM will need to be expanded to cover all of the CAAs and to encompass political representation from the same areas. The role of the RLA has been passive and insufficient to substantively review key policy documents and decisions. This project will seek to strengthen the existing committees of the assembly and to strengthen its capacity to substantively review, comment on, and draft/redraft policy documents.

PROJECT STRATEGY AND APPROACH

The project will be based in the RLA but will be undertaken under the oversight of a steering group composed of the GRP, MILF and MNLF. The strategy is to develop more systematic and effective processes for the review of key policy documents and to provide regional legislators with access to substantive advisory capacity required for the systematic and meaningful review of policy documents submitted to the assembly for approval.

OUTPUT/RESULTS

- 1) Restructured procedures for the review of policy documents;
- 2) Creation and/or strengthening of existing committees of the RLA;
- 3) Strengthening of the secretariats of key committees of the RLA; and,
- 4) Provision of technical consultants and the establishment of links to academic institutions, private sector, professional associations and other bodies that can provide expert testimony at hearings of key RLA committees.

BUDGET (US Dollar)

National consultants	US\$ 100,000
International governance adviser	US\$ 100,000
Preparation of a manual of procedures	US\$ 60,000
Access to expertise (honoraria)	US\$ 20,000
Reporting and communication costs	US\$ 10,000
TOTAL ESTIMATED BUDGET	US\$ 290,000

Medium Term Program Needs

B. Access to Justice and the Court System

PROJECT 7: INSTITUTIONAL STRENGTHENING OF THE SHARI'AH JUSTICE SYSTEM

MAIN OBJECTIVES

The principal objective is to strengthen the institutional capacity of the Shari'ah justice system to build a society that is based on rule of law, justice and peace, while being faithful to Islamic traditions and values. The lack of confidence in the present Shari'ah system points to a need to strengthen the institutional capacity of the Shari'ah system by improving infrastructure, supporting CSOs engaged in advocacy, introducing legal and non-legal training programs, increasing gender sensitivity, improving administrative management capacity and resources, and improving human resources management on an urgent basis. The other project objectives include the following:

- 1) Improve physical infrastructure and support facilities (i.e. court buildings, halls of justice, rest rooms), provide essential equipment such as computers, chairs, tables, electric fans, and others, and upgrade printing press facilities;
- 2) Support and strengthen capacity of CSOs engaged in advocacy efforts to lobby the government and other institutions to appoint judges especially women to vacant positions in Shari'ah courts, and prosecutors and public attorneys for Shari'ah cases;
- 3) Identify and support a CSO engaged in advocacy efforts to petition the government and other institutions to appoint Muslims and Lumads to the Supreme Court;
- 4) Build and strengthen the capacity of PHILJA (an attached agency of the Supreme Court) to include gender sensitivity training;
- 5) Build the capacity of the Shariah judges and lawyers by providing more vigorous training programs in Shari'ah and Philippine law;
- 6) Provide gender sensitivity training to Shari'ah judges, public attorneys, and Shari'ah lawyers;
- 7) Petition the Supreme Court to change the rule regarding the appointment of Shari'ah judges to include as requisite qualification a law degree;
- 8) Raise awareness and disseminate information relating to Shari'ah law and courts;
- 9) Undertake a study in consultation with the key stakeholders on the need for expanded jurisdiction of the Shari'ah courts.

PROJECT STRATEGY AND APPROACH

The Supreme Court of the Philippines has undertaken, with the support of the international community, an extremely comprehensive program for judicial reform, the coverage of which should include the CAAs in Mindanao. The Action Program for Judicial Reform (APJR) envisions a "judiciary that is independent, effective and efficient, and worthy of public trust and confidence; and a legal profession that provides quality, ethical, accessible and cost-effective legal service to our people and is willing and able to answer the call of public service."⁷⁵

The APJR is guided by the fundamental principles of: (i) impartiality, access to and speed of judicial systems; (ii) judicial autonomy and self-governance; (iii) streamlined institutional structure and operations; (iv) decentralization; (v) information systems-based operations, planning, performance management and decision-making; (vi) competitive and equitable remuneration; (vii) continuing capability improvement; (viii) transparency and accountability in appointments to the bench; and (ix) consensus-building and collaboration with civil society.⁷⁶

As part of the Philippine Judicial System, the reform agenda encompasses the Shari'ah justice system. This project should be undertaken in conjunction with the Project Management Office (PMO) of the APJR and the PMO should be appointed the coordinating agency for the implementation of project objectives. This project will take into consideration and build on results and recommendations from existing studies funded by donors such as the CIDA's "Shari'ah Court Watch Project," and the United Nations Development Programme's (UNDP) "Institutional Strengthening of the Shari'ah Justice System."

⁷⁵ Chief Justice Hilario G. Davide

⁷⁶ Supreme Court, Republic of the Philippines, 2001. Action Program for Judicial Reform, 2001-2006.

The project should identify and support a CSO engaged in advocacy efforts to lobby the government and the DOJ to appoint judges, public prosecutors, and public attorneys to Shari’ah courts. This would build on some of the Shari’ah court systems support provided by the CIDA.

Furthermore, the project should also identify and engage a group of legal experts from within the Philippines as well as other jurisdictions with Shari’ah systems like Malaysia and Turkey to study the need for expanded jurisdiction of the Shari’ah courts.

OUTPUT/RESULTS:

- 1) Physical construction of halls of justice for all Shari’ah courts, upgrading of infrastructure, improvement of deficient court technologies and provision of essential supplies;
- 2) Appointment of judges to vacant Shari’ah courts and representation of women among the appointees;
- 3) Training of Shari’ah lawyers by PHILJA;
- 4) A program of continuous judicial education for Shari’ah judges through PHILJA that includes gender sensitivity;
- 5) Trained non-judicial personnel;
- 6) Gender sensitized PHILJA, Shari’ah judges, Shari’ah lawyers, public attorneys; and,
- 7) A study on the need for expanded jurisdiction of the Shari’ah courts.

BUDGET (US Dollar)

Training for PHILJA/Judges	US\$ 20,000
Training for lawyers	US\$ 100,000
Training for non-judicial personnel	US\$ 30,000
Physical construction, upgrading, and provision of essential equipment	US\$ 1,500,000
Sub-contract for study	US\$ 50,000
TOTAL	US\$ 1,700,000

Medium Term Program Needs

B. Access to Justice and the Court System

PROJECT 8: ACCESS TO JUSTICE FUND

MAIN OBJECTIVES

The objective is to create a fund that will provide the poor and especially women with access to quality legal representation. The fund beneficiaries should include women, laborers, children, IPs, and all others who are incapable of securing justice. More specifically, the fund will:

- 1) Establish and fund community-based paralegal and legal resource centers;
- 2) Provide free legal services to poor and marginalized sectors of society;
- 3) Encourage law schools to participate in providing legal services to the poor;
- 4) Provide orientation sessions on the justice system and judicial processes;
- 5) Provide judges and prosecutors with training on agrarian reform laws and other social legislations, including the management of civil and criminal cases that are linked to agrarian disputes;
- 6) Train judges in gender sensitivity and social reform laws;
- 7) Conduct continuing education on the rights of children and on child sensitivity for communities, judges, social workers and LGU officers; and,
- 8) Strengthen the BJS through the education of barangay officials.

PROJECT STRATEGY AND APPROACH

A consortium of CSOs engaged in legal advocacy and literacy will be appointed to administer the project, which will be undertaken in cooperation with the Supreme Court of the Philippines. According to the Supreme Court, “Improving access to judicial services, particularly to the poor will require synergistic partnerships not only with the judiciary, but also between the judiciary and other stakeholders and agencies of the government which are functionally related to the administration of justice.” The CSO consortium appointed should consult and coordinate with the Program Management Office for the APJR in designing the project.

The APJR has identified the severe limitation in resources as the biggest constraint in improving access to justice. A fund will therefore be established to provide legal services to the poor. For sustainability purposes, part of the fund outlays may be reimbursed based on awards received.

The Supreme Court APJR program will undertake reforms to improve physical access, promote speedy and fair adjudication, raise the integrity of the judicial system, and improve the affordability of judicial services. The fund should be supplemented by budget outlays from the barangay, municipal and provincial IRAs as appropriate.

OUTPUT/RESULTS

- 1) Establishment of legal and paralegal resource centers;
- 2) Greater awareness of judges and prosecutors relating to agrarian laws and other social reform laws;
- 3) Greater awareness of judges and prosecutors on gender and children’s issues;
- 4) Appointment of judges and public attorneys to vacant positions;
- 5) A revolving fund established to fund public prosecutors and subsidize docket fees and other legal expenses for the needy; and,
- 6) Women appointed to the Lupon.

BUDGET (US Dollar)

Access to Justice Fund	US\$ 2,000,000
Training	US\$ 60,000
National consultants	US\$ 200,000
TOTAL	US\$ 2,260,000

Medium Term Program Needs

B. Access to Justice and the Court System

PROJECT 9: STRENGTHEN AND INSTITUTIONALIZE INDIGENOUS DISPUTE RESOLUTION

MAIN OBJECTIVES

Cultural attitudes toward dispute resolution practices reflect a strong dependency on mediation and tribal justice through indigenous modes of resolving conflicts and a very low reliance on the adversarial Philippine mainstream legal system. While indigenous modes of dispute resolution provide a forum for conflict resolution based on tribal laws, they suffer from inherent defects such as lack of transparency and accountability.

To harness their strength and yet dissipate their negative elements, it is imperative to build the capacity of the tribal leaders engaged in conflict resolution. The tribal leaders also lack knowledge of international and national laws like the Indigenous People's Rights Act and ancestral domain issues, and local laws, often finding themselves at a loss when they are required to resolve disputes relating to certain issues. Furthermore, the communities need to be empowered with the knowledge of other quasi-judicial forums like the Katarungang Pambarangay (BJS) that also settle disputes based on amicable settlement.

The principal objective is to strengthen the capacity of tribal leaders engaged in indigenous modes of dispute resolution and to support the documentation and codification of tribal laws in English and the local dialect. The ultimate aim of the project is to mainstream and institutionalize indigenous dispute resolution mechanisms into the local government structure by providing ample support through funds, logistics, and capacity building activities.

More specifically, the project will:

- 1) Conduct training seminars, lectures on local, national laws, ancestral domain issues and how to harmonize the contradictions among local, national and tribal laws;
- 2) Document tribal practices that have been enforced, applied and tested in resolving conflicts;
- 3) Codify rules and regulations to ensure uniformity of decisions;
- 4) Improve transparency and accountability within the indigenous forums;
- 5) Allocate funds for proper functioning of the indigenous justice system structures;
- 6) Provide gender sensitivity training;
- 7) Provide training in human rights;
- 8) Provide leadership training to tribal women engaged in dispute resolution; and,
- 9) Conduct an awareness program within the tribal communities on the BJS as an alternative means of dispute resolution.

PROJECT STRATEGY AND APPROACH

A CSO engaged in legal advocacy will be appointed to administer an awareness campaign that provides a primer on basic laws and institutions for tribal leaders and council of elders involved in indigenous modes of dispute resolution.

The CSO should conduct an awareness campaign on the basic rights of individuals guaranteed under international, national and local laws, targeted at the local and tribal leaders involved in dispute resolution. In consultation with the tribal leaders and the community it should then formulate a training program that will include issues of particular concern to all stakeholders.

Based on the inputs from all stakeholders, especially women, it should design a training module as well as conduct training and skills development seminars for the tribal leaders. The CSO should also help the tribal leaders in the codification of tribal laws, rules and regulations. The CSO may build on the results and suggestions of other recent studies, e.g., Tribal Governance Conference funded by CIDA and Oxfam, that resulted in the documentation of certain indigenous/tribal governance laws and customary practices.

The CSO should also bear in mind that the one of the objectives of the program is to promote greater participation of the traditional leaders within the Lupon (BJS) and mainstream the indigenous systems into the local government structure.

OUTPUT/RESULTS

- 1) Raised awareness of tribal leaders and those involved with indigenous modes of dispute resolution with respect to rights and safeguards granted to the people under international, national laws like the IPRA, local laws, and issues of ancestral domain;
- 2) Fully documented tribal laws and practices;
- 3) Fully codified rules and regulations of indigenous dispute resolution;
- 4) Documented and recorded number of cases of women approaching the indigenous forums and the outcome of such cases;
- 5) Defined measures to render local and tribal leaders more accountable;
- 6) Assess ways by which indigenous modes of dispute resolution can be made more transparent;
- 7) Raised awareness and participation of tribal leaders in the BJS;
- 8) Tribal leaders and elders appointed to the Lupon; and,
- 9) Women appointed to the Lupon.

BUDGET (US Dollar)

International consultants	US\$ 80,000
National consultants	US\$ 300,000
Computers and equipment	US\$ 40,000
Miscellaneous study costs	US\$ 80,000
Travel costs	US\$ 20,000
Publication and distribution of documentation/codification	US\$ 300,000
Pilot testing	US\$ 30,000
TOTAL	US\$ 850,000

Medium Term Program Needs

B. Access to Justice and the Court System

PROJECT 10: STRENGTHEN AND INSTITUTIONALIZE TRADITIONAL DISPUTE RESOLUTION

MAIN OBJECTIVES

The principal objective is to institutionalize traditional dispute resolution mechanisms and build the capacity of traditional leaders engaged in conflict resolution. Cultural attitudes towards dispute resolution reflect a strong preference for amicable settlement through traditional methods and a low reliance on the adversarial Philippine mainstream legal system.

While traditional methods of dispute resolution provide a forum for conflict resolution based on traditional Islamic values, they suffer from a lack of transparency and accountability. To harness their strength and yet dissipate their negative elements, it is imperative to build the capacity of the traditional leaders engaged in conflict resolution. Communities also need to become familiar with other forums such as the Katarungang Pambarangay, which also settle disputes based on amicable settlement.

More specifically, the objectives of the program are to:

- 1) Conduct training seminars, lectures on local, national laws and how to harmonize the contradictions among local, national and traditional *adat* law;
- 2) Document customary laws and practices that have been enforced, applied and tested in resolving conflicts;
- 3) Codify rules and regulations to ensure uniformity of decisions;
- 4) Improve transparency and accountability within the traditional forums;
- 5) Allocate funds for proper functioning of the traditional justice system structures;
- 6) Provide gender sensitivity training;
- 7) Provide training in human rights; and,
- 8) Conduct an awareness program within the CAAs on the BJS as an alternative means of dispute resolution.

PROJECT STRATEGY AND APPROACH

A CSO engaged in legal advocacy will be appointed to implement this project. The CSO should conduct an awareness campaign on the basic rights of individuals guaranteed under international, national and local laws, targeted at the local and traditional leaders involved in conflict resolution. In consultation with the traditional leaders and the community, it should then formulate a training program that will include issues of particular concern to all stakeholders.

Based on the inputs from all stakeholders, especially women, it should design a training module as well as conduct training and skills development seminars for the traditional leaders. The needs assessment has identified that a large number of cases that came for resolution before the traditional forums are matrimonial in nature and fate of women is decided exclusively by men, making it imperative that gender sensitivity issues are brought to the forefront.

The CSO should bear in mind that the one of the objectives of the project is to promote greater participation of the traditional leaders within the Lupon (BJS). After pilot-testing the module for three months in 12 barangays, the training module should be fine-tuned with feedback and participation from the community and all stakeholders and then implemented in its entirety.

OUTPUT/RESULTS

- 1) Raised awareness of traditional leaders or councils of elders on the rights and safeguards granted under international, national and local laws;
- 2) Fully documented customary *adat* laws and practices;
- 3) Fully codified rules and regulation under traditional/*adat* law;
- 4) Documented and recorded number of cases of women approaching the traditional forums and the outcome of such cases;
- 5) Defined measures to render local and traditional leaders more accountable with respect to conflict resolution;
- 6) Defined measures to render traditional methods of dispute resolution more accountable;
- 7) Increased awareness and participation of traditional leaders and elders in the BJS;
- 8) Traditional leaders or elders appointed to the Lupon; and,
- 9) Women appointed to the Lupon.

BUDGET (US Dollar)

International consultants	US\$ 80,000
National consultants	US\$ 300,000
Computers and equipment	US\$ 40,000
Miscellaneous study costs	US\$ 80,000
Travel costs	US\$ 20,000
Publication and distribution of documentation/codification	US\$ 300,000
Pilot testing	US\$ 30,000
TOTAL	US\$ 850,000

Medium Term Program Needs

C. Civil Society Organizations

PROJECT 11: INSTITUTIONALIZE PARTICIPATION OF CSOs IN GOVERNMENT BODIES

MAIN OBJECTIVES

- 1) To ensure permanent, substantive and formally recognized involvement of CSOs in local decision-making and policy implementation.
- 2) To create an enabling environment for the participation of CSOs in local governance.

PROJECT STRATEGY AND APPROACH

This project is focused on the implementation of the LGC in accordance with its intended spirit and intent. The underlying policy aspects of the project shall be overseen by a Steering Committee that includes the DILG and the Office of the President. Implementation of this policy reform shall begin with the proper dissemination of the strategies and mechanisms identified to institutionalize CSO participation. Local development councils and other special bodies shall then be reconstituted/restructured.

Restructuring shall be done simultaneously at all levels of the local government structure. Throughout the program, partnerships among CSOs, international donors, and NGOs will be established in order to bolster their effective participation and to reduce chances of intimidation. This project shall build on the recommendations and key results of the LGSP conducted by CIDA in a large number of ARMM municipalities. The LGSP has put in considerable resources into operationalizing and strengthening local bodies and venues for participation. Lessons learned from this program can help fine-tune the implementation of the LGC in the CAAs.

OUTPUT/RESULTS

- 1) CSO participants function more independently and effectively in local special bodies and other decision-making forums;
- 2) Awareness of the provisions of the LGC as well as the right of CSOs to participate in public decision-making increased;
- 3) Developed and strengthened CSO capacity/competence to add value to the governance process; and,
- 4) Increased transparency of government institutions, processes and procedures.

BUDGET (US Dollar)

National consultant	US\$ 432,000
National staff	US\$ 115,400
Meetings	US\$ 45,000
Equipment	US\$ 57,600
TOTAL	US\$ 650,000

Medium Term Program Needs

C. Civil Society Organizations

PROJECT 12: STRENGTHENING OF CSO NETWORKS

MAIN OBJECTIVES

- 1) To strengthen already established networks among national and international CSOs and local and national CSOs on issues such as gender, rights of the children, protection of human rights, corruption, and others;
- 2) To match and/or link the CSOs with larger organizations and consortia such as MINCODE, and Mindanao Peace Weavers to ensure a “peer-to-peer” process; and,
- 3) To establish Internet-based communication and information-sharing strategies among CSOs/NGOs.

PROJECT STRATEGY AND APPROACH

The core strategy of the project is to increase the effectiveness of advocacy CSOs by strengthening fragmented and weak networks, share information, develop joint policy positions and introduce a “peer-to-peer” process. Implicit is the added access secured by CSOs to nationwide and international networks of NGOs and international organizations by matching, linking and bringing together like-minded CSOs. Following a further mapping of CSOs and their geographic, sectoral and thematic coverage, a series of meetings will be followed by more sustained efforts to strengthen essential systems for the management of the networks.

OUTPUT/RESULTS

- 1) Increased capacity of CSOs to influence policies
- 2) Strengthened CSO watchdog functions
- 3) Series of CSO networks strengthened and linked through Internet-based networks

BUDGET (US Dollar)

National consultants	US\$ 540,000
National staff	US\$ 300,000
Meetings	US\$ 45,000
Equipment	US\$ 72,000
TOTAL	US\$ 957,000

Summary Table of Proposed Programs	
IMMEDIATE TERM AND SHORT TERM	
	Estimated Budget/US Dollar (USD)
Rationalization of Institutions and Agencies I	630,000
Reform and Restructuring of ARMM I	2,000,000
Strengthening BDA	300,000
Information Campaign on the Rights of Individuals Before the Law	145,000
Establishment of Human Rights Monitoring Mechanism and Capacity Building of the CHR	270,000
Rights of Children Under the Law	190,000
Study on Mandated Venues for CSO Participation in Local Governance	302,000
Information Campaign on the LGC and Local Public Administration Processes	255,000
Capacity Building for CSOs in Advocacy and Service Delivery	310,000
Leadership Training for Women	420,000
SUB-TOTAL IMMEDIATE TERM	4,822,000
MEDIUM TERM	
	Estimated Budget/US Dollar (USD)
Rationalization of Institutions and Agencies II	3,500,000
Reform and Restructuring of ARMM II (Implementation)	4,500,000
Strengthening BDA	3,300,000
Policy Development for an Affirmative Action	430,000
Strengthen Revenue and Budget Management for Improved Accountability	2,060,000
Strengthening RLA	290,000
Institutional Strengthening of the Shari'ah Justice System	1,700,000
Access to Justice Fund	2,260,000
Strengthen and Institutionalize Indigenous Dispute Resolution	850,000
Strengthen and Institutionalize Traditional Dispute Resolution	850,000
Institutionalize Participation of CSOs in Government Bodies	650,000
Strengthen CSO Networks	957,000
SUB-TOTAL MEDIUM TERM	21,347,000
GRAND TOTAL FOR LOCAL GOVERNANCE AND INSTITUTIONS	26,169,000

Proposals	Existing Donors	Project/Program Details
Institutional Strengthening of Shari'ah	UNDP	The Supreme Court of the Philippines has undertaken a Judicial Reform Program and strengthening the Shari'ah Justice System is one of its components.
	CIDA	JURIS Project: Nationwide program to develop dispute resolution mechanisms, train judges and court personnel in mediation. Advocacy for judicial reform.
Rationalization of Institutions and Agencies	CIDA Local Government Support Program to the Autonomous Region in Muslim Mindanao	The coverage of this project is within the ARMM only. Its objective is to strengthen leadership, management, service delivery, resource generation and management, and participatory governance capacities. To strengthen local and regional mechanisms, CSOs for peace and development
Access to Justice Fund	CIDA	JURIS Reform Advocacy Support component involves networking and collaboration between the judiciary and civil society for undertaking cooperative reform advocacy in order to improve quality of judicial services and access to justice as well as to empower poor and marginalized groups to make use of judicial and quasi-judicial services.
Institutionalize traditional dispute-resolution mechanisms and build capacity of traditional leaders engaged in conflict resolution	USAID-Gerry Roxas Foundation	Barangay Justice System: Make justice accessible to the disadvantaged and marginalized; Improve skills in culturally sensitive and culture-based modes of dispute resolution; Knowledge of an improved system of monitoring and recording
To widely disseminate information regarding the rights of individuals under the present Shari'ah Justice System and the Philippine Secular Justice System.	Asia Foundation	Translation of the CMPL in local dialects and dissemination of information
Study on the mandated Venues for CSO participation in Local Governance	CIDA	Identify facilitating and constraining factors within the LGC
Capacity Building for CSOs in Advocacy and Service Delivery	CIDA	Capacity Building for CSOs



8

Modalities of Implementation

8

Modalities of Implementation

There are many development interventions in Mindanao by local and international donors. The external assistance peaked with the signing of the peace agreement in 1996. However, most programs failed to take into account the heterogeneous nature of Mindanao. Projects and their activities are usually determined by the dominant group in the Philippines as a whole, in effect perpetuating the exclusion of others. Major stakeholders have not been provided opportunities to participate in the planning, decision-making activities, and involvement in the implementation and monitoring phases of such development interventions.

To be more culturally sensitive and responsive, development interventions should:

- Build on existing structures and forge partnerships between civil society and government with priorities being identified by the various stakeholders at the community level.
- Ensure full participation of communities and civil society groups in project design, implementation, and monitoring even as a prerequisite for donor contributions.
- Capacitate independent NGOs and POs, increasing opportunities for communities and diverse cultural groups to interact politically with the government at all levels. Support should be provided by donors to build the foundation for participatory decision-making at the community-level.
- Donor and funding institutions should be sensitized to possess a better understanding of the local cultures in which they work. An analysis of the conflict and relational-dynamics between and among the different groups and institutions should be conducted prior to the design of an intervention.

SZOPAD-SPCPD

The 1996 Peace Agreement between the GRP and the MNLF and the subsequent Executive Order

(EO) 371 created the Special Zone for Peace and Development (SZOPAD). It established two new structures – the Southern Philippines Council for Peace and Development (SPCPD) and the Consultative Assembly (CA). This was a three-year transition mechanism to promote peace and oversee development efforts in the SZOPAD area.

The MNLF chairman was appointed as chairman of SPCPD, presiding officer of the SZOPAD and the CA, and also elected as governor of the ARMM. Other MNLF leaders were appointed in the bureaucracy of the ARMM. Still others were appointed to the bureaucracy of the SPCPD. This led to the problem of perceived “exclusiveness” on the part of the MNLF.⁷⁷

The two bodies were established without any change in the existing government line agencies and the LGUs. Thus, while EO 371 established the SZOPAD and the two structures SPCPD and CA, it failed to spell out the concrete relationship between these new structures and the existing ones, i.e. National Line Agencies, the Regional Development Councils (RDCs), and the Regional Peace and Order Councils.⁷⁸

Furthermore, the SPCPD was not given the wherewithal to deliver and the absence of a capacity building program for governance in the SPCPD and the CA exacerbated the situation. Moreover, the relationship of the SPCPD and

⁷⁷ Fr. Eliseo R. Mercado Jr., *Peace and Development: The MNLF and the SPCPD Experience*, 1998. <http://www.mindanao.com/kalinaw>

⁷⁸ *Ibid.*

the CA to the LGUs was ambiguous. While the provincial governors and the city mayors were ex-officio members of the CA, their attendance and participation in the CA was minimal.⁷⁹ The ambiguity and the lack of enthusiasm of the LGUs to be part of the SPCPD and CA inevitably led to the non-operationalization of the work of the SPCPD at the local levels.

The lack of preparation, direction, capacity building programs and vision for the SZOPAD contributed to an extremely painful transitional period and led to its ultimate demise. In March 2002, the President abolished the SPCPD and its consultative assembly. The ARMM government and the Southern Philippines Development Authority were mandated to fill the void.

The nomination of the BDA by the MILF as the agency to determine, lead and manage relief, rehabilitation and development projects in conflict areas raises similar issues presented by the SPCPD and the CA. At this juncture it is impractical to justify the introduction of yet another organization within the existing structure without major legislative changes.

The BDA does not presently possess the necessary institutional or individual capacity. Conditions and capacity building must be provided for “bridging” the transformation of the BDA from a politico-military organization into an organization for democratic governance.

UN MULTI-DONOR PROGRAMME

Build Tri-People Advocacy. The structure of the UN Multi-Donor Programme was based on the provision of the 1996 Peace Accord to support MNLF combatants, their families, and communities. While the program may have achieved considerable success in other areas, its contribution to peace building among the tri-people has been limited. It has been viewed as exclusionary by attending only to the concerns of the MNLF instead of undertaking projects that constructively engage Muslims, Lumads, and Christians to reduce existing prejudices and heal the scars that three decades of war have created. Ensuring people’s participation in peace and

development, while arduous and painful, is an investment towards social ownership.

Importance of LGUs and civil society should not be overlooked. The management structure of the program emulates the limited participation or importance of the LGUs and civil society. It has worked directly with the MNLF communities and cooperatives through the military leadership and has rationalized this as a confidence building measure with the objective of gaining access to MNLF communities and democratizing the MNLF command by actively engaging them in development work. While it is true that the role of the donor community and the government is crucial in bringing peace and development, the role of local stakeholders cannot be underestimated. They provide local initiatives as they have a clearer understanding of the issues and are therefore in a better position to craft solutions. The importance of involving the LGU cannot be stressed more. They need to be involved from the very start even if it just means informing them of the program. This has been a bone of contention, something that becomes a problem later on when some kind of conflict or serious issue requires LGU intervention.

Improve low degree of communication and dissemination of information. The low degree of communication and dissemination of information to beneficiaries and local stakeholders has provoked and are still provoking a deep sense of exclusion and loss of ownership among communities. During discussions in Davao, a common sentiment echoed was that donors and development actors consult beneficiaries and stakeholders on a formal basis as a requirement and only at the initial phase of the process, consequently generating concern among the beneficiaries that their inputs and concerns are not adequately taken into consideration. When new programs are proposed, some beneficiaries question the impact of former programs or ongoing programs focused on the MNLF and the linkages with them. In particular, there is anxiety towards the sustainability and continuation of the GOP-UN Multi-Donor Programme (UN-MDP) Phase III and other programs. A recurrent theme is that development has to come from within the community, from the grass roots.

⁷⁹ Ibid.

Gain full community participation from the beginning Similarly, consultations with beneficiaries in the communities have not been conducted in a consistent and inclusive manner. Many of the key informants in Davao, coming from Lanao del Sur and Lanao del Norte and victims of displacement, agreed that many NGOs and sometimes international NGOs do not understand the needs of the people in the communities. There was a case of an NGO that built some inadequate housing structures. This was seen as clear example of poor consultation. Many NGOs are also perceived as much too donor-driven and there are many cases of ‘turfing’. Consultations were often intentionally selective, creating more mistrust among the beneficiaries. These examples show serious gaps in communication and the need to put more emphasis in the degree of sensitivity and the high level of expectations of the beneficiaries and stakeholders who have suffered the consequences of armed conflict. This is especially true when the development institutions and implementers are international organizations or international NGOs as they may represent historic grievances or interventions qualified as interference or colonial reminiscences.

Human rights approach. It appears that the human factor seems to have been displaced as a priority of development interventions in Mindanao. The large amounts of funds for peace and development programs have provoked a greater concentration of efforts in delivery and organizational matters, particularly in the implementation of large, multi-stakeholder programs. Although human rights based approach has been implicit in the identification and design of programs, this approach has not been consistently applied in the phase of implementation. The complexity of some structures with implications in management and organization has demanded a great amount of effort from the development professionals in the field. This factor may have affected the substantive people-centered focus.

Absence of a comprehensive gender focus – The existence of a large number of women organizations and the impact of their work in the most depressed communities prove the major

role that women have assumed in development. Women from different backgrounds and religions have increasingly gained in pro-activity. However, this still has not been translated to the political arena. There are good examples of women being placed in the center of projects and activities and the need to include a gender focus has been recognized and agreed. As a result, a strategy in a later stage of the program has been designed to bring gender into the mainstream GOP-UN-MDP. Future programs should adopt a similar position and include a specific gender component. However, due to the special consideration of this issue, it is crucial that this component should be agreed and designed in close consultation with women and women organizations in the affected communities. In the context of implementation, some experiences reflect the need to employ qualified and engaged development professionals to provide technical capacity in the government institutions in order to ensure sustainability and ownership. At the same time, professionals working as conveners and undertaking activities of networking, facilitation, and coordination is essential.

Building strategic partnerships and mobilizing resources. Past experiences demonstrate that this is indeed the greatest challenge for development institutions working in Mindanao. Strengthening the links among development actors in and outside Mindanao towards maximization of resources and creation of a solid constituency for peace is absolutely critical. A total lack of donor coordination can be witnessed in Mindanao. A large number of donors are doing similar programs and end up with duplicated efforts. This needs to be addressed not only by the donors but also by those implementing the programs in the field as well as the ARMM regional government.

DELIVERY MECHANISMS

Failure to sufficiently capacitate an expanded ARMM, LGUs, and development agencies such as the BDA, private organizations, and CSOs to effectively manage and deliver services will result in a vacuum and disaffection with the peace process. Given high expectations on the part of

the population, such disaffection can rapidly lead to further alienation and radicalization.

It is essential that delivery systems, including those in the government, civil society and the private sector, be provided the legislative basis for receiving sufficient resources without undue central interference in the details of prioritization. Systems of transparency and accountability should be instituted to ensure efficiency and community ownership. It is also essential that institutions created for the purpose become financially sustainable and ultimately depart from their current marked politicization towards technocratic professionalism. These issues are all covered elsewhere in the report.

Delivery mechanisms of donor projects should, as a part of the overall effort to gain maximum ownership not just of the development process but the peace process itself, focus on maximizing the use of local institutions and not create separate structures of a temporary nature.

At the same time, local governmental and civil society institutions in Mindanao have experienced an extended period of isolation and would benefit from programs that provide them national and international comparative experiences and management technologies. These should be provided in a culturally sensitive manner that is advisory and supportive. Actual responsibility for prioritization, planning, and implementation should rest with the local institutions themselves.

PARTICIPATION ON THE PART OF MINORITIES

The current political-administrative establishment in Mindanao is often regarded as a contributory factor in the armed conflict that has beset the region for more than a decade. This reality is overly emphasized by vulnerable groups, which are mostly composed of the Moros and the Lumads. They claim that state institutions are unresponsive and contribute to inequity between communities, citing their exclusion from governance and decision-making. Historically, Moros and Lumads have suffered differing degrees of exclusion and have become prone to the influence of fundamentalist ideological

forces and other radical groups. If unattended, this alienation will gravely affect the initial gains of the Mindanao peace process.

There is a need to establish an appropriate institutional governance framework, taking into account the full diversity of the region and the principles of good governance, which include decentralization of power, participation, and consensus building among the different stakeholders. Inclusion and participation can often be impeded by lack of civic awareness in the venues for participation, low literacy levels, social intimidation, rural isolation and the absence of physical infrastructure.

The LGC of 1991 created many openings for citizen participation in governance. These are in the following areas: i) CSO representation in the different local special bodies at all levels of local government administration; ii) sectoral representation in the municipal, city, and provincial legislative councils; iii) mandatory and periodic consultations by the local government units with the CSO community; and, iv) opportunities for direct CSO and government collaboration through joint ventures and financial/ resource assistance from the latter to the former.

Moreover, it has been the policy of the government that prior to project and program implementation, public consultations will be conducted to solicit free, prior, and informed consent of communities and vulnerable groups. This is embodied in the IPRA of 1997, the Fisheries Act, and the Comprehensive Agrarian Reform Law, to name a few.

Decentralization and other measures that make economic opportunities, resources, training, expertise, and technology available to those who have least access must be systematically implemented, building on the legislative foundations already in place. Participation of women, minority groups and other disadvantaged sectors in policy-making must be made more than mere tokenism. Services and assistance should be extended in a manner that does not reinforce the dependency of vulnerable groups and should result in their empowerment.



9

Security and Peace

9

Security and Peace

Peace negotiations are currently underway but their outcome and terms of the outcome are still unclear. The latter will have a very direct effect on the governance and institutional needs in the CAAs of Mindanao. Much will depend on adjustments in the devolution of authority and/or the level of autonomy granted (although it was indicated by at least one side as the negotiations were re-launched in May 2004 that these were not matters for serious discussion).

It may also be affected by changes in resource allocation, staffing policies, and the creation of additional institutions of a transitional or long-term nature. Provisions will need to be made in the MTF to assess the implications of the terms of the agreement for the post-conflict needs of local governance institutions.

Elections that were held during the course of the Team's work may result in extensive staffing changes in constituencies in which incumbents suffer defeat. In the past, this has resulted in bitter disputes and even the removal of records and equipment and the destruction of systems. All this may call for a reassessment of actual needs during the course of actual project formulation that must inevitably follow a general needs assessment such as this one.

⁸⁰ For example, the MILF split from the MNLF in 1984. The Abu Sayyaf split from the MNLF in 1991. The MILF has repeatedly been accused of harboring members of the so-called Pentagon Gang.

⁸¹ Agreements have been signed between armed groups on a number of occasions so as to generate united fronts against the GRP. The MNLF and MILF allegedly have signed three such "unity" agreements, and the MILF and JI have also allegedly agreed to cooperate, raising particular concerns among donors consulted during the period of the Desk Review.

⁸² They were described as "identical" by government representatives from MEDCo, the OPAPP, and others in the AFP and PNP in Cotabato, presumably because a considerable number of current MILF combatants were formerly affiliated with the MNLF.

interpretations floated by government officials and the AFP. Moreover, it is well known that the boundaries between different armed groups (e.g., the MNLF and MILF) and within armed factions themselves ("trained" versus "militia", "partisan" and "civilian") are fluid and often overlapping.⁸¹

The MILF and MNLF are repeatedly cast as one and the same⁸² notwithstanding their ethnic, clan, and ideological differences. A firm estimate of the number of armed groups is further complicated by the absence of any formal registration or verification exercise undertaken as part of formal peace agreements with the MNLF (1996) or MILF (2001).

The following partial estimates (see table) taken from a draft report by Robert Muggah for the UNDP is included to identify the need for more study and to emphasize the importance of managing tensions (real and perceived) between and within specific armed groups as a part of any effort at strengthening governance over the short- to medium-term.

In view of the number of parties involved, the overall quest for peace in Mindanao has been fragmented into separate processes with different political/military actors. This fragmentation provides the government with greater leverage.

Mindanao is heavily militarized and continues to be an area under the influence of a number of different armed groups that continue to limit the level of stability on the island. A peace agreement with the MILF will not necessarily in itself eliminate instability resulting from armed conflict in the target areas. Determining precise estimates of the number of armed actors is complicated by a variety of factors, including conflicting estimates rendered by various actors and the fluid boundaries between and within armed groups.⁸⁰

There are considerable discrepancies between the claims made by many of the armed groups and the

On the other hand, the result of this fragmentation has been and continues to be:

Partial Estimates of Armed Groups in Mindanao: 1996-2003 ⁸³		1996	1997	1998	1999	2000	2001	2002	2003
Non-GRP Affiliated Armed Groups	MILF-BIAF	8,200	10,860	13,460	15,690	12,570	12,570	12,240	12,000
	MNLF-MBG	...	...	...	...	...	500	500	450
	MNLF-BMA	17,100	9,500	7,500	5,500	...	...	...	5,700
	CPP-NPA/CTM ⁸⁴	6,730	6,800	8,950	10,620	11,260	11,670	11,500	3,400
	Lost Commands	150	270	300	310	260	250	240	160
	ASG	890	1,030	1,200	1,110	1,300	800	460	480
	JJ	...	...	...	...	...	150	150	200
	KRG (Pentagon)	...	...	...	...	...	...	...	200
	Private Security Companies	...	...	...	...	...	...	...	25,000
GRP-Affiliated Armed Groups	CAFGU (PAG, CVP, RAM, Alamara)	...	...	...	...	...	...	...	23,000-
	SOUTHCOM (AFP, Airforce, Navy, MNLF integrees)	...	...	...	...	...	...	...	30,000
	PNP (Special Action Force)	...	...	...	...	...	...	...	42,200
	US	...	...	...	...	...	...	...	25,000
	US	...	...	...	...	...	...	...	1,500

Source: Muggah Robert. *The Prospects for the Disarmament, Demobilization and Reintegration of the Moro Islamic Liberation Front: A Desk Review commissioned by the UNDP. UNDP Philippines, March 2004.*

(N.B. The symbol "... " indicates that data was unavailable or not verifiable from at least two sources.)

- Continued instability in areas covered by the peace agreement; and,
- Proliferation of institutions and geographically distinct zones that are geared towards accommodating the political interest of individual groups negotiating with the government.

Unless this fragmentation is systematically and forcefully addressed, the GRP/MILF peace process is likely to negatively affect disbursement and further exacerbate the problem of the proliferation of institutions, potentially resulting in the dissipation of resources; the non-viability of the relatively limited jurisdiction of these institutions; and, the incoherence of policies likely to result from the absence of coordination between areas under different jurisdictions.

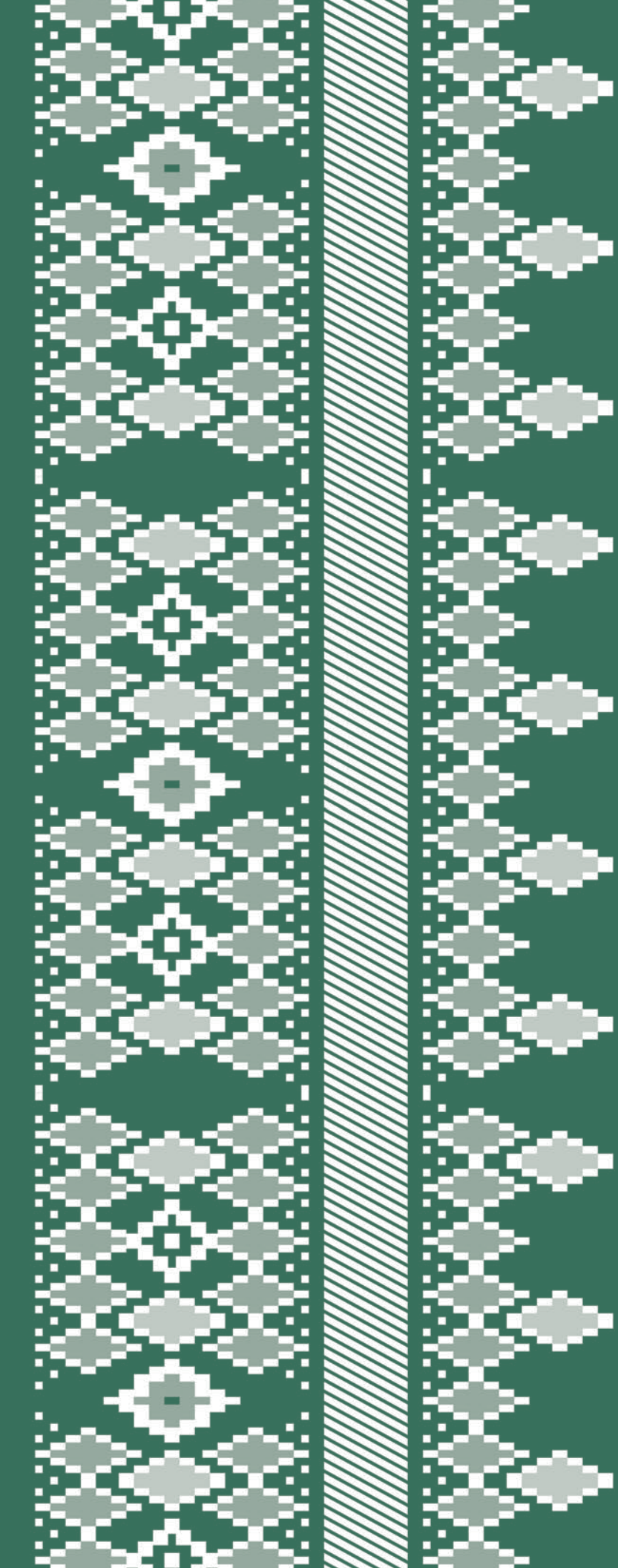
Although among MILF decision-makers there is a tendency to call for the creation of new institutions to be placed under their own, it is the view of the Team that it is in the interest of the Bangsamoro people to move towards a consolidation of these

governance structures with a view to reinforcing their own bargaining position, particularly in the allocation of resources.

Indeed, securing a peace agreement across both MNLF and MILF controlled areas should provide considerable additional leverage in securing the degree of autonomy desired by residents in the areas affected by the protracted conflict.

⁸³ Sources for the table is the draft (still un-issued) Report by Robert Muggah for UNDP on DDR who in turn has drawn on Jane's Intelligence, AFP and PNP confidential and public briefings, and assorted media reports and key informant interviews.

⁸⁴ The nationwide strength of the CTM peaked at 25,200 in 1987 and is alleged to have declined to some 8,890 in 2003 (AFP 2003).



Annexes

Annexes

Annex 1 MEETINGS AND CONSULTATIONS FOR THE JNA

RESOURCE PERSONS

Manila During Orientation

1. Dir. Evelyn Daplas, OPAPP
2. Dir. Howard Cafugawan, OPAPP
3. Exec Director Severo S. Catura, OPAP
4. Asec. Eufemia Calderon, MEDCo
5. Atty. Michael Mastura
6. Ms. Deborah Landey, UN/UNDP
7. Mr. Kyo Naka, UNDP
8. Mr. Richard Ondrik, ADB
9. Ms. Michelle Cullen, World Bank-HQ
10. Ms. Idah Riddihough, World Bank - Rural Development
11. Ms. Teresita Quiñones, World Bank - Rural Development
12. Ms. Ming Zhang, World Bank - Infrastructure
13. Mr. Bhuvan Bhatnagar, World Bank - Environment and Social Development
14. Ms. Theresa Ho, World Bank - Human Development
15. Mr. Fermin Adriano, World Bank
16. Mr. Marco Smoliner, UN (for security briefing)
17. Ms. Zenaida Uson, World Bank (for security briefing)

Davao City

18. Atty. Jesus Dureza, Presidential Assistant for Mindanao and MEDCo Chairman
19. Ms. Isabelita Solamo- Antonio, Pilipinas Legal Resource Centre
20. Ms. Lyca Sarenas, Pilipinas Legal Resource Center
21. Ms. Zurayda Anayatin, General Santos City Regional Trial Court Brach 36 and Bangsamoro Women's Federation
22. Ms. Fatmawati Salapuddin, Bangsamoro Women Solidarity Forum
23. Ms. Bagian Abdulkarim, Western Mindanao State University
24. Mr. Nasser Sinarimbo, ARMM-ODA Office
25. Ms. Tarhata Maglangit, Regional Commission on Bangsamoro Women
26. Ms. Amelita Atillo, Mindanao Commission on Women
27. Ms. Luz Rodriguez, Managing Alternatives Group, Inc.
28. Ms. Priscilla Valmonte, Peace Advocate Zamboanga
29. Fr. Angel Calvo, Peace Advocate Zamboanga
30. Ms. Raissa Jajurie, SALIGAN-Mindanao
31. Ms. Mary Ann Arnado, Initiatives for International Development

32. Ms. Dolores Corro, Mindanao Coalition of Development NGOs
33. Mr. Edgardo Ramirez, NDU-Peace Center
34. Ms. Miriam Suacito, Nagdilaab Foundation, Inc.
35. Mr. Al Saliling, IP Leader
36. Mr. Winston Camarinas, GOP-UN Multi-Donor Programme Phase 3
37. Ms. Leonora Manero, MDP 3
38. 20 Mr. Ernesto Rivero, Jr., MDP 3
39. Mr. Ronillo Dusaban, MDP 3
40. Dr. Abas Candao, BDA
41. Dr. Safrullah Dipatuan, BDA
42. Dr. Danda Juanday, BDA
43. Ms. Norma Pasandalan, Bangsamoro Women Solidarity Forum and Alliance of Concerned Bangsamoro Women
44. Ms. Wahida Abtahi, Bangsamoro Women Solidarity Forum and Federation of United Mindanawan Bangsamoro Women Multi-Purpose Cooperative
45. Ms. Diosita Andot, Former Executive Director of the GPNP for the Peace Talks with the MILF
46. Archbishop Fernando Capalla, CBCP/Bishop-Ulama Forum
47. Fr. Bert Layson, Pikit Parish
48. Ms. Myla Leguro, Catholic Relief Services
49. Mr. Dam Vertido, Mindnao Land Foundation
50. Engr. Windel Diangcalen, BDA
51. Dr. Rizal Piang, BDA
52. Uz. Abdulkadir Abdullah, BDA
53. Dr. Habib Macaayong, BDA
54. Mr. Jamel Macaraya, BDA
55. Mr. Osmena Salisipan, BDA
56. Mr. Emran Mohamad, BDA staff
57. Mr. Abdulmuin Lantong, BDA staff
58. Mr. Suwaid Mohammad, BDA staff
59. Ms. Ruby Andong, BDA staff
60. Ms. Awliya Alonto, Bangsamoro Women Assembly
61. Ms. Maulana Alonto, MILF Panel Observer
62. Ms. Janice Musali, BFAR-ARMM
63. Mr. Abdul Nasser Tanggol, BDA
64. Mr. Jerry Cuento, PAO
65. Dato Amer Baraagal, Sharia
66. Mr. Albaya Barodin, DepEd Cotabato City
67. Mr. Benjamin Dumato, REM Academy
68. Bai Cabaybay Abubakar, Shariff Kabunsuan College
69. Dr. Pendatun Pangadil, Alliance of Bangsamoro for Peace and Sustainable Development, Inc.
70. Mr. Abdul Nasser Papata

(continued...)

71. Mr. Said Sheik, Action Center for Social Justice, Peace and Development, Inc.
72. Mr. Abdulmajeed Ansano, Ulama Sector
73. Former DepEd and ARMM Secretary Salipada Tamano, MSU-King Faisal Centre for Islamic Studies
74. Mr. Udtog Tago, MSU
75. Mr. Zainal Kulidtod, MSU
76. Mr. Intuas Abdullah, MSU
77. Mr. Ahmad Alonto, Jr., MSU
78. Mr. Daud Lala
79. Ms. Ting Gorgonio, OXFAM Great Britain
80. Ms. Sohura Dipatuan, SMD General Hospital
81. Ms. Noronisa Dipatuan, SMD General Hospital
82. Dr. Rimpa Umbar, DepEd - Lanao del Sur II
83. Dr. Dayan Decampong, Amai Pakpak Medical Centre
84. Dr. Farida Ali, BJMP-ARMM
85. Ms. Celia Santos, Community and Family Services International

Others in Manila

1. JICA Philippine Office representatives
2. Mr. Gerard Belanger, Counsellor, CIDA
3. Ms. Cristina Pineda, CIDA
4. Ms. Marion Villanueva, Canadian Field Program Manager CIDA-LGSP
5. Atty. Hector Soliman, Local Project Director, CIDA Justice Reform Initiatives Support Project (JURIS)
6. Chairperson Purificacion Quisumbing, Commission on Human Rights
7. Atty. Jacqueline Mejia, CHR
8. Atty. Romero Rusiana, CHR
9. Mr. James Villafuerte, Economist, The World Bank, Manila
10. Atty. Sedfrey M. Candelaria, Program Director, Ateneo Human Rights Center, Manila
11. Mr. Tetsuo Kamitani, Project Formulation Adviser, ARMM Support Program Coordinator, JICA, Manila
12. Evelyn Toledo Program Director, APJR, Supreme Court of the Philippines;
13. Nestor U. Venturillo, Director, Project Implementation, APJR
14. Atty. John Red, APJR
15. Hon. Christopher Lock, Deputy Court Administrator, Supreme Court of the Philippines

Meetings

September 14, 2004: Meeting with the Local Government Unit Officials, Balo-i, Lanao del Norte

1. Usman A. Yahya, SB Member
2. Ohmar D. Usman, SB Member
3. Ibrahim C. Mackno, SB Member
4. Batuan K. Alabao, Municipal Administrator
5. Elias Ali, Municipal Mayor
6. Baguinda H. Ali, SB Secretary
7. Abdullah M. Ralas, Vice Mayor

8. Mascara Baulo, SB Member
9. Camilo G. Cosain, MLG00
10. Lilia U. Imam, Municipal Treasurer
11. Elias Masnar, Municipal Engineer
12. Jabber D. Madla, FSK
13. Talib P. Amindato, MBO

September 14, 2004: Meeting with Shariah Judges, Balo-i, Lanao del Norte

1. Aleem Abdurahman Morrah, Presiding Judge, Shari'ah Court, Tubod
2. Saripada S. Usman, Clerk of Court

September 14, 2004: Meeting with CSOs and Barangay Officials, Balo-i, Lanao del Norte

1. Bantaan Amindato, Barangay Chairman
2. Masrollah B. Capal, Barangay Kagawad
3. Fahad Cotongan, Barangay Chairman
4. Abdurahman Sheik, Traditional Leader
5. H. Hamad Salaiman, Secretary
6. Sultan Hadji Abdullah

September 14, 2004: Meeting with Women, Balo-i, Lanao del Norte

1. Monaima Pumbaya
2. Minang Pumbaya
3. Salam C. Mackno
4. Soraida Hasim
5. Najerah Currie
6. Maniram B. Limbona

September 15, 2004: Meeting with Provincial LGU, Tubod, Lanao del Norte

1. Fawantawan Cauntongan, SP/LMT
2. Irma Umpa Ali, Vice Governor
3. Acmad G. Otongan, SP Member
4. Hernani Z. Delos Santos, SP Member
5. Rufa Biliran, SP Member
6. Pangilamun A. Laugi, SP Member
7. Simplicio Ferundato, SP Member
8. Tominaman Somalipao, SP Member
9. Romulo Rizalda, SP Member

September 15, 2004: Meeting with CSOs, Iligan, Lanao del Norte

1. Nimfa L. Bracamonte, Hope for Change
2. Ambulong Melchie, Mindanao Commission on Women
3. Haylin Lim II, Husay Mindanaw, Inc.
4. Arthur Casino, ACHD
5. Tripona B Interone, Iligan City Council of Women
6. Ma. Salud A. Dague, TAMPUDA
7. Arlene L. Onotan, TAMPUDA
8. Bobby Manaman, Civil Society Organizations for Peace
9. Abner S. Cagalawan, LEAD, Inc.
10. Junah L. Cagalawan, LEAD, Inc.
11. Ted Khan R. Juanite, Pagsabua sa Kalasan

(continued...)

12. Abdur Rhaman Didaagun, ACCESS
13. Regina S. Antequisa, Hope for Change
14. Rhodora R. Olaer, Husay Mindanaw, Inc.
15. Jane G. Bernardo, Sanlakas-Mindanao
16. Said M. Shiek, Muslim Referendum for Peace and Development
17. A. Cader Mambuay, ACCESS

September 15, 2004: Meeting with IBP Members, Iligan, Lanao del Norte

1. Atty. Belen Pates
2. Atty. Saturnino Majerata
3. Atty. Demosthenes R. Plando
4. Atty. Earl E.S. Rucho
5. Atty. CM Sasaba

September 16, 2004: Meeting with Shariah Judges, Lanao del Sur, Marawi City

1. Hon. Aboali J. Cali, Presiding Judge
2. Junard D. Minodar, Staff Assistant
3. Amiroden C. Bugabong, Interpreter
4. Hon. Abdulhalim Saumay, Judge
5. Hon. Ali M. Alonto, Presiding Judge
6. Khadafy O. Ibra, Clerk of Court

September 17, 2004: Meeting with CSOs Cotabato, Cotabato City

1. Arsuhod T. Mohamad, MYRO, Inc.
2. Kasim G. Kusain, ISI
3. Ombra A. Imam, CMYS, Inc.
4. James Dalumimbang, IBS
5. Anwar Upham, UNYPAD
6. Ismael D. Balayanan, AL-GIF, Inc.
7. Akas Parending, CFRSDC
8. Bai Dayang Panda, AI AMA Medical Services Coop
9. Myrna B. Lim, Notre Dame WED
10. Margany R. Gumander, MIMA
11. Nelia Agbon, Kids for Peace
12. Celia Santos, CFSI
13. Julie O. Maliga, BDA/ Ittihadun Nisa Foundation, Inc.
14. Anisa Abdullah, Ittihadun Nisa Foundation, Inc.

September 17, 2004: Meeting with Shariah Judges, Cotabato City

1. Casim S. Bailan, Presiding Judge, Shari'ah Circuit Court
2. Camlon Maulana, Judge, SSC Isulan, Sultan Kudarat
3. Zailon L. Wahab, SSC 15, Kidapawan City
4. Almanzor B. Taug, Clerk of Court SSC Tacurong City
5. Abdilah K. Nul, Presiding Judge, SSC Datu Piang, Maguindanao
6. Montano K. Kalimpo, Presiding Judge, SSC 1, Cotabato City
7. Mutalib S. Tagtagan, Presiding Judge, SSC 6, Maguindanao
8. Mond. Saga N. Saliao, Presiding Judge, SSC14, Kabacan, North Cotabato

September 18, 2004: Meeting with IPs and COs, South Upi

1. Romy M. Pradi, Mamalo Descendant Organization
2. Banny M. Subio, ATBCI
3. Antonino Amando, TUDA
4. Rey Datan, LDCI
5. Jovito A. Tagiman, TLYSA
6. Palacio Falpata
7. Froilyn Mendoza, TLWD
8. Alim B. Bandara, TJG
9. Ingi Tiban, MDO
10. Ruben Lado, Silattan
11. Romeo Saliga, LDC
12. Milagros Balbon, DA
13. Datu Quezon Sensuat, OIC Kagawad
14. Rodolfo Aristoteles, Administrative Officer
15. Engr. Remegio Sidson, MPDC
16. Jose Mama, Tribal Chieftain
17. Gertrudes Olubalang, LDCI
18. Lencio Arig, TALITIB
19. Elias Ambrocio, TALITIB
20. Nena L. Mali, ATBCI
21. Rogelio Timuay, ATBCI
22. Rolly Diwan, ATBCI
23. Romy Pradi, MDO
24. Alfredo Tendino, OTLAC

September 18, 2004: Meeting with the BDA, Cotabato City

1. Jameel Macaraya, BDA
2. Windel Diangcalan, BDA
3. Zacaria Mama, BDA
4. Abdulkad Mabdullah, BDA
5. Dr. Saffrullah Dipatuan, BDA Vice Chairman
6. Dr. Abas Candao, BDA Chairman

September 19, 2004: Meeting with DSWD ARMM and Region 12, Cotabato City

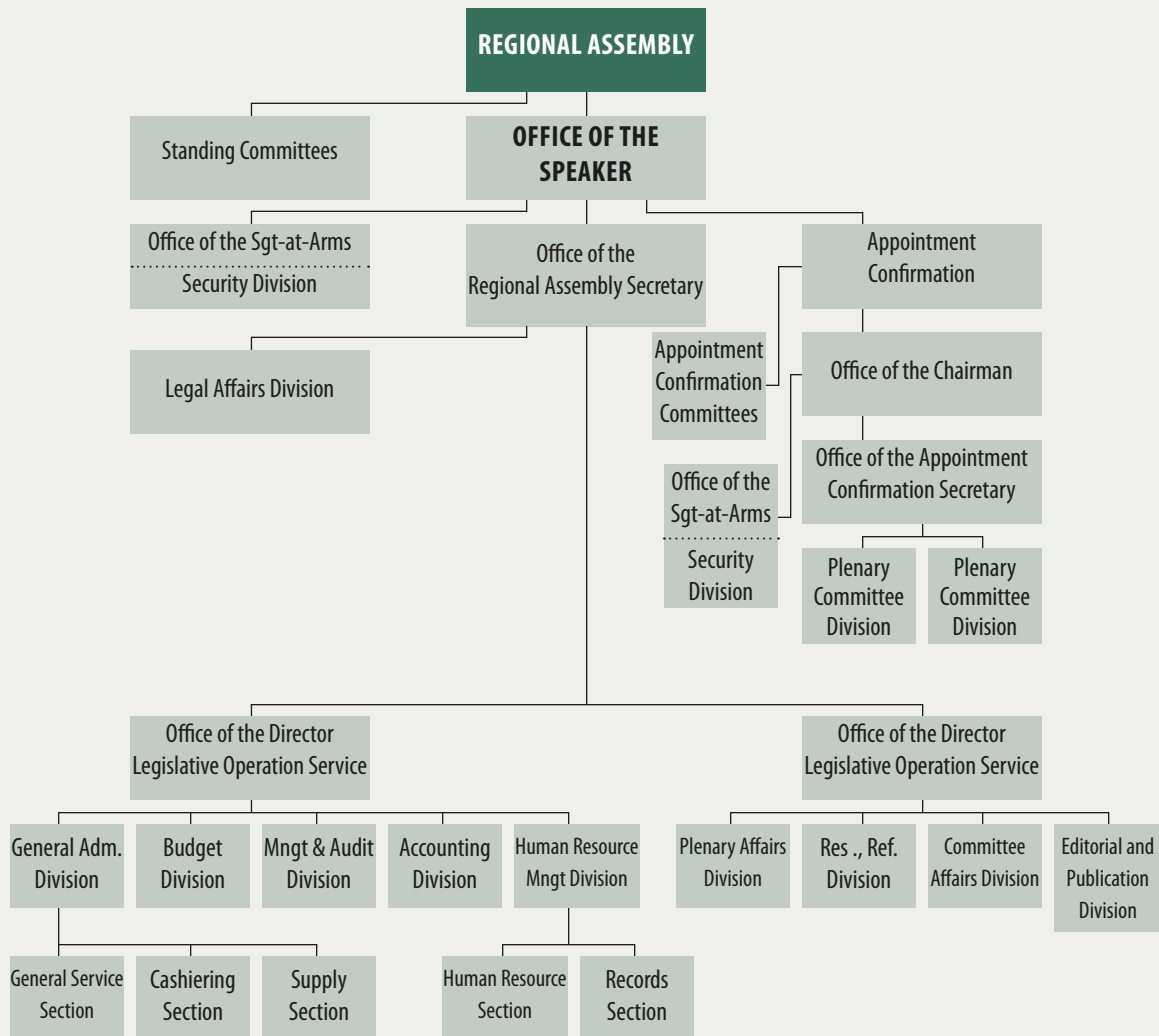
1. Tucan Tanangao, DSWD XII
2. Punsu Enok, DSWD ARMM

September 19, 2004: Meeting with Iranon Development Council, Cotabato City

1. Dr. Ibrahim P. Ibay, Chairman, IDC
2. Philip Beda, Executive Director

Annex 2 STRUCTURE OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO (ARMM)

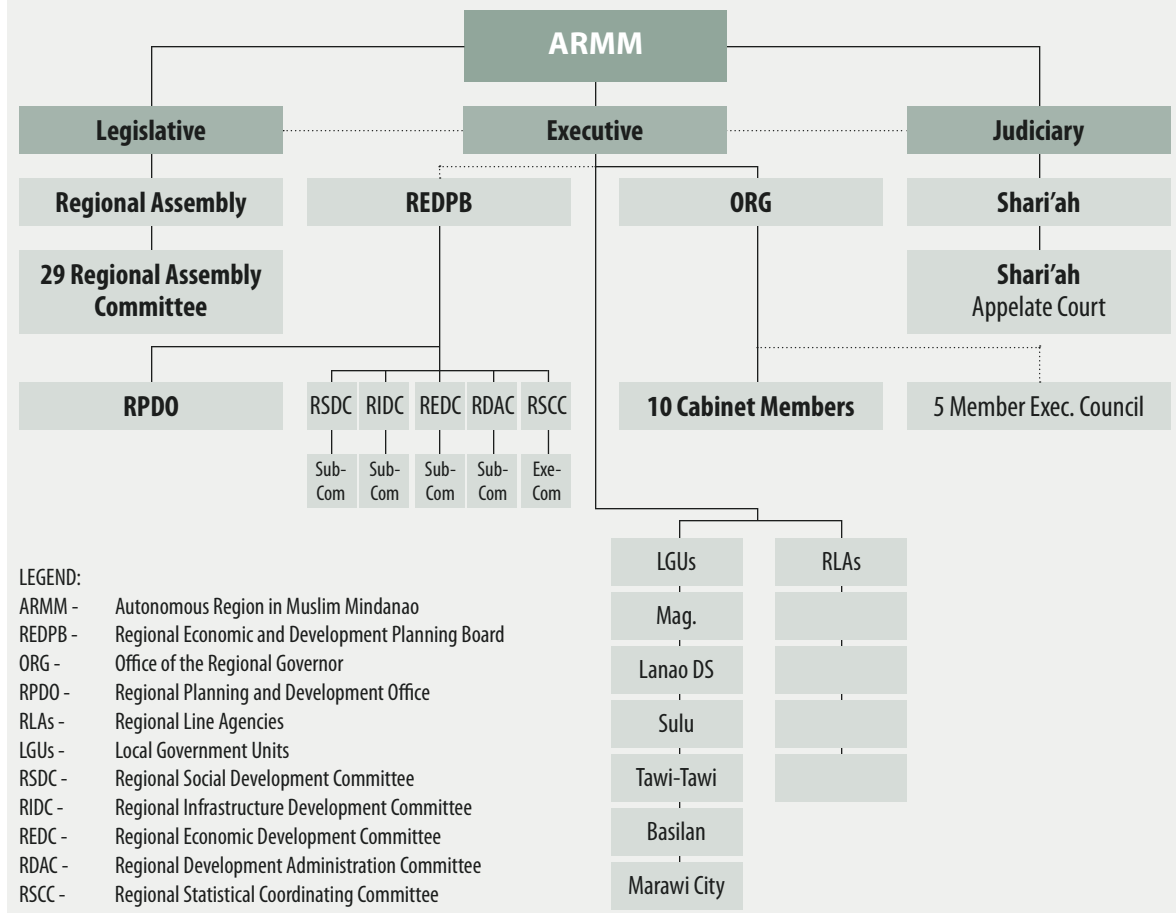
ORGANIZATIONAL STRUCTURE Regional Assembly, ARMM



(continued..)

DEVOLVED AGENCIES		WITH FIELD OFFICES IN ARMM	
DPWH	DOTC	NSO	NAPOLCOM
DOH	DepEd	BAS	PCA
DSWD	DOLE	NFA	COA
CHED	TESDA	SPDA	CSC
DENR	DOT	LOCALLY-CREATED OFFICES	
DAF	DAR	RPDO*	ORT**
DOST	DTI	BCH	ORG
DOST	RBOI	RCBW	BMYO
HLURB	CDA	RAPC	CCML
OSCC		ADA	RRUC

* Locally-created but nationally-funded
 ** Locally-created and partly nationally-funded



COUNCILS CREATED AT THE LOCAL LEVEL

Council/Affiliation	Mandate	Composition
Mindanao Coordinating Council (MCC)	Executive Order No. 261 of July 2000: Overall coordination of integration, synchronization, accelerated program planning and implementation in areas of conflict.	Chaired by the President
In all Local Governments		
Function: General Development Management		
Provincial Local Development Council (LDC)	RA 7160 Local Government Code of 1991 (Rule XXIII): Assists the Sanggunian with economic and social development and in coordinating development. Formulates multi-sectoral development plan for approval by the Sanggunian. Formulates long-, medium-term and annual socio-economic development plans and policies. Prepares public investment program. Formulates local investment incentives. Coordinates, monitors, and evaluates implementation of development programs and projects.	Chaired by Governor. Composed of mayors at city or municipality level. Chairman of appropriations committee of the Sanggunian concerned. Congressman or his representative. Representatives of NGOs operating in the Province. NGOs must constitute one-quarter of membership. Supported by a Secretariat.
City or Municipal Local Development Council (LDC)	RA 7160 Local Government Code of 1991 (Rule XXIII): Formulate long-, medium-term and annual socio-economic development plans and policies. Public investment program preparation. Formulation of local investment incentives. Coordinate, monitor and evaluate implementation of development programs and projects.	Chaired by Mayor. Composed of all punong barangays in the city or municipality. Chairman of the committee on appropriations of the Sanggunian concerned. Congressman or his representative. Representatives of NGOs operating in the city or municipality. NGOs must constitute one-quarter of membership. Supported by a Secretariat.
Barangay Local Development Council (LDC)	RA 7160 Local Government Code of 1991 (Rule XXIII): Mobilizes peoples' participation in local development. Prepares barangay development plans. Monitors and evaluates the implementation of national or local programs and projects.	Chaired by punong barangay. Composed of members of the sangguniang barangay. A representative of the congressman concerned. Representatives of NGOs operating in the barangay. NGOs must constitute one-quarter of membership.
Executive Committees (at Provincial, City/Municipal, and Barangay levels).	RA 7160 Local Government Code of 1991 (Rule XXIII): Created by the relevant development council to act on its behalf when it is not in session. Implements decisions of LDC concerned. Formulates plans and programs based on objectives and priorities set by LDC concerned.	Appointed by Local Development Council concerned (at provincial, city/municipal or barangay level). Holds monthly meetings.
Sectoral and Functional Committees of the LDC.	RA 7160 Local Government Code of 1991 (Rule XXIII): Coordinates and monitors sectoral or functional development. Conducts public hearings on important sectoral issues.	Appointed by Local Development Council concerned (at provincial, city/municipal or barangay level).
Provincial Pre-qualification, Bids and Awards Committee (PBAC)	RA 7160 Local Government Code of 1991 (Rule XXIII): Pre-qualification of contractors, bidding, evaluation of bids, and the recommendation of awards on local infrastructure projects.	Chaired by Governor. Chairman of the appropriations committee of the Sanggunian. Local Treasurer. Two representatives of NGOs represented in the LDC concerned. Practicing CPA from private sector. Committee of Audit as observer.
Municipal/City Prequalification Bids and Awards Committee (PBAC)	RA 7160 Local Government Code of 1991 (Rule XXIII): Pre-qualification of contractors, bidding,	Chaired by Mayor. Chairman of the appropriations committee of the Sanggunian.

(continued...)

Council/Affiliation	Mandate	Composition
	evaluation of bids, and the recommendation of awards on local infrastructure projects.	Local Treasurer. Two representatives of NGOs represented in the LDC concerned. Practicing CPA from private sector. Committee of Audit as observer.
Technical Committees of the PBAC	RA 7160 Local Government Code of 1991 (Rule XXIII): Created in every province, city and municipality. Provides technical assistance to PBAC.	Composed of local engineer, local planning and development coordinator and other officials appointed by PBAC concerned.
Function: Service Delivery		
Provincial Local School Board (LSB)	RA 7160 Local Government Code of 1991 (Rule XXIII): Determines, in accordance with criteria set by DepEd, the annual supplementary budget needs for the operation and maintenance of public schools within the province and supplementary costs of meetings such needs. Prepares annual school board budget for the special education fund. Authorizes treasurer to disburse funds. Serves as advisory committee to the Sanggunian.	Governor and division superintendent of schools as co-chairmen. Chairman of the education committee of the sangguniang panlalawigan. Provincial treasurer, representative of the Pederasyon ng mga Sangguniang Kabataan in the Sangguniang Panlalawigan. The president of the provincial federation of PTAs. An elected representative of the teachers' organization. Elected representative of the non-academic personnel of public schools.
City Local School Board (LSB)	RA 7160 Local Government Code of 1991 (Rule XXIII): Determines, in accordance with criteria set by DepEd, the annual supplementary budget needs for the operation and maintenance of public schools within the city and supplementary costs of meetings such needs. Prepares annual school board budget for the special education fund. Authorizes treasurer to disburse funds. Serves as advisory committee to the Sanggunian.	City mayor and city superintendent as co-chairmen. Chairman of the education committee of the sangguniang palungsod. City treasurer, representative of the Pederasyon ng mga Sangguniang Kabataan in the sangguniang palungsod. The president of the city federation of PTAs. An elected representative of the teachers' organization. Elected representative of the non-academic personnel of public schools.
Municipal Local School Board (LSB)	RA 7160 Local Government Code of 1991 (Rule XXIII): Determines, in accordance with criteria set by DepEd, the annual supplementary budget needs for the operation and maintenance of public schools within the municipality and supplementary costs of meetings such needs. Prepares annual school board budget for the special education fund. Authorizes treasurer to disburse funds. Serves as advisory committee to the Sanggunian.	Municipal mayor and district supervisor of schools as co-chairmen. Chairman of the education committee of the sangguniang bayan. Municipal treasurer. Representative of the Pederasyon ng mga Sangguniang Kabataan in the sangguniang bayan. The president of the municipal federation of PTAs. An elected representative of the teachers' organization. Elected representative of the non-academic personnel of public schools.
Provincial Local Health Board (LHB)	RA 7160 Local Government Code of 1991 (Rule XXIII): Proposes to the Sanggunian, in accordance with standards and criteria set by DOH, annual budgetary allocations for the operation and maintenance of health facilities and services within the province. Serves as advisory committee to the Sanggunian concerned on health matters including local appropriations for health purposes. Creates committees which shall advise local health agencies on technical and administrative standards of DOH, personnel selection and	Chaired by Governor. Provincial health officer as vice-chairman. Chairman of the committee on health of sanggunian panlalawigan. Representative of the private sector or NGO involved in the health services. Representative of the DOH in the province.

(continued...)

Council/Affiliation	Mandate	Composition
City Local Health Board (LHB)	promotion, bids and awards, grievance and complaints, personnel discipline, budget review and operations review. RA 7160 Local Government Code of 1991 (Rule XXIII): Proposes to the sanggunian, in accordance with standards and criteria set by DOH, annual budgetary allocations for the operation and maintenance of health facilities and services within the city. Serves as advisory committee to the sanggunian concerned on health matters including local appropriations for health purposes. Creates committees which shall advise local health agencies on technical and administrative standards of DOH, personnel selection and promotion, bids and awards, grievance and complaints, personnel discipline, budget review and operations review.	City mayor as chairman. City health officer as vice chairman. Chairman of the committee on health of the sanggunian panlungsod, a representative from the private sector or NGO involved in health services. A representative of the DOH in the city.
Municipal Local Health Board	RA 7160 Local Government Code of 1991 (Rule XXIII): Proposes to the sanggunian in accordance with standards and criteria set by DOH, annual budgetary allocations for the operation and maintenance of health facilities and services within the municipality. Serves as advisory committee to the sanggunian concerned on health matters including local appropriations for health purposes. Creates committees which shall advise local health agencies on technical and administrative standards of DOH, personnel selection and promotion, bids and awards, grievance and complaints, personnel discipline, budget review and operations review.	Chaired by municipal mayor as chairman. Municipal health officer as vice chairman. Chairman of the committee on health of the sanggunian bayan. Representative from the private sector or NGO involved in health services. Representative of DOH in the municipality.

Function: Rule of Law and Conflict Management

Provincial Local Peace and Order Council (POC)	RA 7160 Local Government Code of 1991 (Rule XXIII) and EO 309 of 1988: Coordination mechanism for enforcement of laws and administration of justice.	Local government, law enforcement agencies, prosecution services, other government institutions.
City Local Peace and Order Council (POC)	RA 7160 Local Government Code of 1991 (Rule XXIII) and EO 309 of 1988: Coordination mechanism for enforcement of laws and administration of justice.	Local government, law enforcement agencies, prosecution services, other government institutions.
Municipal Local Peace and Order Council (POC)	RA 7160 Local Government Code of 1991 (Rule XXIII) and EO 309 of 1988: Coordination mechanism for enforcement of laws and administration of justice.	Local government, law enforcement agencies, prosecution services, other government institutions.
Peoples' Law Enforcement Board (PLEB)	RA 7160 Local Government Code of 1991 (Rule XXIII) and RA 6975: Formulates plans and recommend measures to improve or enhance peace and order and public safety and make assessments of the same.	

(continued...)

Council/Affiliation	Mandate	Composition
Specific to Conflict-Affected Areas		
State Revolutionary Committees of the MNLF		
Bangsamoro Development Agency of the MILF		
Peace and Development Advocates (PDAs)	Created by the UN Multi-Donor Assistance Program	Former combatants in MNLF areas who advocate peaceful development
Peace and Development Communities (PDCs)	Created by UN Multi-Donor Assistance Program	Communities targeted for assistance

Annex 3 COURT CASELOADS AND HUMAN RIGHTS VIOLATIONS

SHARI'AH COURTS

Summary of Case Inflows and Outflows⁸⁵

Shari'ah District Courts CY 1997-2003

Categories	1997	1998	1999	2000	2001	2002	2003
Pending cases as of end of preceding year	145	150	182	179	168	175	183
Case inflow/Cases newly filed	46	64	62	31	9	21	45
Cases revived/reopened	1	1	0	0	0	0	5
Cases received from other salas/courts	6	4	3	0	5	7	3
Case outflow/cases decided/resolved	46	33	66	32	7	17	105
Cases archived	0	0	0	0	0	0	17
Cases transferred to other salas/courts	0	0	0	1	0	0	3
Cases with proceedings suspended	2	4	2	9	0	3	0
Pending cases at the end of the year	150	182	179	168	175	183	72

Shari'ah Circuit Courts CY 1997-2003

Categories	1997	1998	1999	2000	2001	2002	2003
Pending cases as of end of preceding year	218	236	227	222	239	246	279 ⁸⁶
Case inflow/cases newly filed	281	298	342	303	287	313	354
Cases revived/reopened	2	1	0	1	5	3	12
Cases received from other salas/courts	58	15	5	15	18	46	0
Case outflow/Cases decided/resolved	232	292	331	272	282	292	260
Cases archived	26	10	2	8	21	21	12
Cases transferred to other salas/courts	8	3	0	0	0	1	5
Cases with proceedings suspended	57	18	19	22	0	10	0
Pending cases at the end of the year	236	227	222	239	246	284	368

⁸⁵ JICA. Comprehensive Basic Survey of the Autonomous Region in Muslim Mindanao, Governance Sector, Final Report, Pages 2-35. December 2003; Supreme Court of the Philippines, Office of the Court Administrator, Statistical Reports Division.

⁸⁶ Discrepancy between data for CY 2002 found in the JICA report and 2003 figures provided by the Supreme Court, Statistical Division.

(continued...)

REGIONAL TRIAL COURTS**Caseflow and Caseload CY 2003⁸⁷**

RTC Station Criminal Cases										
9 th Judicial Region	PB	NF	RV/RO	RF	A	D/R	AR	TR	A	PE
Basilan	581	198	48	0	0	103	31	1	0	692
Zamboanga del Norte	1515	990	40	69	36	464	185	85	3	1913
Zamboanga del Sur	2741	1717	77	37	118	676	488	44	13	3469
Zamboanga Sibugay	466	213	9	0	0	84	18	2	0	584
11 th Judicial Region	PB	NF	RV/RO	RF	A	D/R	AR	TR	A	PE
Compostela Valley	1546	420	17	0	0	276	723	0	0	984
Davao Oriental	523	318	41	0	20	164	123	13	13	589
South Cotabato	3661	1618	55	67	23	861	545	52	9	3957
Sarangani	819	502	25	0	0	265	44	0	0	1037
12 th Judicial Region	PB	NF	RV/RO	RF	A	D/R	AR	TR	A	PE
Lanao del Norte	713	895	50	26	45	655	247	49	2	776
Lanao del Sur	493	382	10	4	44	110	181	7	22	613
Maguindanao	769	511	8	8	0	159	170	72	6	749
North Cotabato	1523	806	44	17	14	368	307	20	68	1641
Sultan Kudrat	463	279	2	0	0	162	25	0	0	557
RTC Station Civil Cases										
9 th Judicial Region	PB	NF	RV/RO	RF	A	D/R	AR	TR	A	PE
Basilan	98	24	1	0	0	18	0	1	0	104
Zamboanga del Norte	512	141	8	3	0	106	10	12	16	520
Zamboanga del Sur	1184	238	11	4	63	257	13	7	1	1222
Zamboanga Sibugay	168	19	0	0	0	37	1	0	0	149
11 th Judicial Region	PB	NF	RV/RO	RF	A	D/R	AR	TR	A	PE
Compostela Valley	190	25	0	0	0	4	0	0	0	211
Davao Oriental	164	48	0	0	0	47	0	1	0	164
South Cotabato	1219	237	20	12	5	261	9	10	5	1208
Sarangani										
12 th Judicial Region	PB	NF	RV/RO	RF	A	D/R	AR	TR	A	PE
Lanao del Norte	181	41	0	0	0	12	0	0	0	210
Lanao del Sur	334	185	11	4	13	197	13	11	34	292
Maguindanao	273	82	0	0	24	90	0	5	42	242
North Cotabato	258	70	10	4	0	81	0	0	1	260
Sultan Kudrat	264	38	4	0	0	67	0	0	0	239

*Legend:**PB - Pending Beginning**NF - Newly Filed**RV/RO - Revived/Reopened**RF - Received from other salas**A - Adjustments**D/R - Decided/Resolved**AR - Archived**TR - Transferred to other salas**PS - Proceedings Suspended**PE - Pending End*⁸⁷ Supreme Court of the Philippines, Office of the Court Administrator, Statistical Reports Division.

Annex 4 INVENTORY OF CIVIL SOCIETY ORGANIZATIONS

Name of Organization	Programs	Areas Covered
ARMM (Lanao del Sur, Sulu, Tawi-Tawi, Maguindanao, Basilan, Marawi City)		
Muslimah Resource and Integrated Development Center (MURID)	Women and Development, Child Literacy (Pre-school), Health, Community Organizing	Zamboanga City, Jolo, Sulu
Women People's Organization (WPO)	Women and Development	Tulay, Jolo, Sulu
Kasambuhan Sin Kababaihan Na Kawman (KSK)	Women and Development	Tinda Laud, Jolo, Sulu
Justice, Peace and Integrity of Creation	Formation, Disaster and Emergency Assistance, Guidance, Counseling to Victims of Violence, Livelihood Program	Jolo, Sulu
Notre of Jolo College-Peace Center	Health, Site Planning, Capacity and Capability Building, Peace Education, Livelihood	Sulu
Philippine National Red Cross-Sulu	Social Services (OCWs, Military Battered Wives, Home Nursing, Disaster Nursing, PHC), Relief Distribution, Disaster Preparedness Training, Blood Project, Safety Service	Sulu
Kadtuntaya Foundation Incorporated (KFI)	Community Organizing, Peace and Development, Women, Children, Health, Child and Adult Literacy, Environmental Awareness, Relief and Rehabilitation, Sustainable Agriculture	Datu Odin Sinsuat, Talitay, Datu Piang and Ampatuan, Maguindanao, Cotabato City
Nagkakaisang Organisasyon ng mga Magsasakang Moro (NAAMO)	Land Tenure, Sustainable Agriculture, Cooperative Building	Ampatuan, Maguindanao
Ampatuan Farmers Association	Sustainable Agriculture, Cooperative Building	Ampatuan, Maguindanao
Iqra Multi-Purpose Cooperative	Cooperative Building	Ampatuan, Maguindanao
United Youth of the Philippines (UNYPHIL)	Student Organizing	Sultan Kudarat, Maguindanao
Mindanao Homeland Development, Inc.	Research and Advocacy	Maguindanao, Cotabato City
Kabalukan Multi-Purpose Cooperative	Cooperative Building	Datu Piang, Maguindanao
Kiteb Farmers' Multi-Purpose Cooperative	Community Organizing, Sustainable Agriculture, Organic Farming, Cooperative Building, Livelihood	Talayan Maguindanao
Kenibaka Peoples' Organization	Community Organizing, Cooperative Building, Health, Livelihood	Datu Odin Sinsuat, Maguindanao
Balay, Incorporated	Psycho-Social, Relief Operations, Youth and Child Development Programs, De-Briefing Sessions	Maguindanao
Community and Family Service International	Capability Building, Relief and Reconstruction Operations, Psycho-Social Services	Maguindanao and North Cotabato
Accion Contra El Hambre	Health, Water & Sanitation	Maguindanao
Community Resource Development Center, Inc. (CRDC)	COCD, Livelihood, HRD, Peace Education, Health and Sanitation, Research and Information, Displacement Emergency Response	Maguindanao
Feed the Children Philippines (Cotabato)	Health, Nutrition, Psycho-Social, Supplemental Feeding	Maguindanao
HESED Program	Livelihood, Education Program for IPs, Medical Mission, Rehabilitation Services COCD, Relief Distribution	Maguindanao
Kadtabanga Foundation for Peace and Development Advocates	Governance, Peace Building, Livelihood, Capacity Building, Tri-people Integrated Development Plan	Maguindanao

(continued...)

Name of Organization	Programs	Areas Covered
Kids for Peace	Medical/Dental Mission, Psycho-Social for Children, Relief Operation,	Maguindanao
Liguasan Marsh Youth Association for Sustainable Development		Maguindanao
Mindanao Tulong Bakwet, Incorporated	Relief Distribution, Research	Maguindanao
MOVIMONDO		Maguindanao
Muslim Youth Religious Organization, Inc.	Leadership Training, Relief Distribution	Maguindanao
Philippine National Red Cross-Cotabato	Social Services (OCWs, Military Battered Wives, Home Nursing, Disaster Nursing, PHC), Relief Distribution, Disaster Preparedness Training, Blood Project, Safety Service	Maguindanao
Reconciliation Center	Health, Nutrition	Maguindanao
Save the Children-US		Maguindanao
Social Action Center Justice and Peace Center	Relief Distribution, Medical Mission, Advocacy, Psycho-Social	Maguindanao
Maca-alin Multi-Purpose Cooperative	Cooperative Building	Masiu, Lanao del Sur
Pasian Multi-Purpose Cooperative	Cooperative Building	Bubong, Lanao del Sur
Alba Star Multi-Purpose Cooperative	Cooperative Building, Livelihood	Balindong, Lanao del Sur
Kalakala Multi-Purpose Cooperative	Cooperative Building, Livelihood	Buadiposo-Buntong, Lanao del Sur
Maranaw People Development Center, Inc.	Relief Assistance, Trauma Healing	Lanao del Sur
Kalimudan Inc.	Environment, Women Organizing, Literacy, Health, Livelihood	Lanao del Sur, Marawi City
Dansalan Community Multi-Purpose Cooperative	Cooperative Building	Bandara-Ingud, Marawi City
Association of Women for Integration, Development and Nation Building	Women Organizing	Marawi City
Nagdilaab Foundation Inc.	COCP, Livelihood, Networking, Linkaging, Peace Advocacy, Disaster Preparedness, Relief, Distribution, Medical Mission	Basilan
Mindanao Commission on Women	Advocacy on women's issue (policy-making and resource allocation in favor of women)	6 Regions of Mindanao including ARMM
Davao Medical School Foundation Institute of Primary Health Care	Community Health Organizing, Alternative Health Care Financing Schemes, Agrarian Reform, Sustainable Agriculture and Reforestation, Social Credit for POs, Micro-Financing, Gender and Reproductive Health, Cooperative Organizing, Institutional Development, Participatory Governance	Region XI Davao City Davao del Norte Davao del Sur Davao Oriental Compostela Valley Region XII Cotabato South Cotabato Sarangani Caraga Surigao del Sur Surigao del Norte ARMM Lanao del Sur Tawi-Tawi Jolo Maguindanao
Tabang Mindanao	Relief Distribution, Psycho-social, Rehabilitation, Food Security, Functional Literacy, Sustainable Agriculture, Medical Missions, Community-Based Health Program,	Marbel, Kidapawan, Cotabato, Digos, Malaybalay, Davao, Pagadian, Tagum, Ipil, Maguindanao, Lanao del Sur, Lanao del Norte, Basilan, Sulu

(continued...)

Name of Organization	Programs	Areas Covered
	Water System Development, Diversified Reforestation and Land Tenure, Emergency Disaster Management and Operations (Humanitarian Emergency Relief Assistance and Health/Medical and Hospitalization Assistance) <ul style="list-style-type: none"> • Program for IP of Mindanao (Sustainable Agriculture Learning Farms Program) • Water Systems Development Program • Emergency Disaster Management and Operations • Food and medical relief assistance and psycho-social program • Integrated Return and Rehabilitation Program 	Cotabato, Davao, Kidapawan, Malaybalay, Marbel, Pagadian, Tagum and Prelature of Ipil Cotabato, Maguindanao, Lanao del Sur, Lanao del Norte, Basilan and Sulu, and the Cities of Marawi, Kidapawan and Cotabato Cotabato, Maguindanao, Lanao del Sur and Lanao del Norte Kapatagan, Lanao del Sur; Sapad, Matanog, Maguindanao; Kabacan and Matalam, Cotabato; Limbalod, Pagagawan, Maguindanao; Nalapaan, Pikit, Cotabato; Dungguan, Carmen, Cotabato

Region IX (Zamboanga del Norte, Zamboanga del Sur and Zamboanga Sibugay)

Kandayan Multi-Purpose Cooperative (KMPC)	Cooperative Building	Manicahan, Zamboanga City
Silsilah Dialogue Movement	Muslim-Christian Dialogue <ul style="list-style-type: none"> • Silsilah Institute of Dialogue • Silsilah Center • Harmony Village • Movement for Muslim-Christian Dialogue • Silsilah Solidarity Program • Silsilah Media Program • Youth Program • Inter-Faith Council of Leaders • Exposure-Immersion Program 	Zamboanga City
Ateneo Peace Institute Zamboanga	Psycho-Social, Peace Education	Zamboanga del Sur
Katilingban sa Kalambuan Organization, Inc.	COCD, Women Health Program, Livelihood, Shelter Urban Poor	Zamboanga del Sur
Lupah Sug Advocators for Peace and Development Incorporated	Relief Distribution, Community Organizing, Capacity Building	Zamboanga del Sur
Mindanao Integrated Resource Development (MIRD)	Health, Water/Sanitation, Community Organizing, Capacity Building, Relief and Emergency Response, Livelihood Consultancy, Referrals, Education and Functional Literacy, Governance and Relief and Rehabilitation	Zamboanga del Sur
Neighbors Population and Development Services	Relief and Rehabilitation	Zamboanga del Sur
Zamboanga Disaster Management and Relief Foundation	Blood Type Directory, Medical Mission, Relief Distribution	Zamboanga del Sur

Region X (Bukidnon, Camiguin, Lanao del Norte, Misamis Occidental, Misamis Oriental)

Alternative Center for Health and Development Inc.	Health, Nutrition, Water/Sanitation, HIV/AIDS Awareness Campaign	Lanao del Norte
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(continued...)

Name of Organization	Programs	Areas Covered
Birth-Development Incorporated	Mental Health and Development Program, Counseling, Research and Development, Relief Distribution	Lanao del Norte
Hope for Change	Health, Nutrition, Psycho-social, relief assistance, Camp Management	Lanao del Norte
Lanao Aquatic and Marine Fisheries Center for Community Development	Health, Nutrition, Psycho-social, Site Planning/ Shelter, Water Sanitation, Camp Management, Disaster Management Training	Lanao del Norte
Lanao Disaster Response and Rehabilitation Assistance Center	Health, Nutrition, Psycho-social, Site Planning/ Shelter, Water/Sanitation, Camp Management, Relief Assistance, Fact Finding Mission, Campaign and Advocacy	Lanao del Norte
Tri-People Partnership for Peace and Development	Health, Psycho-Social, Water/Sanitation	Lanao del Norte
Maguindanaon Development Foundation, Inc.		Koronadal City

Region XI (Compostela Valley, Davao del Norte, Davao del Sur, Davao Oriental)

Social Relations and Welfare Foundation, Inc.	Health, Relief and Rehabilitation	Matina, Davao Oriental
Ittihado Muslimie of Maa, Inc.	Community Organizing	Ma-a, Davao City
Advocacy for Moro Muslim Enrichment Resource	Research and Advocacy Community Organizing, Sustainable	Ma-a, Davao City
Sustainable Integrated Area Development	Agriculture, Health, Livelihood	Dalipugo, Iligan City
Drivers' Transport and Business Multi-Purpose Cooperative	Cooperative Building	Iligan City
BangsaMoro Women Professionals' Association	Cooperative Building, Livelihood, Literacy	Tambacan, Bagsakan, Iligan City

Region XII (Cotabato, Sarangani, Sultan Kudarat)

Rural Development Institute of Sultan Kudarat	Social Infrastructure Building, Productivity System Enhancement, Enterprise Development (Rural), Asset Reform (Agrarian Reform)	Sultan Kudarat
Saranggani BangsaMoro Affiliates	Advocacy, Community Organizing	Malapatan, Sarangani
Muslim-Christian Resource Management Multi-Purpose Cooperative	Community Organizing, Cooperative Building	Gumasa, Glan, Sarangani
Alyansa ng Mangingisdang Moro sa Saranggani (ALMMOSA)	Fisherfolk Organizing	Sarangani, General Santos City
Moro Resource and Development Center, Inc.	Research and Advocacy	General Santos City
Maguindanao Development Foundation, Inc.	Community Organizing, Cooperative Building	Marbel, South Cotabato
Al-Hidayah Upliftment Foundation, Inc.	Community Organizing	Cotabato City
Moro Vendors Association (MOVENDA)	Market Vendors' Organizing	Cotabato City
Federation of BangsaMoro Youth in Mindanao	Student and Young Professional Organizing	Cotabato City
Itihadun Nisa Foundation, Inc.	Women Organizing	Cotabato City
Sultan Kudarat Descendant Organization of the Philippines	Community Organizing	Cotabato City
United Muslim Women of the Philippines	Women Organizing	Cotabato City
Federation of Muslim Youth in the Philippines	Student Organizing	Cotabato City
Immaculate Concepcion Parish Disaster Response	Food Distribution, Health Services	Cotabato City

(continued...)

Name of Organization	Programs	Areas Covered
People's Kaumahan Foundation, Inc.	Advocacy, Medical Mission, Strengthening Local Governance	Cotabato City
MINSUPALA Economic Development Foundation		Cotabato City
Banisan Multi-Purpose Cooperative	Cooperative Building	Banisan, North Cotabato
Mindanao-Wide		
Malayan Human Rights and Resource Center, Inc. (MHRRCI)	Human Rights	Mindanao-wide
Catholic Relief Services	Evacuation and Humanitarian Assistance, Peace Dialogue, Peacebuilding, Health, Microfinance/ Enterprise Development, Medical Mission, Natural Resource Management, Agriculture, Child Survival <ul style="list-style-type: none"> • The Forest and Agriculture Resource Manager (FARMER) Project • Maguindanao Child Survival Project • The Peace and Reconciliation Program • Community-Based Health Program • Emergency Response Program 	Mindanao-wide
MINCODE	Advocacy on the following concerns as embodied in the People's Development Program in Mindanao (PDPM): tri-people, Mindanao history and culture, land use and management, agriculture and agri-industrialization, politics and local governance, finance and sustainability	Mindanao-wide
Kusog Mindanaw	Peace Advocacy	Mindanao-wide
BangsaMoro Women Foundation for Peace and Development, Inc.	Women Organizing, Peace and Development	Mindanao-wide
Bangsamoro Women's Assembly	Advocacy on Bangsamoro women's rights, meaningful participation in the struggle for self-determination, the peace processes and their genuine representation in policy-making bodies	Mindanao-wide
Nationwide		
SALIGAN	Legal Literacy or Alternative Legal Education, Paralegal Formation, Litigation Support, Policy Work, Research and Publication	Nationwide
Initiatives for International Dialogue	Education and Training Program, Peace Advocacy and Grassroots Peace Building, People's Diplomacy Course, Global Education Workshop, Children's Camp, "PANDAY-BUHAT" Workshop-Interaction	Nationwide
Philippine Partnership for the Development of Human Resources in Rural Areas	Agrarian Reform and Rural Development, Local Governance, Resource Tenure Improvement, Protection of Ancestral Domains and Indigenous People's Rights, Upland, Lowland and Coastal Community-Based Resource Management, Sustainable Agriculture/ Propagation of Appropriate Technology, Community Organizing/	70 provinces nationwide

(continued...)

Name of Organization	Programs	Areas Covered
	Empowerment of Grassroots Communities, Gender and Development, Cooperative Development, Income-Generation and Management, NGO/PO Participation in Local Governance, Policy Advocacy for Agrarian Reform and Rural Development and Participative <ul style="list-style-type: none"> • Tripartite Partnership for Agrarian Reform and Rural Development • Tripartite Partnership for Upland Development • Tripartite Partnership for Marine and Aquatic Resource and Rural Development • Governance and Local Democracy • Local Governance Support Project 	
Bangsamoro People's Consultative Assembly (BPCA)		
Institute of Bangsamoro Study		
United Islamic Health Professionals in the Philippines		
Al-Amal Medical Services and Development		
Kapagawida Development Services Incorporated		
Al-Ihsan Foundation Incorporated		
Maguindanao Professional and Employees Association		
Muslim Youth Religious Organization Alumni Association, Incorporated		
Center for Muslim Youth Studies		
Markadzun-Nisa Development services		
Kutawato Education and Cultural Center, Incorporated		
Youth Profession Association		
Sundigana Piagapo Farmers Multi-Purpose Cooperative		
Bangsamoro Youth		
Al Guiabaliya Islamic Foundation		
Mutaqqadim Humanitarian Care and Services Incorporated		
Mindanao Islamic Foundation for Development and Environmental Care		
Mindanao Integrity of Muslim Association		
Mindanao Peace Weavers		
Bishops' Ulama Forum		
Pilipina Legal Resource Center		
Managing Alternative Groups		
Moro People's Resource Center, Inc.	Community Organizing for Moro and Lumad Communities	
Duyog Ramadhan	Muslim-Christian Dialogue	

Annex 5 INVENTORY OF RELEVANT DONOR PROJECTS AND PROGRAMS				
Donor Assistance in the Area of Local Governance and Institutions to Conflict-Affected Areas in Mindanao				
Donor	Project Title	Total Budget	Duration	Coverage and Description
ADB	RETA for the Network of Public Administration Institute of the Asia Pacific Region	US\$ 0.29 million (ADB RETA)		To launch the network of key institutions involved in public administration, education, training and research in DMCs with emphasis on discerning the more established and stronger institutions. The project is intended for southeast Asian region.
ADB	Non-Bank Financial Governance Programme II	Total US\$ 150 million US\$ 75 million ADB Loan US\$ 75 million GOP	2003	The project aims to develop a strong and diversified sector to enhance domestic resource mobilization, improve viability and foster competition. It excludes the insurance sector and pension schemes.
ADB	Strengthening Anti-Money Laundering Regime	US\$ 0.29 million	2002	The primary objective of the TA is to create a framework and system for the effective implementation of the Anti-Money Laundering Act. Nationwide. Implementing agency Bangko Sentral ng Pilipinas.
ADB	Institutional Strengthening of the System of National Accounts	(ADB Loan)	1997 ongoing TA	Project aims to assist in strengthening the institutional capability of the NSCB as compiler of the PNSA through the improvement of the compilation and analytical capability in national accounts. Nationwide. Implemented by NEDA/NSCB
AUSAID	Philippines-Australia Short-Term Training Facility (PASTTF)	A\$ 10 million. Proportion to Mindanao depends on proposals. Figure is national expense to date	2001 - 2003	Customized and specialized short-term training for staff in selected agencies (government at national and local levels, civil society and non-government organizations) to implement the reform agenda of the Government of the Philippines. Nationwide. Multi-agency.
AusAID	Philippines-Australia Governance Facility (PAGF) Transition Phase	Approx A\$58.6 million	December 1999 - June 2003; new phase under design	The Philippines-Australia Governance Facility provides responsive and appropriate support to governance initiatives at national, regional and local levels within government, and civil society and business organizations where they are the development partners of government or local communities.
AusAID	Human Rights Small Grants Scheme	Annual round: proportion to Mindanao depends on applications received. Up to A\$70,000 p.a.	2003-2004	This is a nationwide programme that aims to promote and protect human rights by providing small grants to locally based organizations for activities that promote and protect human rights in a direct and tangible way.
CIDA	Local Government Support Program to the Autonomous Region in Muslim Mindanao (LGSPA)	CND\$ 16.95 million	2004-2009	ARMM only. To strengthen leadership, management, service delivery, resource generation and management and participatory governance capacities. To strengthen local and regional mechanisms, CSOs for peace and development.

(continued...)

Donor	Project Title	Total Budget	Duration	Coverage and Description
CIDA	Local Government Support Programme II	CND\$ 11.43 million (plus up to CND\$ 20.5 million from Philippines-Canada Development Fund)	1999-2004	Covers seven regions, including the ARMM. Improved efficiency in local government leadership and management. Improved services for the poor and disadvantaged. Equitable, efficient, effective, transparent, sustainable generation and use of resources. CSO participation in local governance.
CIDA	Policy Training and Technical Assistance Facility II	CND\$10 million	1999-2004	Nationwide project to develop capacity to formulate, implement, monitor and evaluate socio-economic and administrative policies and reform programs.
CIDA	Justice Reform Initiatives Support (JURIS) Project	CND\$ 6.4 million	2003-2008	Nationwide programme to develop alternative dispute resolution mechanisms, train judges and court personnel in mediation. Advocacy for judicial reform.
CIDA	Institutional Strengthening Project II (NCRFW ISP II)	US \$ 3.3 million	1996 - 2004	The project is leading the government's efforts of mainstreaming gender equality into government's planning and program implementation. The CIDA assistance allowed the National Commission on the Role of Filipino Women (NCRFW) to partner with key government agencies (oversight and statistical, sub-national and academe) for different purposes: for macro-level policy advocacy, for modelling strategies to influence service delivery for better impact on women and to pilot more localized interventions. Mindanao Exclusive: Regions X, XI and Caraga. Implementing agency is the NCRFW.
CIDA	Mindanao Programme for Peace and Development (Mindanao Pro-Peace)	US\$ 1.5 million	1 May 2001 - 31 October 2003	Mindanao ProPeace seeks to build on the gains of the predecessor project (PPDSA) through on-the-ground initiatives that involve major stakeholders of the peace and development process in Mindanao - the Bangsamoros, the Christian settlers and the Lumads or Indigenous Peoples. ProPeace works with cooperatives and peoples organizations in the SZOPAD areas and closely coordinates with LGUs, line agencies and other development institutions for program complementation. Implemented by Philippine Development Assistance Program (PDAP) Inc. Mindanao Exclusive: Regions IX, X, XI, XII, Caraga, and ARMM (formerly SZOPAD areas).
CIDA	Philippines Governance Fund	US\$ 500,000	1995 - 2003	The governance fund provides grants to local initiatives that promote human rights, democratic development, and good governance. Mindanao Exclusive: Region IX (Zamboanga), Region X (Lanao del Norte), Region XII (Cotabato), ARMM. Implemented by PILIPINA Legal Resource Center, Inc. (PLRC).

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Donor	Project Title	Total Budget	Duration	Coverage and Description
JICA	Japanese Grant Aid for Human resource Development Scholarships	US\$ 1.71 millionUS\$ 2.49 million – Second batch scholars	E/N signed on 20 November 2002. There are three batches under this project: the third batch will depend on the evaluation of the second batch.	Program aims to enhance the capabilities of target beneficiaries from both public and private sectors including NGOs in accordance with the national HRD thrust of the 2001-2004 MTPDP. The field of study under the JDS are public administration, economics and business administration. Nationwide. Implementing agency is the NEDA.
JICA	Automatic Fingerprint Identification System for the Advancement of Criminal Investigation.	US\$ 8.98 million (total nationwide)	ongoing	The project involves the provision of AFIS facility/equipment and corresponding training for the PNP counterpart personnel. Nationwide. Implemented by DILG/PNP
UN	GOP-United Nations Multi-Donor Assistance Programme I & II	US\$ 10 million	1997-2000	Reintegration of MNLF combatants and families. Income generation and livelihoods. Emergency assistance. Delivery of basic services. Transformation of MNLF politico-military structures in 16 provinces into civilian development organizations. Building capacity of MNLF leaders as development catalysts and managers. Building capacity of SPCD Secretariat for effective coordination of development.
	Human Resource Development Programme on Leadership and Governance for MNLF/ SPCPD	US\$ 698,000		
UN	GOP-United Nations Multi-Donor Assistance Programme III	US\$ 8.5 million	2003-2004	In support of the 1996 final peace agreement between the GRP and the MNLF, the 3rd phase of the UN Multi-Donor Programme will further strengthen the foundations for lasting peace and development in the southern Philippines, particularly in the Special Zone for Peace and Development, through provision of basic services and livelihood, capacity development and confidence building. Component 2 of the MDP3 aims to build an enabling environment in Mindanao by strengthening partnerships and institutional support mechanisms for peace and development.
	Component Two: Institutional Strengthening and Partnerships Building	US\$ 335,000		
UNDP	Citizen-Voters Education Campaign	US\$ 75,000	2003	Initiated massive mobilization and citizen voters' education for both government and civil society starting 2003 until the general elections in 2004. It addressed the development of a responsible citizenship and exercise of the right of suffrage toward a firmer commitment to the democratic political processes. Campaigns were implemented through the use of various mass media and through direct grassroots-level mass education campaign.
USAID	Barangay Justice Service System V	US\$ 500,000		Develops the capacity for alternative conflict resolution through the training of Barangay Justice Advocates and other service providers, thus giving marginalized and disadvantaged groups greater access to justice. Implemented by the Gerry Roxas Foundation. MOA signing was conducted last Sept. 2003. The project

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Donor	Project Title	Total Budget	Duration	Coverage and Description
				covers 700 barangays in ARMM. First and second wave of assistance are given to 468 and 232 barangays, respectively.
USAID	Transparent and Accountable Governance (TAG II)			The TAG Project seeks to build civil society and private sector constituencies for a counter-corruption reform agenda aimed at economic growth and poverty reduction. It deepens the engagement of private sector and civil society in countering corruption, with the new attention to corruption and governance at the local level through a comprehensive focus on transparency and good governance in Mindanao.
WB	Social Expenditure Management Project I	US\$ 100 million	2000 - 2002	The project supports basic social services and improvements in public expenditure management in social sectors. Also supports CIDSS. Nationwide. Implementing agencies are the BDM/DepED/DSWD.
WB	Social Expenditure Management Project II	US\$ 100 million (US\$10 million was reallocated to DSWD for services to IDPs in the conflict-affected areas in Mindanao)	2002 - 2005	The project will increase availability of textbooks, new and repaired classrooms and medicines for key public health programs. Nationwide. Implementing agencies are the DBM/DepED/DSWD.
WB	Judicial Reform Support Project	US\$ 21.9 million (WB-SIL) Loan	Approved by NEDA-Board on its 06 May 2003 meeting	The project consists of four inter-related reform components, namely: (1) improving adjudication and access to justice; (2) enhancing institutional integrity through implementation of judicial performance system; (3) strengthening institutional capacity; and, (4) social mobilization and reform support. Multi-Regional: Regions III, VII and X (Cagayan de Oro City). Implemented by the Supreme Court.
WB	KALAHI - CIDSS: Kapangyarihan at Kaunlaran sa Barangay	US\$ 182 million (WB-GOP local contributions)	2003 - 2008	A community-driven development project which aims to empower communities through enhanced participation in community projects that reduce poverty. It allows communities to make their own choices about the kinds of activities they need and want Regions CAR, IV, V, VI, VII, VIII, IX, X, XI, XII and XIII. Implementing agency is the DSWD.
EC	Improving Governance to Reduce Poverty: Access to Justice for the poor	Euro 3,472,324 EC Contribution: Euro 2,732,000	Nov 2004-Nov 2007	To improve access to justice for the poor by increasing their knowledge about basic rights and the judicial system, and through the creation of an enabling, supportive environment to this effect within the Barangay Justice System (BJS), the judiciary, and the police. Nationwide.
EC	Improving Governance to Reduce Poverty: Corruption Prevention	Euro 3,494,707 EC Contribution: Euro 2,906,000	Nov 2004-Feb 2007	To prevent corruption by building the capacity of the Office of the Ombudsman (OMB), and certain civil society organizations and government agencies, and by improving co-operation both within government, and between government agencies and civil society. Nationwide.

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